

# AGENDA

## Development Control Committee

**Friday, 22 November 2019 AT 10:00**

**In the Council Chamber, Civic Centre, Carlisle, CA3 8QG**

### **Apologies for Absence**

To receive apologies for absence and notification of substitutions

### **Declarations of Interest**

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

### **Public and Press**

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

### **Minutes of Previous Meetings**

**7 - 18**

To note that Council, at its meeting of 5 November 2019, received and adopted the minutes of the Development Control Committee held on 28 August (site visits) and 30 August 2019.

To approve the minutes of the meetings held on 11 October and 20 November 2019 (site visits).

## **PART A**

**To be considered when the Public and Press are present**

### **A.1 CONTROL OF DEVELOPMENT AND ADVERTISING**

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

<b>Explanatory Notes</b>	<b>19 - 24</b>
<b>Item 01 - 19/0452 - Land adjacent to Croft House, Brunstock, Carlisle, CA6 4QG</b>	<b>25 - 52</b>
<b>Item 02 - 19/0302 - Land to the South East of Smiddy Croft, Great Orton, Carlisle, CA5 6LZ</b>	<b>53 - 80</b>
<b>Item 03 - 19/0234 - Civic Centre, Rickergate, Carlisle, CA3 8QG</b>	<b>81 - 110</b>
<b>Item 04 - 19/0596 - Land adj. Hallmoor Court, Wetheral, Carlisle, Cumbria, CA4 8JS</b>	<b>111 - 166</b>
<b>Item 05 - 19/0494 - L/A rear of Walton Parish Church, Walton, Brampton, CA8 2DH</b>	<b>167 - 186</b>

<b>Item 06 - 19/0630 - 53/53a Scotland Road, Carlisle, CA3 9HT</b>	<b>187 - 206</b>
<b>Item 07 - 19/0787 - Land at Dalton Avenue, Raffles, Carlisle, CA2 7EX</b>	<b>207 - 212</b>
<b>Item 08 - 19/0222 - L/A Part Field No 4823, Newtown, Blackford, Carlisle, Cumbria</b>	<b>213 - 228</b>
<b>Item 09 - 19/0503 - Houghton Hall Garden Centre, Houghton, Carlisle, CA6 4JB</b>	<b>229 - 258</b>
<b>Item 10 - 19/0398 - The Hill, Blackford, Carlisle, CA6 4DZ</b>	<b>259 - 270</b>
<b>Item 11 - 19/0692 - Land Adjacent To King Edwards Fauld, Burgh By Sands, Carlisle, CA5 6AR</b>	<b>271 - 282</b>
<b>Schedule B</b>	<b>283 - 292</b>

**A.2    TPO 305 WOOD COTTAGE/MAYA HOUSE, ST LAWRENCE                      293 - 306**  
**LANE, BURGH BY SANDS**

The Corporate Director of Economic Development to submit a report considering the confirmation of Tree Preservation Order 305 - Wood Cottage/Maya House, St Lawrence Lane, Burgh By Sands, following the receipt of an objection.

(Copy report ED.37/19 herewith).

**A.3    REVIEW OF TREE PRESERVATION ORDERS 148 & 247 AND                      307 - 410**  
**THE MAKING OF TREE PRESERVATION ORDERS 307 & 308,**  
**GARLANDS, CARLISLE**

The Corporate Director of Economic Development to submit a report which sets out matters raised following a review of the protected trees around the Garlands Estate, Carlisle.

(Copy report ED.38/19 herewith).



## **PART B**

**To be considered when the Public and Press are excluded from the meeting**

-NIL-

### **Members of the Development Control Committee**

**Conservative** – Christian, Collier, Morton, Nedved, Shepherd, Tarbitt, Mrs Bowman (sub), Mrs Finlayson (sub), Meller (sub)

**Labour** – Birks, Brown, Mrs Glendinning (Vice Chairman), Patrick, Rodgers, Alcroft (sub), Mrs Bradley (sub), Glover (sub)

**Independent** - Tinnion (Chairman), Paton (sub)

Enquiries, requests for reports, background papers etc to:  
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# Minutes of Previous Meetings

## DEVELOPMENT CONTROL COMMITTEE

**FRIDAY 11 OCTOBER 2019 AT 10.00 AM**

**PRESENT:** Councillor Tinnion (Chairman), Councillors, Mrs Bowman (as substitute for Councillor Collier), Mrs Bradley (as substitute for Councillor Mrs Glendinning), Christian, Meller (as substitute for Councillor Tarbitt), Morton, Nedved, Patrick and Shepherd.

**OFFICERS:** Corporate Director of Governance and Regulatory Services  
Development Manager  
Mr Allan, Flood Development Manager, Cumbria County Council  
Principal Planning Officer  
Planning Officer x 3

### **DC.092/19 APOLOGIES FOR ABSENCE**

Apologies for absence were submitted on behalf of Councillors Brown, Collier, Mrs Glendinning, and Rodgerson, and the Corporate Director of Economic Development

### **DC.093/19 DECLARATIONS OF INTEREST**

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Mrs Bowman declared an interest in respect of application 19/0374 – Land to the rear of Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to objectors approaching her.

Councillor Christian declared an interest in respect of application 19/0374 – Land to the rear of Broomfallen Road, Scotby, Carlisle, CA4 8DE. The interest related to an objector being known to him.

Councillor Morton declared an interest in respect of application 19/0535 – Land at field 3486, Monkhill Road, Moorhouse, Carlisle. The interest related to objectors being known to him.

Councillor Birks declared an interest in respect of application 19/0513 – Fairfield Cottage, Wetheral Pasture, Carlisle, CA4 8HR. The interest related to the architect being known to her.

Councillor Tinnion declared an interest in respect of applications:

- 18/0239 – Holme Eden Farm, Warwick Bridge, Carlisle. The interest related to objectors being known to him.
- 19/0535 – Land at field 3486, Monkhill Road, Moorhouse, Carlisle. The interest related to the developer being known to him.
- 19/0607 – Scotby Church of England Primary School, Park Road, Scotby, Carlisle, CA4 8AT. The interest related to a relative living in proximity to the application site.

Application 19/0196 – Land opposite Hawthorn Cottage, Unthank, Dalston, Carlisle, CA5 7BA had previously been deferred following discussion and consideration at the 30 August 2019 meeting of the Committee. Due to not having participated in those earlier discussions, Councillors Mrs Bowman, Morton, Patrick and Tinnion indicated that they would not take part in the determination of the application. Councillor Tinnion (Chairman) further indicated that he would facilitate the meeting by chairing that item of business.

## **DC.094/19 PUBLIC AND PRESS**

RESOLVED – That the Agenda be agreed as circulated.

## **DC.095/19 MINUTES OF PREVIOUS MEETINGS**

RESOLVED 1) The Chairman signed the minutes of the meetings held on 5 June, 5 June (site visits), 7 June, 17 July (site visits) and 19 July 2019.

2) That the minutes of the meeting held on 30 August and 9 October (site visits) 2019 be approved.

## **DC.096/19 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS**

The Corporate Director of Governance and Regulatory Service outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

## **DC.097/19 CONTROL OF DEVELOPMENT AND ADVERTISING**

1) That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

- 1. Conversion of existing redundant buildings to form 8 residential units without compliance with Condition 3 imposed by Planning Permission 12/0449 to allow minor alterations to units 3, 5 and 8 and formation of vehicular access for maintenance only purposes, Holme Eden Farm, Warwick Bridge, Carlisle (Application 18/0239).**

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 9 October 2019.

Slides were displayed on screen showing: location plan, site plan, elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

The proposed alterations to the dwellings were summarised for the benefit of Members. The Principal Planning Officer set out the planning history of the site noting that during the course of the application process, the proposed location of the car park had been altered. Originally, it had been sited to the east of the site, the applicant had then proposed its siting at the west of the site. Following concerns from the Environment Agency in relation to flooding, the applicant had amended the location of the car park to the east of the site once again.

Residents had raised by concerns regarding the potential for traffic using the car park to travel against the one-way system thus exiting from a different junction. The proposed access for maintenance purposes had been another issue raised by objectors. The Principal Planning Officer understood that such access would be required on a bi-annual basis: he proposed the imposition of a further condition stipulating that the access was only to be used for maintenance purposes and shall not be used by the occupiers of the proposed dwellings.

The Principal Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report and the additional condition restricting the use of the access for maintenance purposes only.

Mr Bertram (Objector on behalf of Mrs Munro) addressed the Committee noting that the residents of Holme Eden Gardens had no objection to the proposed development other than the access arrangements. He asked who would be responsible for managing the access of maintenance vehicles once the developer had completed works at the site. Mr Bertram requested that consideration be given to the drawing up of a covenant stipulating the frequency with which maintenance vehicles were permitted to access the site, along with a definition of what constituted maintenance works, he indicated that were such a provision to be made, objectors concerns would be satisfied.

The Committee then gave consideration to the application.

A number of Members shared the objector's concerns regarding: what constituted maintenance; whether a banksman was required to assist in the egress of maintenance vehicles, and whether a gate ought to be installed to prevent use of the car park by residents.

The Principal Planning Officer responded that the term maintenance was able to be defined in the appropriate condition contained within the Consent, and he undertook amend condition 17 accordingly in the event of the permission being granted.

In relation to the suggestion that a banksman be used, the Principal Planning Officer, considered that was an issue for those carrying out the maintenance works, he judged that the imposition of a condition on the matter was unreasonable.

With regard to the provision of a gate at the car park, the Principal Planning Officer did not deem it necessary, however, were Members minded to require it, a condition was able to be imposed stipulating one be installed.

A Member moved the Officer's recommendation, and the imposition of conditions to define the term maintenance and, requiring the provision of a gate at the car park entrance. The proposal was seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

## **2. Erection of 1no. dwelling (Outline/Revised Application), Land opposite Hawthorn Cottage, Unthank, Dalston, Carlisle, CA5 7BA (Application 19/0196).**

The Development Manager submitted the report on the application which had been subject of a site visit by the Committee on 9 October 2019.

The report outlined the key policies which were to be considered relating to the principle of development, the Development Manager advised that the Carlisle District Local Plan 2015 - 30 ("the Local Plan") was to be read as a whole and consideration given to more than one policy. In addition to the Local Plan, the site was within Dalston Parish therefore, the Dalston Neighbourhood Plan was a relevant consideration.

Slides were displayed on screen showing: location plan, block plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

During the Committee's consideration of the application at its meeting of 30 August it had been confirmed by the applicant that the proposal was on land purchased as garden land and was for a family member. In terms of detailed elements relating to a dwelling those were all able to be overcome by the use of planning conditions and, as the report concluded, the primary consideration for Member was the principle of development in the location.

Members had been advised by a representative from Dalston Parish Council at the August 2019 meeting that it was not the intention of the Dalston Neighbourhood Plan to prevent development throughout the whole of the Parish as that would effectively preserve smaller groups of housing, such as Unthank, in aspic. The point had also been reiterated by Councillor Allison, Ward Member in his previous verbal representations to the Committee.

The Development Manager stated that whilst it may not be the Parish Council's intention to limit development, Dalston Neighbourhood Plan Policy DNP-H2 referred only to the hamlets of Raughton Head and Gaitsgill as being appropriate area for new housing and; with development in other hamlets only being acceptable in special circumstances, none of which were satisfied by the proposal. The Parish Council may have had other intentions for their policies, however, the Committee had to work with the Written Statement which formed part of the Development Plan.

The Parish Council had cited other examples where windfall development had been allowed. The Development Manager reminded Members that each application was to be treated on its merits and there were examples of other applications refused (and upheld on Appeal) where the development was not in a sustainable location. Moreover, the Committee needed to consider any precedent that may arise from planning decisions. Were Members to resolve to approve the application a clear rationale of the merits of the proposed scheme would be required.

The Development Manager recommended that the application be refused for the reasons set out in the report.

The Committee then gave consideration to the application.

A Member stated that he had considered the policy context relating to the application and concluded that the proposed development was in an unsustainable location in the open countryside and as such was contrary to Local Plan policies HO 5 – Rural Exception Site and HO 6 – Other Housing in the Open Countryside, accordingly, he moved the Officer's recommendation.

Another Member had also looked into the policies pertaining to the application in detail, he was of the view that the principles were clear and that the proposed scheme was contrary to Local Plan policy HO 2 – Windfall Housing Development, and the Dalston Neighbourhood Plan. Furthermore, the site visit had brought him to the view that development of the site was not appropriate. He seconded the proposal to refuse the application

The Chairman noted that a proposal to refuse the application had been proposed and seconded, he put the matter to Members who had indicated their agreement and it was:

**RESOLVED:** That the application be refused for the reasons indicated within the Schedule of Decisions attached to these minutes

**3. Erection of 1no. dwelling and provision of refuse bin access point, Land to the rear of 48 – 52 Broomfallen Road, Scotby, Carlisle, CA4 8DE (Application 19/0374).**

*Councillor Christian having declared an interest in the item of business removed himself from his seat and took no part in the discussion nor determination of the application.*

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 9 October 2019.

The Planning Officer noted that it would be the proposed dwelling's eastern ground floor walls that would act as retaining walls not its western walls as stated in paragraph 3.8 of the report. The proposed split level dwelling would be set into the slope by approximately 2.3 metres.

Wetheral Parish Council had responded outside the consultation period, however, it had not raised any new issues beyond those highlighted within section 5 of the report, other than it would be advantageous for each of the proposed dwellings to have its own motorised trolley for bins.

Slides were displayed on screen showing: block plan; landscaping plan; elevation plans; site sections plan; location plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer recommended that the application be approved subject to the imposition of conditions detailed in the report.

Mr Acton (Objector) spoke against the application in the following terms: the proposal was not substantially different to application 18/0506 which had been refused permission by the Council and was the subject of an unsuccessful Appeal with the Planning Inspectorate; the lowering of the ridge height by 0.6m and the reorientation and re-siting of the building were not significant alterations and the proposed building was virtually identical to that proposed for Plot 4 of the refused permission; the lower number of dwellings at the site would not reduce the scale and massing of the scheme, nor would it affect the view of the site from the southern aspect of the public road; the Inspector had dismissed the appeal in respect of application 18/0506 on the grounds of appearance, character, scale and massing; no assurances had been given in relation to the proposed ridge height; excavation work at the site had impacted on its ability to cope with surface water, and Mr Acton's property had been flooded three times since works had commenced; no test results were available on the stability of the ground at the reconfigured site; the provision of a motorised trolley for refuse bins indicated a problem with the site; the proposal was not in accordance with Local Plan policy SP 6 – Good Design, criteria 1, 2, 3 and 7

Ms Lightfoot (Agent) responded in the following terms: the site had Outline Permission for 3 dwellings, 2 of which were under construction, approval of the current application would see the site developed in line with the previously granted permission; following the refusal of application 18/0506, the developer had worked with Officers to address the issues raised; the principle of developing the site had been approved and was consistent with the Local Plan and the National Planning Policy Framework; the reorientation and re-siting of the proposed dwelling along with the altered ridge height meant it was substantially different from that of the reused application; the existing boundary treatment was to remain and be strengthened, mitigating the visual impact of the development; the scale and massing of the scheme was fundamentally different to that in the refused application; a property was already under construction that would provide a buffer between the proposed dwelling and those existing on Broomfallen Road; the required minimum separation distances between properties had been achieved; the proposed motorised trolley would be available to all properties at the site; the split-level nature of the proposed dwelling meant that it was able to provide for a range of possible circumstances; no technical consultee had objected to the proposal; the access road to the site would be finished in tarmacadam; drainage infrastructure would be installed at the earliest possible stage; the two dwellings under construction at the site were not germane to the current application.

The Committee then gave consideration to the application.

A Member understood that the applicant had an agreement with a local farmer to discharge surface water from the site into an adjacent field where it would run-off into a nearby beck, he

asked whether that agreement was verbal or a written legal document. He further sought assurance regarding the effectiveness of the proposed drainage scheme.

Mr Allan (Cumbria County Council) responded that, due to the soil type of the site, the applicant was required to submit a Construction Water Management Plan (CWMP). With the aid of photographs of the site displayed on screen, the proposed drainage scheme for the site was outlined for the benefit of Members. The applicant had installed a bund to assist with the management of surface water; however, Mr Allan stated the Members needed to acknowledge that the site was currently under construction which would impact on the ground's ability to process surface water. As the proposed drainage infrastructure was incorporated into the site, surface water management would improve and no further flooding would take place. With reference to the objector's comments regarding flooding, it was noted that the most recent event had taken place when 70mm of rain had fallen in 24 hours and that flooding had occurred in a number of places across the district. In future, the applicant would periodically remove debris from the surface water bund in order that sufficient flow rates were maintained Mr Allan stated that he was satisfied with the proposed drainage arrangements.

In response to a question from a Member regarding the management of the ongoing maintenance of the drainage system and the forms of redress residents would have in the event of a flood, Mr Allan explained that were the bunds to fail, the Lead Local Flood Authority would look to the applicant to resolve any such issues.

Another Member sought clarification on the timescales for the periodic clearance of the surface water bunds.

Mr Allan advised that forecasts were checked in advance and site inspections were carried out, were any issues to be identified clearance of the bunds would be requested. However, he assured the Committee that the other infrastructure making up the drainage system would keep the bunds clear.

A Member asked who would be responsible for the motorised trolleys were they to become defective.

The Planning Officer advised that the cost of fixing any defects to the trolley would be borne by the residents of the three properties at the site.

A Member moved the Officer's recommendation which was seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

*Councillor Christian resumed his seat.*

#### **4. Erection of detached double garage with office together with re-siting of access, Fairfield Cottage, Wetheral Pastures, Carlisle, CA4 8HR (Application 19/0513).**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 9 October 2019.

Slides were displayed on screen showing: location plan; proposed site plan; existing and proposed elevation plans; floor plans, and photographs of the site, an explanation of which was provided for the benefit of Members.



The area surrounding the site was generally characterised by front gardens, with any garages or outbuildings set back from the public highway, and the front boundaries to dwellings along that part of Wetheral Pasture were predominantly defined by trees and shrubs, low walls and hedges.

Given that all other properties along that part of Wetheral Pasture were set back from the highway, and that there was already an existing roadside garage abutting the highway, the cumulative effect of an additional roadside structure would reduce the openness of the area, causing an enclosing and overbearing impact upon the street scene.

The Planning Officer noted that despite attempts to negotiate a more acceptable proposal, the applicant had stated he did not wish to revise the scale or the location of the proposed structure. Accordingly, the proposal was considered unacceptable in its current form.

It was the Planning Officer's view that proposal failed to complement the existing dwelling. Due to its scale and location, it would not be a subservient addition, and the proposed structure would therefore, by virtue of its location, size and massing, be an incongruous and unduly obtrusive feature in the street scene and harmful to the visual amenity of the area.

As the site already had ample in-curtilage parking spaces, the Planning Officer considered that the proposal would not have any benefits that outweighed the harm caused upon the character of the dwelling and the street scene. On that basis, the Planning Officer recommended that the application be refused, as it failed to comply with policies SP 6 – Good Design and HO 8 – House Extensions the Local Plan, and Paragraphs 127 and 130 of the National Planning Policy Framework.

Mr Andrew (Agent) addressed the Committee noting that the Officer's central objection was that the proposed structure would not be subservient to the existing buildings, he was of the opinion that requiring such subservience was wrong.

No neighbours had objected to the proposal, though one had indicated they would, were the building to be sited further back in the plot, which was not feasible as it would prevent access to the garden at the application site.

Mr Andrew stated that the character of buildings in the rural areas of Cumbria was that of a patchwork of settlements, farmsteads and building in a variety of sizes and orientations, he felt that the reasons for the Officer's refusal meant that he was attempting to impose a linear, urban arrangement in the rural area.

A Member appreciated the Agent's comments on the nature of rural settlements, however, the Committee site visit had afforded him the opportunity to view the site; he considered that the Officer's assessment of the application was fair as proposed building would be incongruous with its surroundings. The Member moved the Officer's recommendation.

Another Member agreed that the proposal was not in keeping with the character of development in the area, nor was it in accordance with Local Plan policy SP 6 – Good Design. He seconded the proposal to refuse the application.

The Chairman noted that a proposal to refuse the application had been moved and seconded. The Committee indicated its agreement and it was:

**RESOLVED:** That the application be refused for the reasons indicated within the Schedule of Decisions attached to these minutes.

**5. Erection of 9no. dwellings (Reserved Matters Application Pursuant to Outline Application 16/0387) Land at field 3468, Monkhill Road, Carlisle (Application 19/0535).**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 9 October 2019.

Members' attention was drawn to page 1 of the Supplementary Schedule, where a written response from Historic England confirming it had no objection to the proposal had been reproduced. The Planning Officer noted that response confirmed the verbal indication the Statutory Consultee had provided which had been referred to in paragraph 6.32 of the report.

Burgh by Sands Parish Council responded outside the consultation period; however, it had not raised any issues other than those set out within section 5 of the report.

Slides were displayed on screen showing: location plan, proposed site plan; street scene images from Monkhill, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application site was identified under Policy HO1 of the Local Plan as Allocated Site 'R12'. Outline planning permission for the erection of 9 dwellings was granted by the Committee at its meeting in July 2016. As such, the principle of development of the site was established together with the access and layout. The application before Members sought approval for the remaining Reserved Matters namely: appearance; landscaping; and scale.

The Planning Officer advised that pre-commencement conditions imposed by the Committee during the determination of the earlier outline planning approval, included those relating to drainage and archaeology, would be subject of further applications and consultations with the relevant Statutory Consultees were the current scheme to be approved.

The Planning Officer advised that the hedgerows at the site had recently been trimmed exposing several gaps therein. The issue had been raised with the Agent and a revised drawing received illustrating that the hedgerow would be reinforced with a double staggered row of hawthorn whips. Were Members to approve the application, it was recommended that condition 3 be reworded to ensure that the hedgerow, where sparse, be reinforced with staggered double rows of hawthorn plants.

The Planning Officer recommended that the application be approved, subject to the imposition of the conditions detailed in the report, and the rewording of condition 3 to require the reinforcement of the hedge with staggered double rows of hawthorn plants.

Mr Cowx (Objector on behalf of himself and Ms Howe)

Slides were displayed on screen showing: an excerpt of the letter from the Council setting out the reasons for refusal of application 02/0691; a letter from the County Councillor regarding flooding issues (dated 16 February 2015); video footage of previous flood events in Moorhouse; date stone for Fairfield House; picture of students visiting Fairfield House and, a statement from Mr A Gibbons, Fellow of the Society for the Protection of Ancient Buildings regarding Moorhouse.

Mr Cowx stated that drainage was a longstanding issue in the area, which the proposed scheme did not address. In 2003 as part of an application to develop the site, an analysis of the site had been conducted using percolation tests and samples. The assessment concluded that water was not able to soakaway from the site. Mr Cowx was of the view that Officer had been dismissive of concerns relating to drainage in the assessment of the application and was anxious that if

permitted the development would increase flood risk and may have an impact on the foundations of Fairfield.

Mr Cowx asserted that in 2016, the Council had been under pressure to allocate land for housing, the application site had been approved for development as a result of that pressure, along with less in-depth inquiry into the conditions at the site than had been carried out in 2002.

Mr Cowx further raised concerns relating to: the dating of Fairfield as shown in the report: that the hedge being maintained at 1.8metres; that the Officer had shown a limited amount of dwelling types in Moorhouse in her presentation in an attempt to play down the historic character of the area; a full archaeological survey of the site was needed.

Mr Grieg (Agent) responded that Surface Water was not a Reserved Matter, as it was approved by as part of application 16/0837, therefore it was not procedurally correct for it to be considered in the Reserved Matters application. The only matters which were open to consideration by the Committee were landscape, scale and appearance which had been adequately covered by the Officer's report.

The Committee then gave consideration to the application.

A Member stated that whilst he appreciated the Agent's comments, he felt it was important that any issues related to flooding were clarified.

Mr Allan responded that the video footage of flooding shown by the objector had taken place in 2015 and 2016. The Lead Local Flood Authority and United Utilities had undertaken works to the drainage system in 2017, and whilst in periods of heavy rain flooding still occurred on the highway it was not of the same magnitude as that shown in the objector's video footage.

In terms of the proposed drainage system, Mr Allan advised Members that the proposals would be robustly considered in light of the Non-Technical Statutory Standards to ensure the mechanisms were acceptable. A drainage system that would allow for flooding to take place would not be permitted and there were suitable conditions imposed on application 16/0837 to manage the process.

A Member asked whether the proximity of the proposed scheme to nearby Listed Buildings was categorised as causing significant harm to them.

The Planning Officer advised that she had assessed the proposal, using Historic England's details pertaining to those building as was standard practice. Given the proposed boundary treatments and Historic England's response to the consultation, she was satisfied that less than substantial harm would be caused to the Listed Buildings in the vicinity of the application site.

The Member responded that he considered: the proposed boundary treatments to be good; that the location of the buildings within the site would reduce the scheme's impact on nearby Listed Buildings, and that the development was low density. On that basis he moved the Officer's recommendation, and the imposition of the reworded condition.

Another Member indicated that they were satisfied with the low density of housing proposed in the scheme, and subject to the rewording of condition 3 to require the reinforcement of the hedge with staggered double rows of hawthorn plants, she was happy to second the proposal to approve the application.

The Chairman noted that a proposal to approve the application, subject to the imposition of conditions had been moved and second.

The Committee indicated its agreement and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

*The Committee adjourned at 11:25am and reconvened at 11:40am.*

**6. Erection of Temporary Modular Building for use as a classroom, Scotby Church of England Primary School, Park Road, Scotby, Carlisle (Application 19/0607).**

The Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 9 October 2019.

Slides were displayed on screen showing: location plan; block plan; floor plan; potential parking plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The applicant anticipated that the cabin would be in use for approximately 2 years, and the facility would not be used as a classroom as such, rather it would be used for one to ones and as a break out area for small groups.

The Agent had requested that it be reported an indicative parking plan for the site had been drawn up which proposed 22 spaces including provision for disabled drivers, four more than the perceived existing number of formal spaces. The Planning Officer advised Members that the drawing did not form part of the application, but it sought to indicate a possible solution.

The Agent further requested the following points from the Supplementary Statement be reported to the Committee:

- The cabin was not intended for use as a classroom as such, but for an extra space to be used for individual children or small groups;
- The single parking space where the proposed cabin was to be sited was difficult to use, therefore it's loss would be acceptable;
- Traffic management and road safety were significant concerns and the school, in partnership with the County Council and Police, were constantly reviewing the situation, implementing whatever measures were available to reduce the effects, for example coning alongside the school frontage in the zig-zag line area;
- Use of alternative locations within the school grounds would mean the loss of part of playing field therefore, the current option was preferred.

Photographs submitted by the Parish Council were displayed on screen showing parking in the vicinity of the school.

In conclusion, the Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

A Member commented that he did not object to the proposal in principle, however, he felt that more information was needed in respect of:

- whether the parking layout plan showing 22 car parking spaces was to be included as part of the application;
- whether the applicant/school would consider including the grassed area within the car park (at the slope) as a provision for further car spaces.

The Planning Officer commented that patch of grassed land in the middle of site was not currently used for parking due to its gradient. Should Members require that it be looked at, he would liaise with the applicant accordingly.

The Member appreciated the Officer's point, and whilst he did not wish to delay the application, he felt it was important that any impact on traffic at school times needed to be fully considered.

Another Member noted that parking at the school at pick up and collection times could be challenging, he was aware that the school, Police and Cumbria County Council were working together to address the issue.

Members also sought clarification on whether: the additional class space would give rise to an increase in staff numbers, and whether the cabin would be placed over a manhole/drain cover located in the vicinity of the site.

The Development Manager noted the Members concerns, in relation to the indicative parking layout he advised that the Committee, at that time, did not have the appropriate authority to agree the relevant drawings, and further detail would be required from the Agent. Were Members minded to defer the application so that the identified issues may be explored, it was up to them to propose an appropriate resolution.

A Member moved that determination of the application be deferred in order that further information be secured as to whether:

- 1) The parking layout plan showing 22 car parking spaces was to be included as part of the application;
- 2) The applicant/school would consider including the grassed area within the car park (at the slope) as a provision for further car spaces;
- 3) The additional class space would give rise to an increase in staff numbers;
- 4) The proposed cabin would be placed over a manhole/drain cover located in the vicinity of the site.

The proposal was seconded, and it was:

**RESOLVED:** That determination of the application be deferred in order that further information be secured as to whether:

- 1) The parking layout plan showing 22 car parking spaces was to be included as part of the application;
- 2) The applicant/school would consider including the grassed area within the car park (at the slope) as a provision for further car spaces;
- 3) The additional class space would give rise to an increase in staff numbers;
- 4) The proposed cabin would be placed over a manhole/drain cover located in the vicinity of the site;

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

**7. Erection of 3no. linked bungalows, Land to the rear of Barnskew, Station Road, Cumwhinton, Carlisle, CA4 8DJ (Application 19/0611).**

The Principal Planning Officer submitted the report on the application which had been subject of a site visit by the Committee on 9 October 2019.

Slides were displayed on screen showing: proposed site layout plan; elevation plans; floor plans; location plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The proposed scheme would result in the loss of a grassed amenity as that would be given over to parking provision associated with the dwellings. The Parish Council supported the proposal as there was a need in the area for 2 bedroomed bungalow properties. An amenity area would be retained to the south of the application site, the Principal Planning Officer advised that a condition had been suggested requiring that the area be landscaped.

Cumbria County Council as Highway Authority had requested some funding for a gateway feature to reduce speeds of vehicles entering the village from the west. Given that the proposal was for 3 two bedroomed bungalows it was the Principal Planning Officer's view that the proposed scheme would not lead to a significant increase in traffic levels in the village. Therefore, the Highway Authority's request was unreasonable and would not meet the tests for planning obligations set out in the National Planning Policy Framework.

The Principal Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report

Mrs Fairless (Objector) objected to the proposal in the following terms: the adjacent development site had increased from 25 to 39 dwellings; the application site had been approved as a recreation area under previously granted planning permission; views from existing dwellings would be lost; the scheme would necessitate more construction works at the site which would be disruptive to existing residents; the road layout in the existing scheme was not safe as pavements had not been provided.

Mr Hutchinson (Agent) responded in the following terms: some of the issues raised by the objector did not relate to the application before Members as they pertained to the wider Thornedge development; a landscaped amenity of 20 metres was to be retained; there had been no objection from Cumbria County Council on highways or drainage ground; the County Council's request for a gateway feature did not meet all the necessary tests set out in the National Planning Policy Framework; the proposal was unlikely to generate demands upon the local school; the scheme was compliant with national and local planning policy.

The Principal Planning Officer acknowledged the objector's frustrations, however, he explained that they were not sufficient grounds for refusing the application.

A number of Members concurred with the Officer's sentiments,

A Member moved the Officer's recommendation which was seconded, and it was:

**RESOLVED:** That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

[The meeting closed at 12:16pm]

# **Development Control Committee Main Schedule**

## **Schedule of Applications for Planning Permission**

**22<sup>nd</sup> November 2019**

## 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 S38(6) of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
- Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
- Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030>
- Conservation Principles, Policies and Guidance - <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
- Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>



- Consultee responses and representations to each application;  
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit  
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)  
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981  
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010  
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)  
[http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)
- Equality Act 2010  
[http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga\\_20100015\\_en.pdf](http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf)
- Manual For Streets 2007  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/341513/pdfmanforstreets.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf)

Condition 2 of each application details the relevant application documents; except the following where the associated documents are located at –

19/0630 - <https://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

**SCHEDULE B** - 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.

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 Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 07/11/2019 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 22/11/2019.

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 5 working days prior to the day of the meeting.

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Applications Entered on Development Control Committee Schedule

<b>Item No.</b>	<b>Application Number/ Schedule</b>	<b>Location</b>	<b>Case Officer</b>
01.	19/0452 A	Land adjacent to Croft House, Brunstock, Carlisle, CA6 4QG	CH
02.	19/0302 A	Land to the South East of Smiddy Croft, Great Orton, Carlisle, CA5 6LZ	AC
03.	19/0234 A	Civic Centre, Rickergate, Carlisle, CA3 8QG	SD
04.	19/0596 A	Land adj. Hallmoor Court, Wetheral, Carlisle, Cumbria, CA4 8JS	RJM
05.	19/0494 A	L/A rear of Walton Parish Church, Walton, Brampton, CA8 2DH	SD
06.	19/0630 A	53/53a Scotland Road, Carlisle, CA3 9HT	JHH
07.	19/0787 A	Land at Dalton Avenue, Raffles, Carlisle, CA2 7EX	SD
08.	19/0222 A	L/A Part Field No 4823, Newtown, Blackford, Carlisle, Cumbria	SO
09.	19/0503 A	Houghton Hall Garden Centre, Houghton, Carlisle, CA6 4JB	BP
10.	19/0398 A	The Hill, Blackford, Carlisle, CA6 4DZ	BP
11.	19/0692 A	Land Adjacent To King Edwards Fauld, Burgh By Sands, Carlisle, CA5 6AR	SD
12.	19/9009 B	Silvertop Quarry, Hallbankgate, Brampton, CA8 2PE	AC

SCHEDULE A

SCHEDULE A

## SCHEDULE A: Applications with Recommendation

19/0452

Item No: 01

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0452

**Applicant:**  
Mr Alistair Wannop

**Parish:**  
Stanwix Rural

**Agent:**  
PFK Planning

**Ward:**  
Stanwix & Houghton

**Location:** Land adjacent to Croft House, Brunstock, Carlisle, CA6 4QG

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

**Date of Receipt:**  
10/06/2019

**Statutory Expiry Date**  
09/09/2019

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

- 1.1 It is recommended that authority to issue approval be granted to the Corporate Director of Economic Development subject to the completion of a satisfactory legal agreement relating to the provision of affordable housing. If the legal agreement is not completed within a reasonable time then Authority be given to the Corporate Director of Economic Development to refuse the application.

#### 2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the layout, scale, appearance and design of the proposal is acceptable
- 2.3 Impact of the proposal on the living conditions of neighbouring residents
- 2.4 Impact of the proposal on highway safety
- 2.5 Provision of affordable housing
- 2.6 Foul and surface water drainage
- 2.7 Impact of the proposal on the setting of adjacent listed buildings
- 2.8 Impact of the proposal on trees and hedgerows
- 2.9 Impact of the proposal on biodiversity
- 2.10 Other matters

### **3. Application Details**

#### **The Site**

- 3.1 The application site, equating to approximately 0.55 hectares is located in the centre of Brunstock. The application site is bounded to the north and east/southeast by residential properties with agricultural fields to the southwest and west.

#### **Background**

- 3.2 The application site was considered in the Strategic Housing Land Availability Assessment under references OC83 (Discarded) and OC33 (Deliverable). Site OC83 was a large site requested for allocation and included the smaller site the subject of this application. Site OC33 relates to the boundaries of the existing application. The site has not been allocated in the current Carlisle District Local Plan 2015-2030 but is considered to be deliverable. This is discussed further in the assessment of the principle of development. Outline planning permission was granted for residential development of this site.

#### **The Proposal**

- 3.3 The application seeks Full Planning Permission for the erection of 10 dwellings.
- 3.4 The submitted drawings illustrate that the access would be from Brunstock Road with 10 detached dwellings arranged around a central open space "the green". Several hedgerow trees, the group of trees to the west and the majority of hedgerows would be retained with the exception of sections of hedgerow and hedgerow trees to afford vehicular and pedestrian access.
- 3.5 The proposed dwellings comprise 4 house types as follows:  
3 x Type A - 4 bedroomed two-storey detached house of 1884sqft (10.1 x 10.1 metres) - ground floor dining kitchen, family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
3 x Type B - 3 bedroomed 1½ storey detached house with linked detached garage of 1659sqft (12.8 x 10.5 metres max excl garage) - ground floor dining/kitchen/family room, study, master bedroom suite; first floor 2 bedrooms plus family bathroom  
2 x Type C - 3 bedroomed 2 storey detached house of 1662sqft (8.5 x 10.7 metres max) - ground floor dining/kitchen/family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
  
2 x Type D - 3 bedroomed single storey linked bungalow with garage of 1396sqft (19 x 12.1 metres max incl garage) - dining/kitchen/family room, utility, retreat, garage; 1 en-suite bedroom, 2nd bedroom, 3rd bedroom/study plus family bathroom, garage  
Each property will have either a detached or attached garage plus off-road hardstanding parking area

#### **4. Summary of Representations**

4.1 Consultation on this application was undertaken by press notice and site notice along with notification to 32 neighbouring properties. In response 3 letters of objection and 1 of comment have been received. The objections raise the following issues:

- Appreciate the housing numbers have been reduced but the same problems as previous are still ongoing.
- There is no mains drains we all rely on septic tanks and soakaways
- We have problems after heavy rain with standing water.
- Investigations need to take place as some soakaways go through the field
- The disruption is no less - consider the residents
- New build are taking away rural living
- Residents moved into hamlets and villages many years ago but the boundaries are getting closer
- Brunstock is a small hamlet with no services/amenities other than a post box
- Adding another 10 properties will increase the hamlet by 25% with no justification of scale and no small plots
- This will have an urbanisation effect on the rural hamlet
- Each property will have two cars plus visitors which is not sustainable on a narrow road already posing problems for residents' access
- There is no mains sewerage in Brunstock
- This will also impact on surface water disposal
- Recent heavy rain events has meant that the outflow from existing mini treatment plants and private surface water drains could not clear and the sewage system was overloaded and flooded. Additional drainage would exacerbate this problem.
- The land has been farmed every year until now when nothing is done so that it is classed as just a field
- Concerns on health and safety grounds due to potential increase in traffic not only residents but also deliveries
- Will have a detrimental impact on residents

4.2 In addition one representation of comment has been received which makes the following points:-

- Concerned with sewerage disposal. At present there is no mains sewerage and after 20 mins of heavy rain the surface water drains on Brunstock Lane were unable to cope causing back flow into the largest systems of the hamlet.
- The present narrow road is inadequate for more traffic and is already in poor condition. 10 houses may result in as many as 20 additional cars.

4.3 In addition, Councillor Bainbridge who was ward councillor at the time of the last planning application has reiterated his objection about the development of this site raising the following points:-

- Having read the documents my overall feeling is that this is an application that will negatively impact on Brunstock, a small hamlet that in proportion to the area has seen a level of new builds already.

- The access and entrance to the hamlet off the A689 is problematic as you slow down or try to speed up another road user is usually bearing down on you, only some of whom are aware of your existence. This has led to a level of accidents which at the time of the original application was not detailed, since then the matter has been raised at local area Committee and the County Councillor (John Mallinson) surveyed properties. The County Council will therefore have a better record and should refer to this in their response. If they don't I feel the Committee should ask for it.
- The issue of the hamlet's drains to cope with the demand I feel are unaddressed by the application.
- the application before you is for ten and this has already been highlighted as causing capacity issues such as waste collections. Please bear in mind that the road at this point is single track and if the waste trucks can not access the site in full then they should not have to resort to blocking the road whilst 10 green waste bins are emptied, 10 black bins are emptied and about 30 recycling containers are emptied.
- I have been contacted by several residents over the capacity of the village drainage to deal with the current rainfall – let alone with the addition of further housing. Most of the properties in Brunstock (if not all) have drainage aspects of their properties that use the beck. This summer there has been several times the area has received heavy and sudden rainfall. This has caused the beck to rapidly fill up and flow back up the residents to drainage systems. A few properties on the same side as the field had water ingress into them as a result, and a number of others had near misses that would have been much worse had the residents not been able to take matters into their own hands.
- My concern is that if this application progresses then the field (itself relatively centrally located to the other houses in the hamlet) will not only be lost, but the addition of housing and tarmacing, etc will only add the burden which the small stream will have to take. I notice that several recent applications have only a limited response from the drainage officer at the County Council, and very few applications (if any) are refused on drainage issues.
- Should this application be taken forward I would want a more focused study of the capacity of the drainage in the area to cope.

## 5. Summary of Consultation Responses

**Cumbria County Council - Highways:-** Note that this is the same access point as previous but layout slightly changed. Refuse bin storage should also be provided. No objection subject to conditions (road construction, provision of visibility splays, kerblines, details of crossings; surface water drainage; turning requirements, parking of construction vehicles and a construction phase management plan);

**Cumbria County Council - Lead Local Flood Authority:-** No drainage details are provided and therefore require planning condition for a surface water drainage scheme to account for a 1 in 100 year plus 40% storm event;

**Stanwix Rural Parish Council:-** Consider the previous application and comment regarding the affordable housing provision and S106 Agreement from the previous planning application and the need to enhance that contribution. The application proposes 25 parking spaces, a not unlikely



number of private vehicles and will increase domestic traffic in the hamlet by approx 20% which could generate up to approx 18,000 additional vehicle movements annually. Parish Council share the concern of existing residents that a roadway that is too restricted for waste collection vehicles is also too restricted for several types of emergency vehicles or other types of vehicles requiring access causing obstruction, nuisance or damage to property. Parish Council recommends construction traffic leave the site via the A689. Recommend that a S278 Agreement be required by the highway authority to improve Brunstock's junction with the A689 as a result of this development. Applicant states that foul sewerage will be via mains sewer. The hamlet's main services are restricted to mains water and electricity supply. No detail of the type of connection or longer term provision for management of such a system. Consent should be refused until detailed proposals are available for consideration. No wildlife survey has been provided. Mature trees and hedgerows provide a habitat for multiple species of wildlife. One good hedge and several trees could be affected but there is no information. Hedgerows are a habitat of Principle Importance under the NERC Act and should be taken into account further more hedgerows can be protected by The Hedgerow Regulations 1997. A tree survey should be undertaken and included in the planning conditions. Sufficient information should be gathered on the presence of bats as a protected species. A comprehensive habitat and wildlife survey should be undertaken prior to determination.

**Local Environment, Waste Services:** - Site looks too tight for waste collection vehicles so space will need to be made for collection of waste containers near the entrance of the site;

**Historic England - North West Office:** - Defer to local authority specialist advisers;

**United Utilities:** - No objection subject to conditions relating to surface water drainage and that foul water shall be drained on a separate system;

**Local Environment - Environmental Protection:** - No objection subject to conditions relating to working hours and methods (relating to noise, vibration and dust), contamination and air quality and transport.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. At a local level, the development plan comprises the Carlisle District Local Plan 2015-2030 (CDLP 2015-2030).
- 6.2 Policies of the CDLP (2015-2030) of relevance are: SP1, SP2, SP6, HO1, HO2, HO4, HO6, IP3, IP5, IP6, IP8, CC5, CM4, CM5, GI3, and GI6.
- 6.3 Policy HO2 ("Windfall Housing Development") states that new housing development on sites other than those allocated will be acceptable within Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and comply with a number of criteria:

- the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;
- the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;
- the layout of the site and the design of the houses is visually attractive;
- on the edge of settlements the site is well contained within existing landscape features, is physically connected, integrates with the settlement, and does not lead to an unacceptable intrusion into open countryside;
- in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services; and
- the proposal is compatible with adjacent land users.

6.4 At a national level, other material considerations include the National Planning Policy Framework, February 2019 (the Framework/NPPF), Planning Practice Guidance (April 2014 as updated), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).

6.5 Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities....

*“For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset...*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.”*

6.6 Planning Practice Guidance indicates, amongst other things, that:  
*“....all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.”*

6.7 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning

permission is granted.

6.8 In this context, it is considered that the main issues are:

### **1. Whether The Principle Of Development Is Acceptable**

6.9 The NPPF outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Policy SP1 of the Local Plan requires all proposals for development to be assessed against their ability to promote sustainable development. The aforementioned policy outlines that all proposals for development will be considered favourably within the locations identified within the policies, provided they are in scale with the location and consistent with other policies of the Local Plan.

6.10 The application site was considered in the Strategic Housing Land Availability Assessment (SHLAA) as part of two proposed development sites. Site OC83 was a much larger site and contained the field to the north west of the site. This site was discarded as not an appropriate location for the scale of development proposed. Site OC33 reflected the boundaries of the current application and it was considered that this site was deliverable. All the deliverable sites were further considered whether or not to be allocated through the emerging Local Plan. Given the size of the site proposed it was considered that there were sufficient larger allocations essential to bring forward through allocation to ensure that the plans housing numbers were delivered. A number of smaller sites were not allocated and would therefore be treated as windfall sites that would still be able to contribute to housing delivery.

6.11 When assessing the application against the foregoing context the application needs to be considered against Policy H02 Windfall Housing Development of the Local Plan. The site is located in the centre of Brunstock with existing residential properties to the north and east. The site is well-related to the form of Brunstock and although currently an open field the strong tree boundary ensures that the site would not encroach into the adjoining countryside. Given the scale of the settlement, the additional 10 houses proposed by this development would be of an appropriate scale to the village and reflects the village's compact form.

6.12 It is noted that the settlement relies on services/facilities in either neighbouring villages (Houghton/Low Crosby/Linstock for schools/church/shop/village hall, etc) and has access to Carlisle. In the context of the National Planning Policy Framework, Paragraph 78 states that development in one village may support the services of villages nearby. It is noted that there is only a limited bus service some distance from the village however in this location it is acknowledged that short journeys may have to be made by car. The NPPF is clear that in rural areas development in one village which supports the services/facilities in nearby villages is considered to be sustainable. There is also recognition that villages may not necessarily be linked by convenient bus services.

- 6.13 Housing in Brunstock could help sustain services in this village cluster, in line with paragraph 78 of the NPPF. On this basis outline planning permission was granted for residential development of the site and the policy context has not changed since the granting of that permission.
- 6.14 In overall terms, the proposal is therefore consistent with the up-to-date spatial strategy of the development plan, Policy HO2 of the Carlisle District Local Plan 2015-2030 and conforms with the NPPF. On this basis the principle of development is acceptable subject to other considerations outlined in this report.

## **2. Whether The Layout, Scale, Design and Appearance Of The Proposal Is Acceptable**

- 6.15 Development should be appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This application seeks Full Planning Permission and the layout provided indicates a courtyard arrangement around a central open space "The Green". The design concept seeks to respect the existing scale of development in Brunstock with a lower density scheme and a mixture of single, 1½ and 2-storey properties. The compact layout arranged in a cul-de-sac style ensures that the compact nature of the settlement is retained. Traditional materials are proposed incorporating a mixture of render and stone although these details are not fully specified and a planning condition for further details of materials would be appropriate.
- 6.16 The proposed dwellings comprise 4 house types as follows:  
 3 x Type A - 4 bedroomed two-storey detached house of 1884sqft (10.1 x 10.1 metres) - ground floor dining kitchen, family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
 3 x Type B - 3 bedroomed 1½ storey detached house with linked detached garage of 1659sqft (12.8 x 10.5 metres max excl garage) - ground floor dining/kitchen/family room, study, master bedroom suite; first floor 2 bedrooms plus family bathroom  
 2 x Type C - 3 bedroomed 2 storey detached house of 1662sqft (8.5 x 10.7 metres max) - ground floor dining/kitchen/family room, retreat, study, cloakroom; first floor 1 master suite, 3 further bedrooms plus family bathroom  
 2 x Type D - 3 bedroomed single storey linked bungalow with garage of 1396sqft (19 x 12.1 metres max incl garage) - dining/kitchen/family room, utility, retreat, garage; 1 en-suite bedroom, 2nd bedroom, 3rd bedroom/study plus family bathroom, garage  
 Each property will have either a detached or attached garage plus off-road hardstanding parking area
- 6.17 With regards to the Council's Supplementary Planning Document "Achieving Well Designed Housing" all the separation distances between the properties and existing development achieve or exceed the minimum required to retain privacy. The design also seeks where possible to retain and enhance existing tree and hedgerow features. Further details of the planting

arrangements would be required and it would therefore be appropriate to impose a planning condition to that end.

- 6.18 In overall terms, the proposed layout, scale, design and appearance would comply with the council's policies.

### **3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Residents**

- 6.19 The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in Local Plan policies and SPDs, which importantly require that the suitability of any development proposal be assessed against the policy criteria.
- 6.20 The City Council's SPD 'Achieving Well Designed Housing' outlines where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (12 metres between any wall of a building and a primary window). The layout of the proposed development is such that the proposed dwellings have been so orientated to achieve the minimum distances outlined in the SPD.
- 6.21 In overall terms, given the location of the application site in relation to neighbouring residential properties and the proposed site layout plan submitted with the application, the proposal would not have a detrimental impact on the living conditions of the occupiers of those properties on the basis of loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise and disturbance during construction works a condition is suggested which would limit construction hours.

### **4. Impact Of The Proposal On Highway Safety**

- 6.22 When considering the previous outline application for this site (16/0097) a potential access point on the north eastern boundary of the site was identified. The intended access illustrated that in order to attain the required visibility splays it would necessitate the removal of two additional trees over and above the tree survey findings. Cumbria County Council, as Highways Authority, was consulted and following the submission of speed survey information, raised no objections subject to the imposition of relevant conditions in respect of standard of construction; visibility splays; highway verge crossing details; surface water discharge; vehicular access provision and vehicle turning space provision. A number of concerns were raised in respect of highway safety and volume of traffic generated in the village and this matter was given further consideration at that time including consideration of road safety at the junction with the A689. Members requested an independent review of the transport concerns and this concluded that additional measures in the highway were not required.
- 6.23 This application now seeks full approval including details of the access and internal road arrangements. The Highway Authority has been consulted on

the application and has raised no objection subject to conditions as the proposed access point is similar to that previously suggested by the outline application. They do however request that refuse bin storage should also be provided. This latter point has been reiterated by the Council's waste services team as well as Parish Council and residents.

- 6.24 The agent has confirmed that refuse bin storage will be provided at the access to the site and that it will be located away from the appointed highway to ensure that waste collection can be appropriately managed without bringing refuse vehicles in to the site. It was also suggested that as waste vehicles may have difficulty accessing the site other vehicles may also have impaired access. The layout of the site allows for emergency and delivery vehicles to turn around within the site should access be required.
- 6.25 The Parish Council has requested that a S278 agreement under the Highway Act should require improvement to the junction of the A689 however as the outline permission was granted on the basis of 9 dwellings and no request was made by the Highway Authority it would be unreasonable to impose this on one additional dwelling. The Highway Authority raises no objection to the application and has not requested additional improvements to the junction. The Parish Council has requested that any construction traffic is directed to use the A689 junction to access this area rather than the road to the south. This matter would be dealt with through a construction traffic management plan however it would be prudent to advise that this measure should be included within the plan and revise the condition accordingly.
- 6.26 Subject to the conditions requested by the Highway Authority, additional reference to the access route for construction traffic and an additional condition relating to the provision of a bin storage area the proposal is compliant with highway requirements and it would be difficult to substantiate a refusal of the application on highway safety grounds.

## **5. Provision of Affordable Housing**

- 6.27 This site falls within affordable housing Zone A, so a 30% affordable housing contribution would be required on a site of 10 units in line with policy HO4 of the Local Plan. Since producing the Local Plan the Council has now adopted an "Affordable and Specialist Housing" SPD. The applicant has agreed to enter into a S106 legal agreement for the provision of affordable housing.
- 6.28 The Parish Council has requested that an enhanced contribution be provided over and above that in the original S106 agreement.
- 6.29 The request for an affordable housing contribution has to be consistent with current policy requirements and the guidance in the adopted SPD. The Council's Housing Development Officer has confirmed that in accordance with section 5.3b) of the Affordable and Specialist Housing SPD, the affordable housing financial contribution on a 6-10 unit rural scheme in Affordable Housing Zone A would be equivalent to 30% of the units being affordable on site, based on a 30% discount on each of these 3 units (this being the percentage discount required through the Council's discounted sale policy).

Current data is based on previous ward boundaries and therefore on a 10 unit scheme in the (former) Stanwix Rural ward this would be calculated as follows:-

Lower quartile property price for the former Stanwix Rural ward: £188,254 (CACI Streetvalue, 2019) x 30% (discounted sale percentage) = £56,476 x 3 units (30% affordable housing requirement in Affordable Housing Zone A) = £169,428.

This would be split into 3 equal tranches based on the first occupation of the third, sixth and ninth units.

- 6.30 The provision of affordable housing is therefore consistent with the current Local Plan policies.

## **6. Foul And Surface Water Drainage**

- 6.31 In order to protect against pollution, Policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. United Utilities and Cumbria County Council as Lead Local Flood Authority (LLFA) have been consulted on the application and although no detailed design of the drainage provision has been provided, they raise no objections subject to the imposition of conditions relating to foul drainage, surface water drainage and sustainable drainage systems.
- 6.32 The application form, as part of the submitted details, includes reference to the foul sewage being connected to mains drainage however as residents and the Parish Council have pointed out, this does not exist. Foul drainage will therefore be by way of treatment plants which would have to comply with building regulations. This would accord with the requirement from United Utilities to ensure the foul and surface water drain to different systems. Concerns have also been raised about the volume of water with recent heavy rainfall and difficulties with local drainage systems. The LLFA in their response on such matters ensures that not only does the run-off remain at existing greenfield rates there is also an uplift by way of 40% increase in capacity for climate change. This should therefore address local concerns regarding drainage. Any details provided by way of discharging the conditions would involve consideration by UU and the LLFA.
- 6.33 The intended provision of foul and surface water drainage would therefore be consistent with national guidance and Local Plan policies.

## **7. Impact Upon Setting Of Grade II Listed Buildings**

- 6.34 The application site is located close to a Grade II Listed Building namely Brunstock Farmhouse and Barns located to the north-east of the site. The applicant has submitted a Heritage Statement in consideration of the local heritage assets.
- 6.35 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

- 6.36 As a result it is recognised that considerable importance and weight must be given to the desirability of preserving the listed buildings within the immediate vicinity and their setting(s) when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1). Paragraph 195 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Planning Practice Guidance explains that, in relation to assessing harm, such a judgement is for the decision taker having regard to the circumstances of the case and the policy in the NPPF. In general terms it is the degree of harm to the asset's significance rather than the scale of the development that needs to be assessed. The harm may arise from works to the asset or from development within its setting. Policy HE3 of the Local Plan indicates that new development which adversely affects a listed building or its setting will not be permitted.
- 6.37 English Heritage produced a document entitled 'The Setting of Heritage Assets' (TSHA) which, although out-of-date, still includes useful advice and case studies. The TSHA document provides a definition of the setting of a heritage asset as *"the surroundings in which [the asset] is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.
- 6.38 The listed building opposite part of the site is Brunstock Farmhouse and Barns with the following listing details:
- "Farm and barns, formerly Dairy to Brunstock House. Late 1820s with additions dated 1845, for the Saul family. Farmhouse has English garden wall bond brickwork, whitewashed over, graduated stone-slate roof, double brick chimney stacks, one stone arch and surround, with hood mould and iron studded plank door. Ground floor windows have 2-3 light mullions with hood moulds and diamond cast-iron casements, central one altered to double sash with mullions removed. 2 corbelled-out dormer windows with crow-stepped gables, central window retains its tripartite diamond cast-iron casements, but flanking dormers altered to wooden and steel casements without glazing bars. Central dormer has weathered stone arms panel with cross stone vents in others. Brick modillions, chimney stacks with recessed panels and dentilled cornice. Gable end has date stone 1845. Behind, facing the road, is a 2 1/2*



*storey tower with similar windows, gabled roof, rounded stone with 1820's date, partly cut away. similar entrance and windows to right. Square headed lancets to left and at right angles to the farmhouse are 2 storey barns of brick: 1980's slate roof nearest farmhouse and graduated slate roof at right angles. Large projecting cart entrance: plank doors and half-plank doors, slit vents to upper floors."*

- 6.39 When assessing this application it is important to consider a) the significance of the listed buildings and the contribution made to that significance by their setting; and then b) the effect of the proposal on the setting (inclusive of its significance and on the appreciation of that significance). In the case of the former, the more significant the heritage asset, the greater should be the presumption in favour of its conservation. For the latter, different elements of a setting make different contributions to a building's significance as a heritage asset, namely: its immediate context; the area that can be seen from the building; and the street scene in which the building is set.
- 6.40 When considering the significance of the respective listed buildings, there are over 374,000 listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II\* are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II\*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.
- 6.41 The barns are the closest part of the listed building as these abut the road through the village. Over many years the development has surrounded the barns apart from this field which has remained open. Whilst the proposed development will be visible from the elevation of Brunstock Farmhouse barns the surrounding development has already altered the setting of the farmhouse and barns and it is not considered that the development of this site would have an adverse impact upon the setting. The Council's Heritage Officer has not raised any objection to the proposed development.

## **8. Impact Of The Proposal On Trees And Hedgerows**

- 6.42 Policy GI6 of the Local Plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy SP6 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing trees and hedges.
- 6.43 Furthermore, the City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the

design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the scheme to ensure integration of existing features and space for new planting. It is important that these issues are considered at the very start of the planning process.

- 6.44 The proposed development would retain the majority of trees and hedgerows within the site with the exception of the loss of two trees, an Ash and a Hawthorn, together with small sections of hedgerow and two further trees to facilitate vehicular and pedestrian access. Limited short term loss to the landscape value would occur but this would be mitigated by supplementary planting within the site including within the centre of the development which is currently an open field. To the north west of the site is a group of trees which remain outside the development boundary and it would be appropriate to ensure tree protection along this boundary through appropriate planning conditions to ensure their protection during construction.
- 6.45 The proposal is acceptable subject to conditions requiring the submission of a method statement ensuring the protection of the retained trees and hedges together with a landscaping scheme.

## **9. Impact Of The Proposal On Biodiversity**

- 6.46 The Councils GIS Layer has identified that there is the potential for several key species to be present within the vicinity. The Parish Council has requested that a habitat survey be undertaken however the field has been cut for grass for several years and any species would likely to be within the hedgerows and hedgerow trees. The design ethos of the site has been based on protection of as much of the surrounding hedgerows and trees as possible with removal only where access is required. Using the guidance issued by Natural England, the development would not harm protected species or their habitat; however, an Informative is recommended should Members approve the application that if a protected species is found all work must cease immediately and the Local Planning Authority informed. A condition is also recommended that works involving the removal of section of the hedgerow and trees are undertaken outwith the bird nesting season and protection barriers should be installed around all retained hedgerows and trees. The Parish Council has also raised concerns regarding the Hedgerow Regulations however the granting of planning permission overrides that protection should the application be approved.

## **Conclusion**

- 6.47 In overall terms, the proposal is considered to be compliant under the provisions of the NPPF and the objectives of the relevant Local Plan policies. The application is therefore recommended for approval.

## **7. Planning History**

- 7.1 Outline Application 16/0097 for the erection of 9 dwellings was granted permission subject to a legal agreement in August 2017.

**8. Recommendation: Grant Subject to S106 Agreement**

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form;
2. the Location Plan (Dwg 15080-00) received 5 June 2019;
3. the Proposed Site Layout (Dwg 18155 (Fe) 001 A) received 5 June 2019;
4. the House Type A (Dwg 18155 (Fe) 002) received 5 June 2019;
5. the House Type B (Dwg 18155 (Fe) 003 A) received 5 June 2019;
6. the House Type C (Dwg 18155 (Fe) 004) received 5 June 2019;
7. the House Type D (Dwg 18155 (Fe) 005) received 5 June 2019;
8. the Planning Statement received 5 June 2019;
9. the Design and Access Statement received 5 June 2019;
10. the Heritage Statement received 5 June 2019;
11. the Contaminated Land Statement received 5 June 2019;
12. the Notice of Decision; and
13. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Notwithstanding references to materials within the approved documents, full details of all materials to be used on the dwelling exteriors shall be submitted to and approved in writing by the local planning authority within three months of site commencement.

**Reason:** To ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. 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 within three months of site works commencing, and the approved scheme shall be implemented in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. Within three months of site commencement, detailed plans shall be

submitted incorporating full design details of walls, gates, fences and other means of permanent enclosure and boundary treatment. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any Order revoking or re-enacting that Order, any enclosure of such garden areas shall take place strictly in accordance with the agreed scheme.

**Reason:** To ensure that the appearance of the area is not prejudiced by lack of satisfactory boundary treatment in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to commencement, a landscaping scheme shall be submitted to and agreed with the local planning authority including details of trees and shrubs to be retained and proposed new planting. The scheme shall include the use of native species and shall also include a detailed survey of any existing trees and shrubs on the site and shall indicate plant species and size for new planting. The scheme shall then be implemented in accordance with the approved details.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with the objectives of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-30.

7. Other than those trees identified for removal on the approved plan, in accordance with Condition 6, 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 GI6 of the Carlisle District Local Plan 2015-30.

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

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy SP6 of the Carlisle District Local Plan 2015-30.

9. Prior to the occupation of any dwelling, an external or within garage 32Amp single phase electrical supply shall be installed to allow future occupiers to

incorporate an individual electric car charging point for the property.

**Reason:** In accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030

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

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

11. Notwithstanding details on the approved drawings, an area shall be laid out for the collection of waste receptacles from properties within the site prior to the occupation of the first dwelling hereby approved.

**Reason:** In accordance with Policy IP5 of the Carlisle District Local Plan 2015-30.

12. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8

13. No development shall commence until visibility splays providing clear visibility of 2.4metres back by 45 metres measured down the centre of the access road and the nearside channel line of the major road road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

14. The use of the development shall not be commenced until the access has been formed with 6 metre radius kerbs, to give a minimum carriageway width

of 4.8 metres, and that part of the access road extending 15 metres into the site from the existing highway has been constructed in accordance with details approved by the local planning authority.

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

15. Details of proposed crossings of the highway verge shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

**Reason:** To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies: LD5, LD7, LD8.

16. Full details of the surface water drainage system 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 and to support Local Transport Plan Policies LD7 and LD8.

17. The development shall not be occupied until the access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access and turning provision shall be retained and be capable of use at all times thereafter 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 and to support Local Transport Plan Policies: LD5, LD7, LD8

18. 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 works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policy LD8.

19. Development shall not be begun until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- cleaning of site entrances and the adjacent public highway;
- details of proposed wheel washing facilities;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing prioritising the A689/Brunstock junction;

**Reason:** To support Local Transport Policies: LD8

20. Foul and surface water shall be drained on separate systems.

**Reason:** To secure proper drainage and to manage the risk of flooding and pollution.

21. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No development shall commence until details of the future maintenance and operation of the surface water systems are agreed in writing with the Local Planning Authority.

**Reason:** To ensure the surface water system continues to function as designed, in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

22. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the

sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

23. No development shall commence until a Construction Surface Water Management Plan has been agreed in writing with the Local Planning Authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

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

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

25. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

**Reason:** In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

26. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

**Reason:** To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

27. There shall be no pedestrian access from any of the proposed dwellings directly on to the adjacent PROWs.

**Reason:** To ensure that the proposed development does not have an adverse impact on the existing PROWs that adjoin the site.

28. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. The investigation should follow the



guidance in BS10175.

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.

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revision  
 Rev. Date Description

Revised by

Project

Proposed Residential Development  
 Brunstock

Drawing

LOCATION PLAN

Client

Alistair Wannop

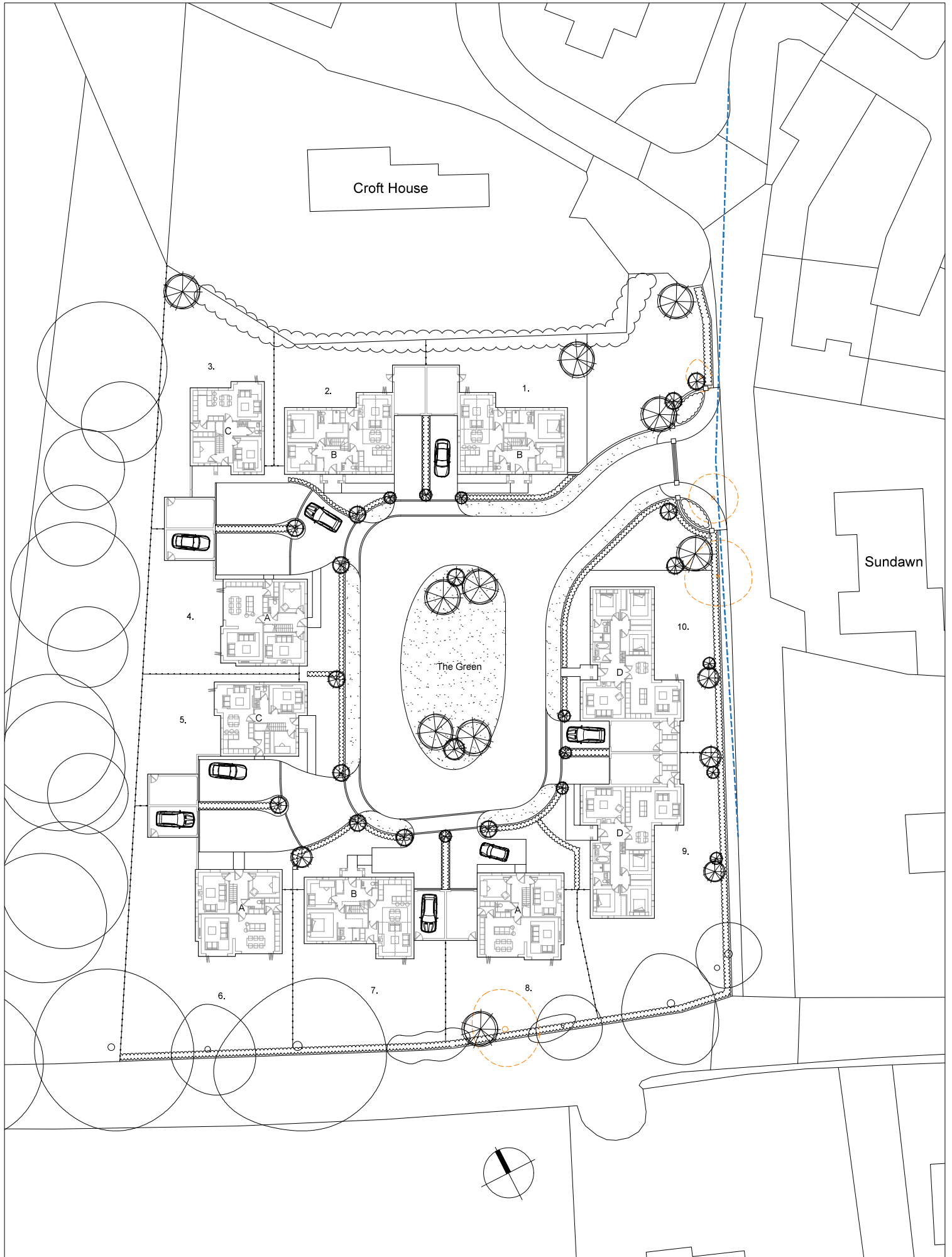
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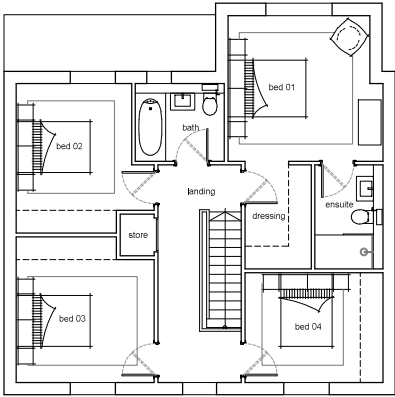
PLANNING

**ARCHITECTS**  
 PLUS

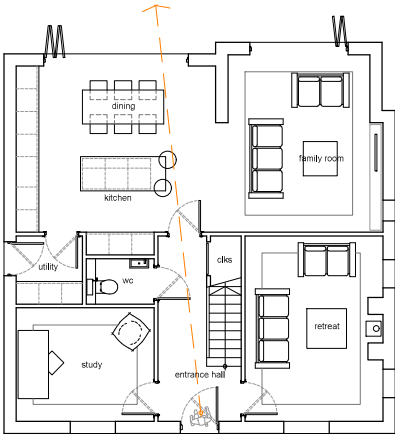
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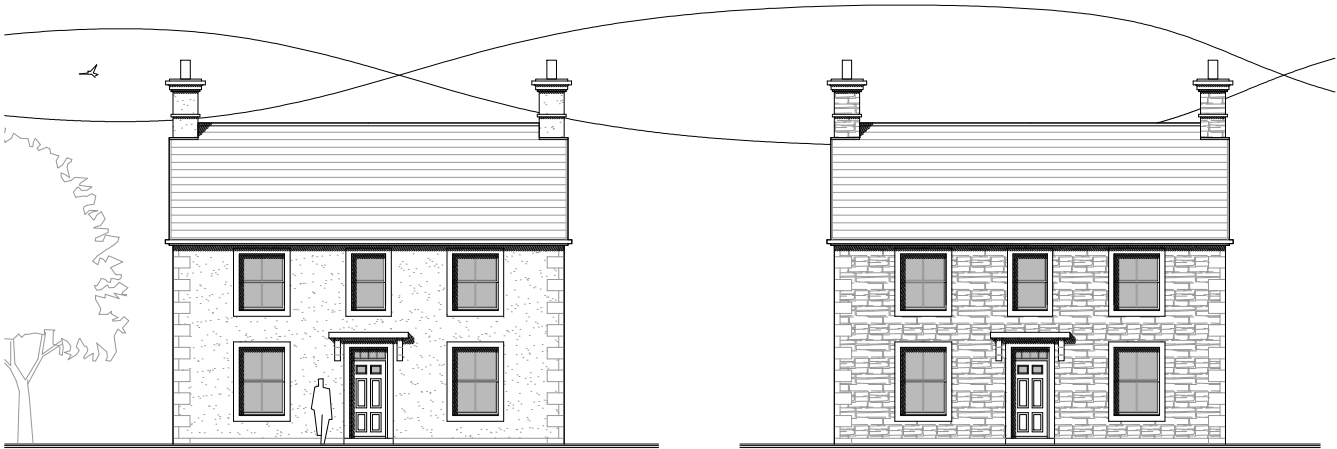




first floor

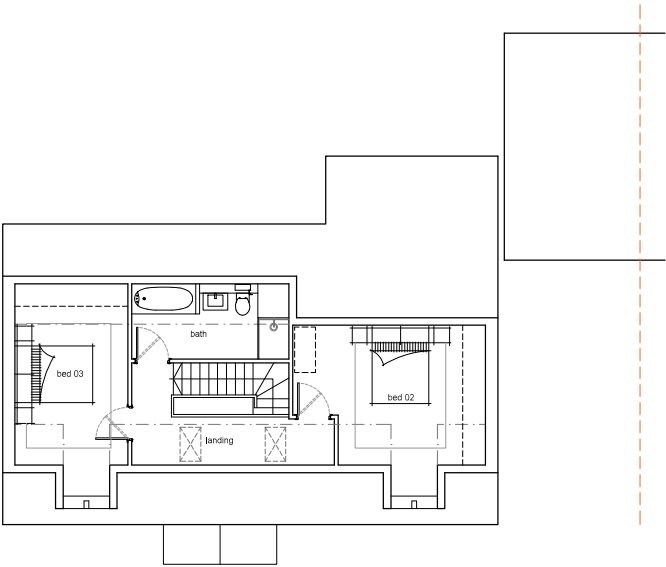


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1884 sqft total

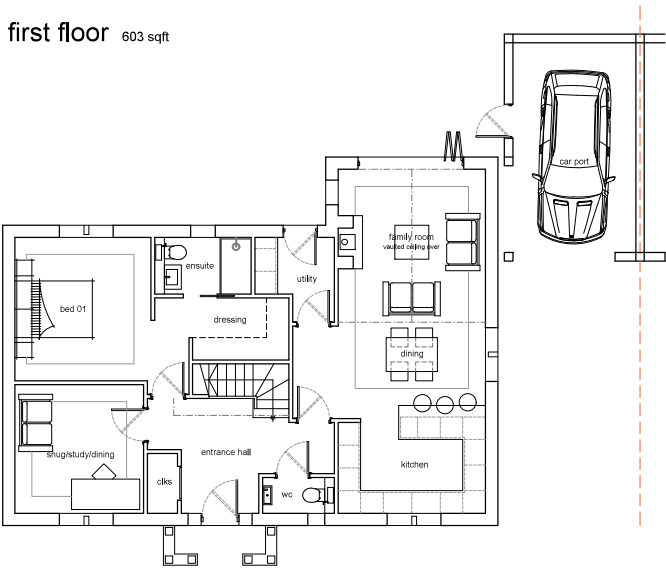


front elevation render

front elevation stone



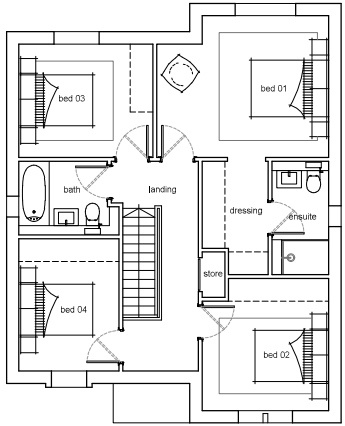
first floor 603 sqft



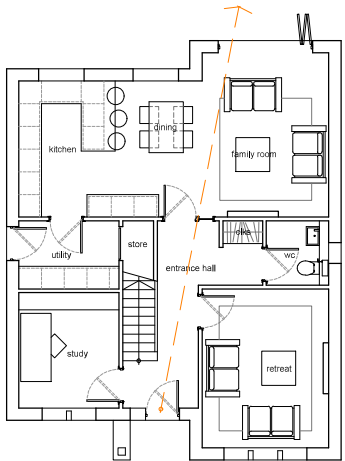
ground floor 1053 sqft  
1659 sqft total



front elevation



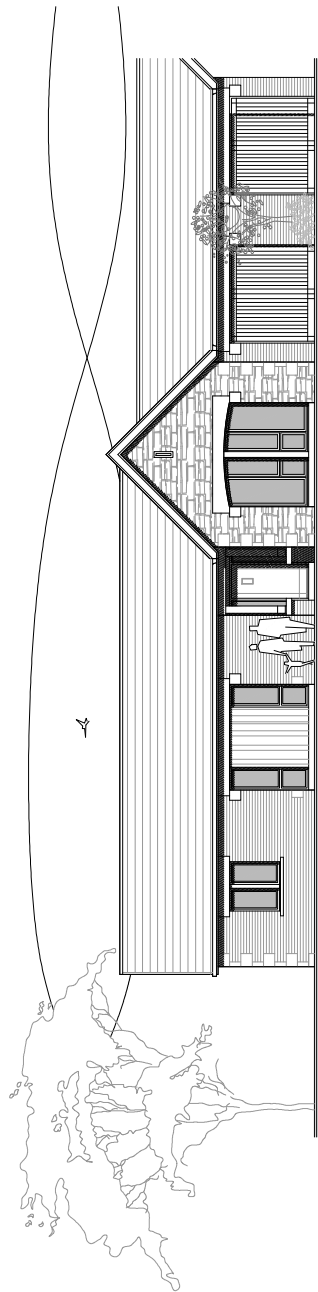
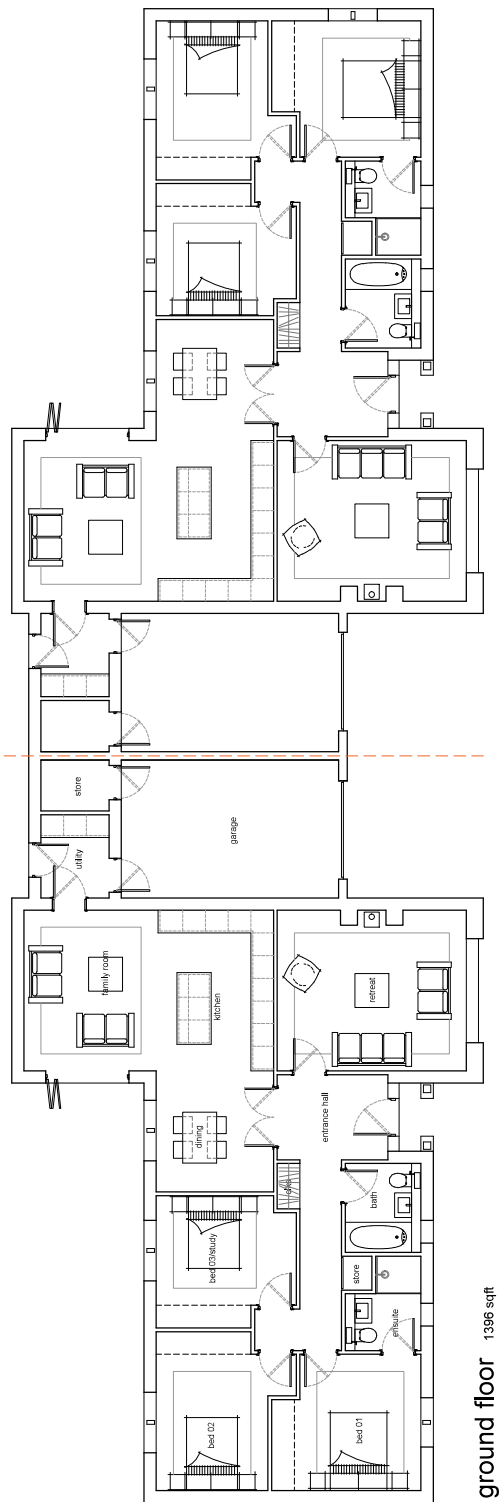
first floor 831 sqft



ground floor 831 sqft  
1662 sqft total



front elevation



front elevation





## SCHEDULE A: Applications with Recommendation

19/0302

Item No: 02

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0302

**Applicant:**  
Maris Properties Ltd

**Parish:**  
Orton

**Agent:**

**Ward:**  
Dalston & Burgh

**Location:** Land to the South East of Smiddy Croft, Great Orton, Carlisle, CA5 6LZ

**Proposal:** Erection Of 7no. Detached Dwellings

**Date of Receipt:**  
15/04/2019 16:01:00

**Statutory Expiry Date**  
10/06/2019 16:01:00

**26 Week Determination**  
02/09/2019

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### REPORT

**Case Officer:** Alanzon Chan

Members resolved to defer consideration of this application at the 30th August 2019 meeting in order to allow in order to investigate the cause of the recent local flooding incident at a neighbouring property and to await a further report on the application at a future meeting of the Committee.

Following the committee meeting in August, the investigation findings suggest that the recent local flooding incident at this neighbouring property was likely to be caused by an unanticipated blockage within the foul sewer system which this property connects to. Whilst the investigation is ongoing, based on the topography of the application site that it sits at a lower ground than this property which recently got flooded, there is no evidence to suggest that this flooding incident was related to this application site.

Meanwhile, the applicant has provided a new landscaping plan and detailed surface water drainage scheme comprising a drainage layout plan, micro drainage details and details of the proposed attenuation options for each plot. Accordingly, several conditions (conditions 2, 9, 13 and 14) and several paragraphs (paragraphs 6.22, 6.27, 6.29, 6.36) within the original report have been updated. The original paragraphs 6.36-6.39 have been replaced with an updated new paragraph 6.36.

Apart from the aforementioned amendments to reflect the details of the latest landscaping plan and detailed surface water drainage scheme, there is nothing further to add to the committee report and the application is recommended for approval.

**THE UPDATED COMMITTEE REPORT FOLLOWS:**

## **1. Recommendation**

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

## **2. Main Issues**

- 2.1 Whether The Principle Of The Development Is Acceptable
- 2.2 Whether The Scale And Design Is Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Impact Of The Proposal On Highway Safety
- 2.5 Issues Regarding Foul And Surface Water Drainage
- 2.6 Issues Regarding Trees
- 2.7 Provision Of Affordable Housing
- 2.8 Impact Of The Proposal On Biodiversity
- 2.9 Other Matters

## **3. Application Details**

### **The Site**

- 3.1 The application site is approximately 0.4 hectares in size, and is currently grazing land.
- 3.2 The northern boundary of the development site is bound by a terrace of 4no. two-storey properties (Smiddy Croft) and a detached bungalow (Langstrath). Smiddy Croft is separated from the site by a post and wire fence, whilst a low timber fence separates the site from Langstrath.
- 3.3 The eastern site boundary of the development site consists of a hedgerow which incorporates a few mature trees, with agricultural land being located beyond this. A road adjoins the western site boundary, beyond which lies some residential properties (Bleak House, The Hawthorns, Skiddaw View and South View Cottages) and part of a field. To the south of the development site is a field which is owned by the applicant.

### **Background**

- 3.4 In 2016, Outline planning permission (15/1051) was granted for the erection of dwellings at this site. The housing development site boundary proposed under the current application remains the same as the one approved under application 15/1051.
- 3.5 In addition to the aforementioned outline permission, it is noted that full planning permission (16/0946) was also granted for the erection of seven dwellings on land to the south of the Wellington Inn, which is in close proximity to the application site. Both sites are approximately 0.4ha in size, and both are located at the edge of Great Orton Village.

## **The Proposal**

3.6 The proposal seeks full planning permission for the erection of 7no. dwellings. This would be across four different house types:

- Type 1 (Plots 1 & 2) – 3 bedroom bungalow with attached garage. Maximum width of 16.1m, length of 17.1m and height of 5.8m;
- Type 2 (Plots 3 & 4) – 3 bedroom bungalow with attached garage. Maximum width of 13.8m, length of 14.2m and height of 7.2m;
- Type 3 (Plot 5) – 4 bedroom dwelling with detached garage. Dwelling: Maximum width of 13.9 m, length of 7.9m and height of 7m; Garage: Maximum width of 4m, length of 5m and height of 4.4m; and
- Type 4 (Plots 6 & 7) – 2 bedroom bungalow with attached garage. Maximum width of 12.8 m, length of 14.6m and height of 7.2m;

## **4. Summary of Representations**

4.1 This application has been advertised by means of a site notice and notification letters sent to 27 neighbouring properties.

4.2 During the initial consultation, 9 letters of objection (of which 8 of them were identical letters from the same household), and 1 letter of support were received. The concerns raised within the letters of objection are summarised below:

- the development is not physically connected with the settlement and will add nothing to Great Orton apart from more car journeys due to lack of public transport.
- the developer has cut down four oak trees prior to the submission of the application, without the consent of the adjoining land owner and tenant, to enable the increase of residential units on the land.
- the applicant did not provide details in relation to estimated volumes or calculations detailing the surface water runoff. The highway ditch does not have the capacity to drain more surface water runoff. The applicant does not have any legal drainage rights to allow the surface water to drain into the adjoining highway ditch, and the applicant's proposed route should have been consulted with the neighbouring landowner and tenant.
- there are no calculations for the number of units on the site, and the size of the pumping station seems inadequate.
- Outline planning permission was given for 5 dwellings and the proposal is for 9 dwellings.
- the agricultural hedge and trees do not form part of the owner or applicant's ownership title.
- the submitted tree survey does not comply with British Standard BS5837:2012.
- As part of the application, the applicant has not provided a bat survey or a flora and fauna survey. The loss of the Oak trees might have disturbed a nesting site for local wildlife

4.3 In addition to the aforementioned neighbours representations, Councillor Allison has raised the following concerns on behalf of the Parish Council:

- Increase in the number of dwellings from 5 in the outline permission to 9 units including bungalows which require a larger footprint.
- Unannounced felling of 4 mature oak trees on the N/E boundary to accommodate an increase in the number of dwellings.
- Drainage issues: insufficient information is submitted; it is not clear if the owner/tenant of the adjacent fields will allow access for pipes or culverts.
- Local amenities including public transport; this application ticks the boxes with respect to local amenities including the pub, school, church and village hall. However, On transport links, there is only one bus per week and the costs are likely to be high. The single fare from Cummersdale to Carlisle (which is much nearer than Great Orton) is £5.

4.4 Following several discussions, the applicant has taken into consideration some of the local concerns and revised the proposal by reducing the number of proposed dwellings to 7. During the second consultation period, a letter of support, a letter of comment and 4 letters of objection were received. The concerns raised within the letter of comment and the letters of objection are broadly the same as those within the initial objections, except for the following points:

- The field has always flooded when there has been spells of heavy rain and has been notoriously slow with drying up in comparison with neighbouring fields.
- The installation of the new footpath will encourage parking, which will end up being used by parents for partially parking upon during school start/finishing times and if this is to happen, the visibility of the existing access will be reduced.
- Objection to the proposed Cherry trees being planted on the border to the residence of Smiddy Croft. If these trees were to grow, their roots and branches will eventually protrude into neighbouring gardens. Any tree that grows to a considerable size will block the sunlight into these gardens. The sun runs opposite the face of the house and gardens of Smiddy Croft adjacent to the development site. There is currently a sufficient boundary to the adjacent gardens.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** No objection subject to the imposition of conditions

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** No objection subject to the imposition of conditions

**Orton Parish Council:** Objects to the application with the following reasons:

- the number of houses should be 5 rather than 7
- insufficient information about the surface water drainage, it was noted that a drainage outlet is marked on the plan but no indication where this is from or how the flow is to be attenuated
- several trees at the site had been cut down prior to the submission of this application

**Local Environment, Waste Services:** No objection

**United Utilities:** No objection subject to the imposition of conditions

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70 (2) 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 indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP2, SP6, HO2, HO4, IP3, IP6, CC5, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 (CDLP).

The proposal raises the following planning issues:

#### **1. Whether The Principle Of The Development Is Acceptable**

- 6.3 One of the main issues to establish when assessing this application is the principle of development. The NPPF and CDLP Policy SP1 require development proposals to be considered in the context of a presumption in favour of sustainable development in order to secure development that improves the economic, social and environmental conditions of the district.
- 6.4 Paragraph 11 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development"*.
- 6.5 Meanwhile, Paragraph 59 of the NPPF states that:
- "To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."*
- 6.6 Paragraph 78 of the NPPF further states that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities, and sustainable development in rural areas can help to support local services.
- 6.7 This coincides with the objectives of the adopted CDLP Policies SP1 and HO2. Policy SP1 advocates that when considering development proposals, Carlisle City Council should take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. As for Policy HO2, it makes provision for new windfall housing development within or on the edge of villages within the rural area of the district.
- 6.8 Great Orton, which is identified as a Local Service Centre in the adopted

Local Plan, contains a primary school, a public house, a shop, a church and a village hall. As such, Great Orton is considered to be a sustainable location for housing development.

- 6.9 Under outline planning permission (application ref: 15/1051), the principle of residential development on this land has already been established. The proposed development will be sited on the southern edge of Great Orton. It will be well related to existing village and will not intrude unduly into the open countryside. As such, in line with paragraphs 59 and 78 of the NPPF, as well as the objectives of the CDLP Policies SP1 and HO2, the principle of residential development on this site remains to be acceptable, subject to all other material considerations being satisfied.

## **2. Whether The Scale And Design Is Acceptable**

- 6.10 The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development.
- 6.11 The adopted CDLP policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design, including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is particularly reflected in Policy SP6 of the CDLP which requires that development proposals should also harmonise with the surrounding buildings, respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.12 The applicant originally proposes to erect 9no. dwellings comprising of a mix of two storey dwellings and bungalows. Following a series of discussions, the applicant has taken into consideration the local concerns and revised the proposal to erect 7no. dwellings, of which six of them would be bungalows, with one proposed dwelling (Plot 5) having a split level. In terms of scale, it is noted that the ridge heights of the proposed dwellings will vary between 5.8m to 7.2m. Although these bungalows do not have a low roof height, it is noted that the majority of the surrounding properties are two-storey, with one on the opposite side of the road being three-storey. Taking into consideration that the surrounding residential properties vary in scale and height, and that the proposed development will be seen against the backdrop of the existing properties in the village, on balance, it is considered that the proposal would be acceptable in relation to height, scale and mass.
- 6.13 One objector raised that the proposal would form a cramped development. It is noted that the application site is approximately 0.4 hectares in size. The site area of the application site is comparable to the development site adjacent to the Wellington Inn, situated approximately 35m from the application site. Planning permission (16/0946) for the erection of 7no.

dwellings on this development site was granted in 2016. The footprint of the proposed dwellings and the dwellings approved under 16/0946 are also comparable, as such, it is considered that the density of the plots will be in keeping with those in the surrounding area.

- 6.14 The retention of the existing hedgerows around the application site, together with proposed hard and soft landscaping within the site would also help to soften and blend the proposed dwellings into the street scene. Furthermore, the proposed development would also achieve adequate external space and parking provision to serve each of the dwellings.
- 6.15 In overall terms, the proposal will respond positively to the local context, and it will not detrimentally affect the street scene nor the character of Great Orton.

### **3. Impact Of The Proposal On The Living Conditions Of Neighbouring Residents**

- 6.16 One of the core planning principles of the NPPF is that planning has an essential role in seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.17 In addition, local policies also seek to protect residential amenity by setting out a number of criteria by which applications for development will be assessed. These include protecting the character of the locality, ensuring satisfactory daylight, outlook and privacy for all dwellings. The living conditions of the occupiers of adjacent residential properties should not be adversely affected by proposed developments. This is echoed and reinforced in local plan policies and SPDs, which importantly requires that the suitability of any development proposal be assessed against the policy criteria.
- 6.18 The City Council's Supplementary Planning Document "Achieving Well Designed Housing" (SPD) states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window)."
- 6.19 The layout of the proposed development is such that the proposed dwellings have been so orientated to achieve the minimum distances outlined in the aforementioned SPD. In overall terms, given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of the surrounding properties on the basis of loss of light, overlooking or over dominance.
- 6.20 To further mitigate for any unacceptable noise, dust or vibration disturbance during construction, it is suggested that conditions with regard to construction hours limit and construction management plan are to be imposed.

#### **4. Impact Of The Proposal On Highway Safety**

- 6.21 In order to accommodate the proposed dwellings, an access road that connects with the existing highway road will be laid. According to the Highways Authority, the Cumbria Development Design Guide 2017 sets out that the standard visibility splays requirement for vehicles is 2.4m x 60m on a 30mph road. The submitted visibility splays plan shows that the proposal will satisfy the visibility requirement.
- 6.22 Cumbria County Council, as Highways Authority, were consulted and they have raised no objections to this application, subject to the imposition of a series of conditions in respect of: highway construction; visibility splays; provision of ramps; surface water drainage details; driveways and access road surfacing details, and footways provision.
- 6.23 A concern was raised that the new footpath will be heavily utilised by parents for temporary parking during school drop off/pick up times, and consequently, affects the visibility for the existing access. It is noted that unauthorised parking on footpath by public users will be a police / highway enforcement matter, and not material planning consideration, as such, this cannot be taken into account when determining this application.

#### **5. Issues Regarding Foul And Surface Water Drainage**

- 6.24 In order to protect against pollution, CDLP Policies IP6 and CC5 seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application document submitted as part of the application outlines that foul sewage would be disposed into the mains sewer whilst surface water would be discharged into a watercourse.
- 6.25 In terms of surface water disposal, the applicant has commissioned a qualified engineer to carry out a percolation test. The submitted percolation test report outlines that the ground conditions are not suitable for direct infiltration. As such, in accordance with the SUDs hierarchy as detailed within the NPPF and NPPG, the next available option is to discharge water into a surface water body.
- 6.26 Prior to the submission of this application, the applicant has also consulted the Lead Local Flood Authority (LLFA) regarding surface water disposal. The LLFA has agreed that it would be acceptable to discharge the surface water from the proposed development to the ordinary watercourse, subject to that suitable attenuation was provided and the water was piped.
- 6.27 Following the committee meeting in August, the applicant has provided a detailed surface water drainage scheme comprising a drainage layout plan, micro drainage details and details of the proposed attenuation options for each plot. These details were assessed by the LLFA whom confirm that the submitted details are acceptable and they have no objections with regards to the approval of this application, subject to the imposition of two conditions in respect of the future maintenance and operation of the surface water systems, and construction surface water management.



- 6.28 As for foul water disposal, the applicant proposes to discharge foul water through mains sewers. In order to do so, a private pumping station with rising main will be required to be installed to discharge foul water from the development site through the existing mains sewer system. United Utilities (UU) were consulted and they have raised no objections to the proposed method of foul drainage, subject to the imposition of conditions which require that no surface water is permitted to drain directly or indirectly into the public sewer, and that foul and surface water shall be drained on separate systems.
- 6.29 The concerns of the Parish Council and third parties are noted; however, in light of the consultation responses from both UU and the LLFA, the proposed means of foul and surface water disposal are considered acceptable.
- 6.30 Some objections raised that the owner/tenant of the adjacent fields might not allow access for pipes or culvert. Whilst this a civil issue, if the approved drainage scheme cannot be delivered, an alternative scheme will be required to progress the development.

## **6. Issues Regarding Trees**

- 6.31 Policy GI6 of the local plan seeks to ensure that proposals for new development provide for the protection and integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.32 The City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.33 As noted by the Parish Council and third parties, 4no. oak trees were felled prior to the submission of this application. That being said, these trees were not previously protected by any Tree Preservation Orders (TPO), nor is the site situated in a conservation area. Consequently, the applicant will not need to notify the Council prior to the removal of these trees. According to the applicant, a notice had been served to the land owner prior to the removal of these 4no. Oak trees.
- 6.34 Upon the notification by third parties, the Council's Tree Officer undertook an assessment to the remaining trees on site, and subsequently confirmed a group TPO on 6no. trees, of which 2no. of them are located within the development site, with the remaining 4no. trees located at the adjacent field.
- 6.35 As part of the application, the applicant has commissioned Westwood

Landscape to undertake a tree survey to examine the remaining trees within the application site. Both the tree survey report and the landscape plan illustrate that all the existing trees and hedgerows around the development site will be retained.

- 6.36 In light of the loss of trees within the development site, the applicant has agreed to replant 5no. garden trees within the development site and 3no. Oak trees at the boundary of the adjacent field. According to the submitted details, the proposed trees will be approximately 2.5m tall when planted. The proposed arrangement is considered acceptable and it is considered that the replacement trees will lead to a positive contribution to the visual amenity of the area.
- 6.37 Taking into consideration the footprints of the proposed dwellings, it is considered that the roots of the retaining trees will unlikely be affected by the proposal. To ensure that no retaining trees will be affected by the proposal, conditions are recommended to be imposed to restrict that tree protective fencing is to be erected and maintained outwith all root protection areas, and that no excavation, tipping, stacking or compaction of the ground within the root protected area may occur.

## **7. Provision Of Affordable Housing**

- 6.38 The application site falls within Affordable Housing Zone B. However, since this application is for less than 11 residential units, there would be no affordable housing requirement.

## **8. Impact Of The Proposal On Biodiversity**

- 6.39 The application site is currently grazing land and has limited ecological value. With the planting of additional trees and hedgerows, it will help to enhance biodiversity in the area.
- 6.40 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England it is unlikely that the proposed development would harm protected species or their habitat. To further protect biodiversity and breeding birds, informatics are recommended within the decision notice, drawing the applicant's attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010.

## **9. Other Matters**

- 6.41 In respect of the 2015 application which sought outline planning permission with all matters reserved for a further application. Accordingly, the submitted drawings in respect of scale and layout of the dwellings were indicative only. The application now before Members seeks full planning permission and has to be considered on its own merits.
- 6.42 The applicant has commissioned GEO Environmental Engineering to

undertake a Preliminary Environmental Risk Assessment, and it is not considered that there are any ground contamination or environmental risks associated with the application site.

## **Conclusion**

- 6.43 The principle of residential development in this land has already been established under planning permission 15/1051. The scale and design of the proposed dwellings would be appropriate to the site and would not have an adverse impact on the character or appearance of the area.
- 6.44 Given the location of the application site in relation to neighbouring residential properties, the proposal would not have a detrimental impact on the living conditions of the occupiers of any neighbouring properties on the basis of loss of light, overlooking or over dominance. Furthermore, to mitigate for any unacceptable noise, dust or vibration disturbance during construction, it is suggested that conditions with regard to construction hours limit and construction management plan are to be imposed.
- 6.45 The proposed means of foul and surface water disposal are considered acceptable. The proposal will not have a detrimental impact on highway grounds, existing trees, hedgerows or biodiversity.
- 6.46 Overall, the application is considered to be in full accordance with both local and national planning policies. Therefore, it is recommended that this application is approved with conditions.

## **7. Planning History**

- 7.1 The following applications are considered to be relevant to the assessment of this application:

(15/1051) Erection Of Dwellings (Outline with all matters reserved). This outline application was approved on 18/03/2016.

## **8. Recommendation: Grant Permission**

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form, received 14 Aug 2019;
2. the Location and Block Plan (Dwg No. GO/LBP/e), received 5 Nov

- 2019;
3. the Visibility Splay Plan (Dwg No. GOVS), received 6 Aug 2019;
4. the Elevation Plan for Plots 1&2 (Dwg No. GOTBBE (1/2)), received 6 Aug 2019;
5. the Floor Plan for Plots 1&2 (Dwg No. GOTBB (1/2)), received 6 Aug 2019;
6. the Elevation Plan for Plots 3&4 (Dwg No. GOTBBE (3/4)), received 6 Aug 2019;
7. the Floor Plan for Plots 3&4 (Dwg No. GOTBB (3/4)), received 6 Aug 2019;
8. the Elevation Plan for Plot 5 (Dwg No. GOFBE (5)), received 6 Aug 2019;
9. the Floor Plan for Plot 5 (Dwg No. GOFBD (5)), received 6 Aug 2019;
10. the Garage Plan for Plot 5 (Dwg No. GOG(5)), received 16 Aug 2019;
11. the Elevation Plan for Plots 6&7 (Dwg No. GOTBBE (6/7)), received 6 Aug 2019;
12. the Floor Plan for Plots 6&7 (Dwg No. GOTBB (6/7)), received 6 Aug 2019;
13. the Tree Constraints Plan (Dwg No. L02), received 17 Jun 2019;
14. the Landscaping Plan (Dwg No. GO/LP/B), received 5 Nov 2019;
15. the Root Protection Area Fencing Specification, received 15 Apr 2019;
16. the Percolation test report, received 25 Jun 2019;
17. the Proposed Drainage Layout Plan (Dwg No. 1909-22-001 Rev B), received 24 Oct 2019;
18. the Proposed Attenuation Options, received 24 Oct 2019;
19. the Mirco Drainage Details (Plot 1), received 24 Oct 2019;
20. the Mirco Drainage Details (Plot 2), received 24 Oct 2019;
21. the Mirco Drainage Details (Plot 3), received 24 Oct 2019;
22. the Mirco Drainage Details (Plot 4), received 24 Oct 2019;
23. the Mirco Drainage Details (Plot 5), received 24 Oct 2019;
24. the Mirco Drainage Details (Plot 6), received 24 Oct 2019;
25. the Mirco Drainage Details (Plot 7), received 24 Oct 2019;
26. the Mirco Drainage Details (Road), received 24 Oct 2019;
27. the Design and Access Statement, received 14 Aug 2019;
28. the Desk Top Study Land Contamination Assessment, received 15 Apr 2019;
29. the Notice of Decision; and
30. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained to the satisfaction of the Local Planning Authority and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is complete.

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

of highway safety, to support Local Transport Plan Policies: LD5, LD7, LD8.

4. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to and approved in writing by the local planning authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety. To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5.

5. The development shall not commence until visibility splays providing clear visibility of 60 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

6. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

**Reason:** To ensure that the access roads are defined and laid out at an early stage, and to support Local Transport Plan Policies: LD5, LD7, LD8.

7. The main access drive 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. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

8. 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, and to support Local Transport Plan Policies: LD7, LD8.

9. Footways shall be provided along the southwest boundary of the site. The dwellings shall not be occupied until a means of vehicular access has been constructed in accordance with the details as shown on the Block Plan (Dwg no. GO/LBP/e, received 5 Nov 2019).

**Reason:** To ensure a suitable standard of vehicular access in the interests of highway safety, and to support Local Transport Plan Policies: LD5, LD7, LD8.

10. Full details regarding the surfacing of the access road and driveways for each plot 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 and to support Local Transport Plan Policies: LD7, LD8.

11. No development shall commence until details of the future maintenance and operation of the surface water systems are agreed in writing with the local planning authority.

**Reason:** To ensure the surface water system continues to function as designed, and in accordance with the NPPF, NPPG and the objectives of Policy CC5 of the Carlisle District Local Plan 2015-2030.

12. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

13. Foul and surface water shall be drained on separate systems. The dwellings hereby permitted shall not be occupied until the approved works for the disposal of foul sewage and surface water have been fully carried out and completed.

**Reason:** To manage the risk of flooding and to ensure that adequate drainage facilities are available in accordance with the objectives of Policy IP6 of the Carlisle District Local Plan 2015-2030.

14. The proposed trees and hedgerows (as shown within the Landscaping Plan (Dwg No. GO/LP/B , received 5 Nov 2019)) shall be planted no later than the first planting season following the completion of the development. Any replacement trees which, within a period of five years from the completion of the planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect and enhance the character of the site and the area, and to ensure its appearance is satisfactory, in accordance with the objectives of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

15. For the duration of the development works, all existing trees on site shall be protected by tree protective fencing erected and maintained outwith all root protection areas (as indicated on the submitted Tree Constraints Plan (Dwg no. L02), received 17 Jun 2019). The specification for the tree protective fencing must conform to BS5837:2012 Trees in relation to Construction – recommendations, and within all root protection areas, there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect trees and hedges during development works and in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

16. Development shall not be begun until a Construction Phase Traffic Management Plan (CPTMP) has been submitted to and approved in writing by the local planning authority. The CPTMP shall include details of:
1. details of proposed crossings of the highway verge
  2. retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development
  3. retained areas for the storage of materials
  4. cleaning of site entrances and adjacent public highway
  5. details of proposed wheel washing facilities for vehicles leaving the site
  6. the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway
  7. construction vehicle routing
  8. construction hours
  9. implementation of noise mitigation measures i.e. use of noise attenuation barriers, storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible
  10. provision and use of water suppression equipment
  11. covering of 'dusty' materials

**Reason:** To protect the living conditions of the occupiers of the adjacent residential properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

17. No work associated with the construction of the dwellings hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

18. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

**Reason:** To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

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

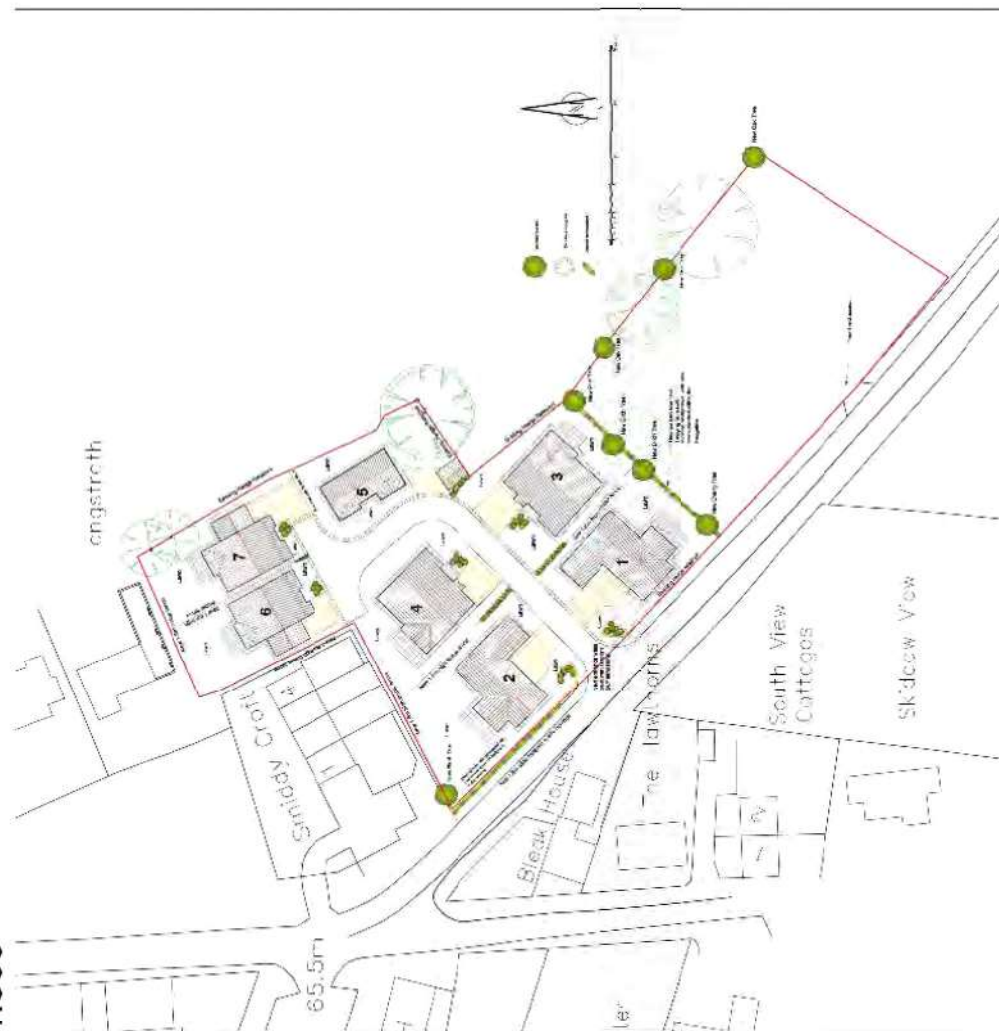
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

---



1:500



1 Two detached branches (1 and 2) branching from 1 and 2

2 Root branching into three paths (1, 2 and 3) with 3 branching into 3a and 3b

3 Root branching into two paths (1 and 2) with 2 branching into 2a and 2b

4 Root branching into two paths (1 and 2) with 1 branching into 1a and 1b, and 2 branching into 2a and 2b

5 Root branching into two paths (1 and 2) with 1 branching into 1a and 1b, and 2 branching into 2a and 2b, with a dashed line indicating a connection between 1b and 2a



## Location/Block Plan

## INTRODUCTION

PROJECT:

David H. Great Orlon  
Great Orlon, Carlisle, CA 95617

**DRAWING:**

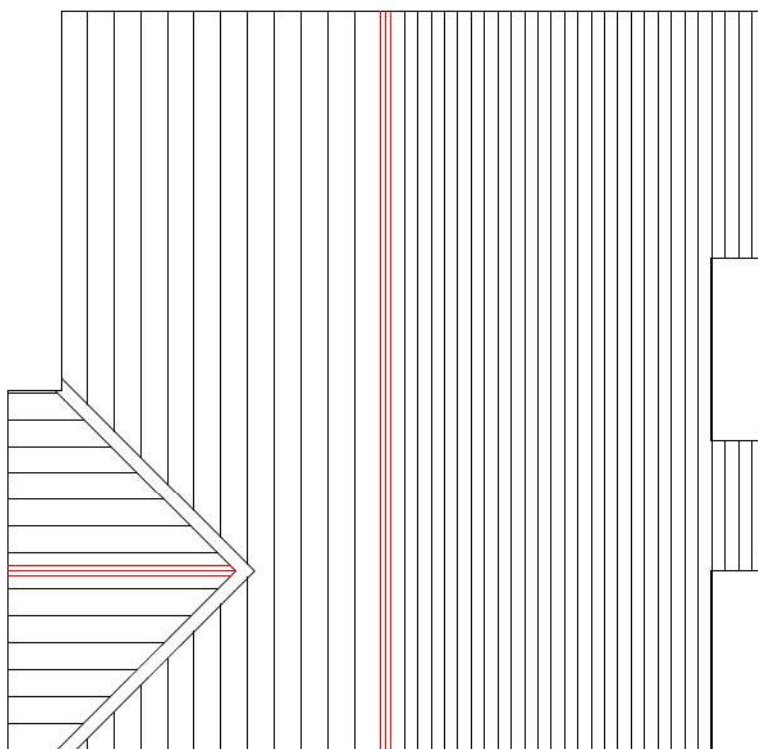
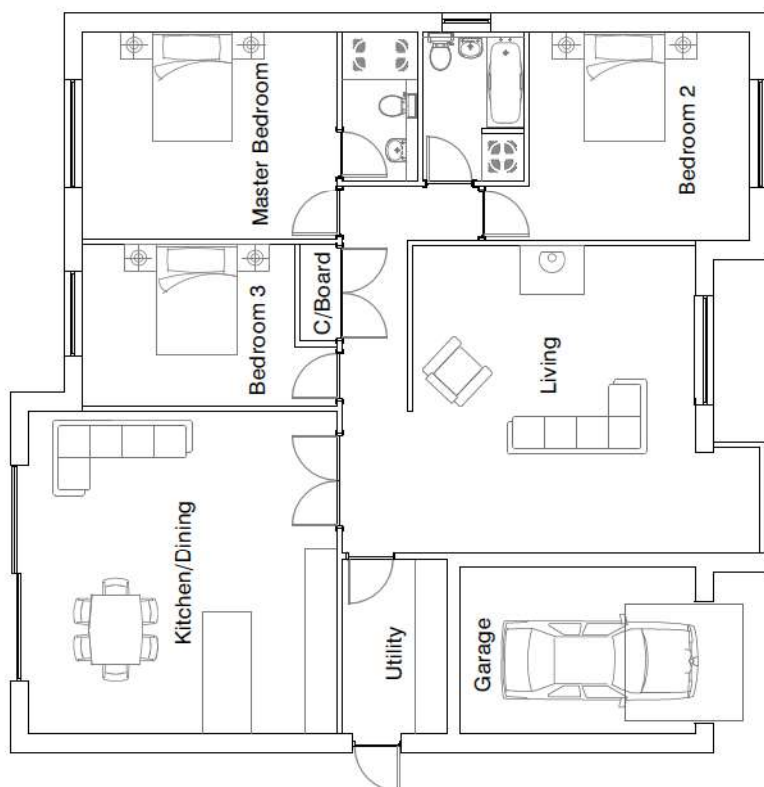
Great Ocean Block Plan

DOC NO: GO/LBP/e

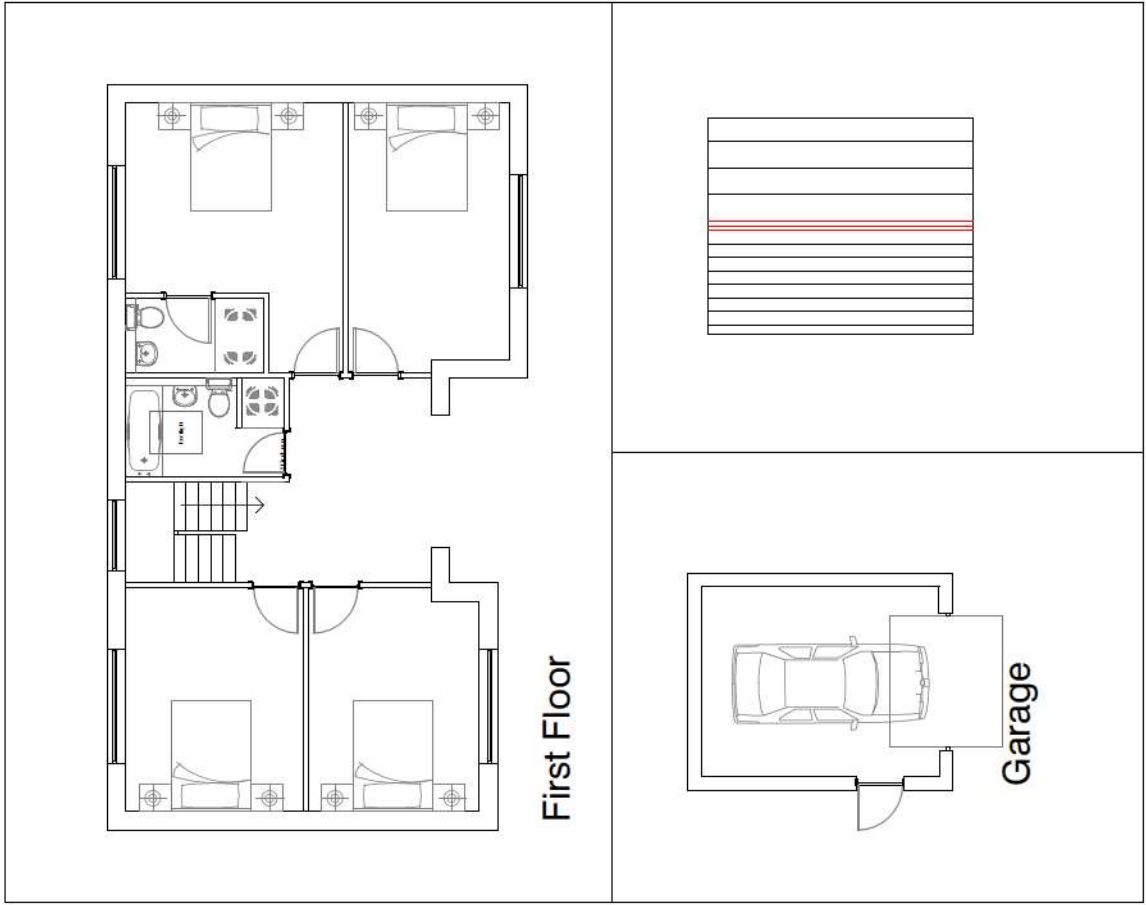
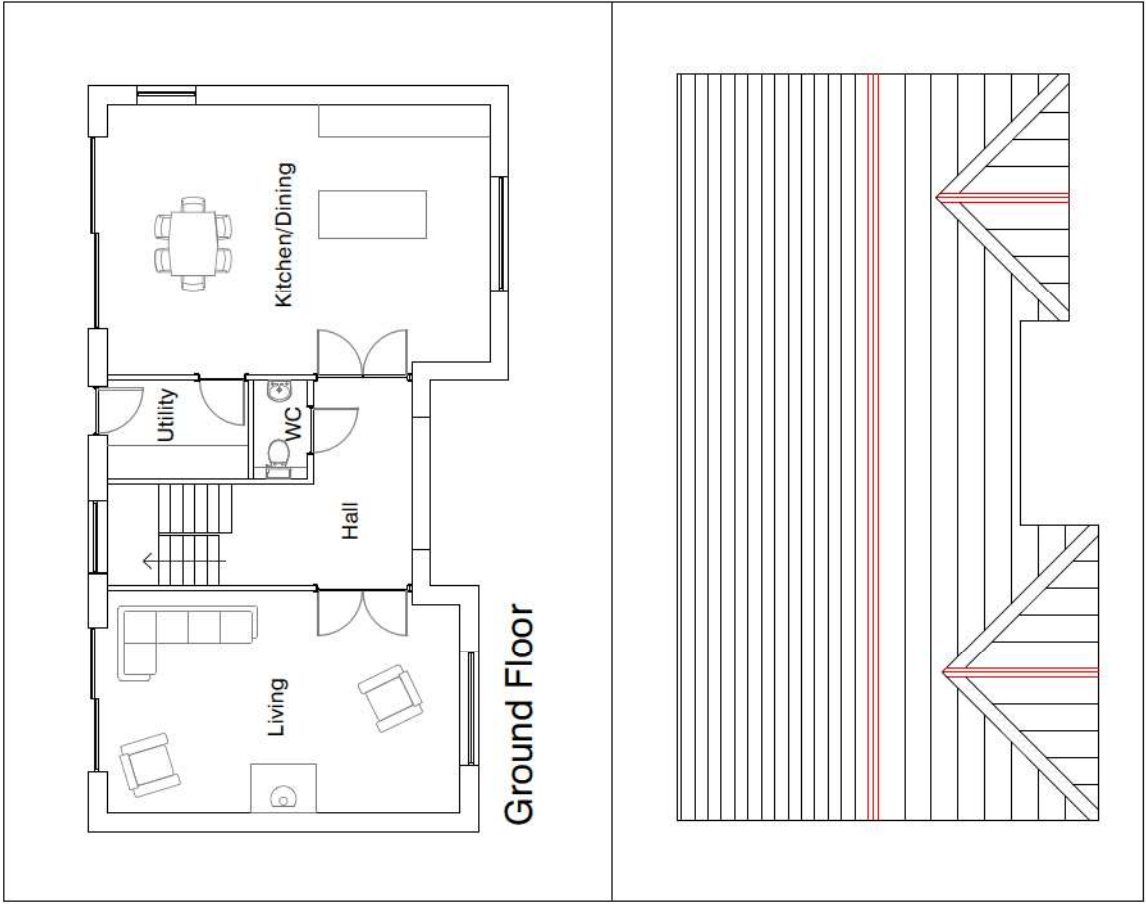
Scale: Assisted on A1 Date: 05/11/09











<b>Domer Bungalow (5)</b>	
Client	Mr & Mrs Smith
Project No	12345678
Project Name	Domer Bungalow
Project Location	123 Main St, London
Project Status	Completed
Project Date	2023-10-27
Project By	GOBBD(5)
Project For	Mr & Mrs Smith
Project Total	100





Materials  
 White "parex" render  
 Random buff sandstone to front section indicated  
 Buff sandstone surrounds to front elevation and sills to rear and side elevations  
 Grey slate roof  
 Anthracite grey fenestration  
 Anthracite grey gutters and downpipes  
 Anthracite grey garage door



Plot 5 Elevations	
Drawn by	01/01/2024
Checked by	01/01/2024
Approved by	01/01/2024
Project Name	Plot 5 Elevations
Project No.	01/01/2024
Project Date	01/01/2024
Project Status	01/01/2024
Project Location	01/01/2024
Project Description	01/01/2024
Project Contact	01/01/2024
Project Notes	01/01/2024
Project Comments	01/01/2024
Project Actions	01/01/2024
Project History	01/01/2024
Project Version	01/01/2024
Project Author	01/01/2024
Project Reviewer	01/01/2024
Project Approver	01/01/2024
Project Sign-off	01/01/2024
Project Release	01/01/2024
Project Close	01/01/2024







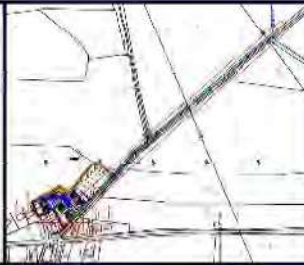
Material	Prep	Estimate	Order	Typical Size for the Cells	Cells in System	Flow (GPM)	Pressure Drop (ft)	Prognosis	Future demand (GPM)
1	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
2	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
3	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
4	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
5	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
6	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
7	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
8	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
9	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
10	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
11	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
12	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
13	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
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15	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
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19	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
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26	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
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98	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
99	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000
100	1000	0.75	1	3.0 x 3.0 x 1.0 ft (100 gal)	Removable Vess.	3000-25000	70-5000	OK	10000

GENERAL NOTES

24. *Chlorophyll* is a green substance which is essential for all living plants. It is found in all green plants and is responsible for the green color of leaves. It is a pigment that captures light energy and converts it into chemical energy through the process of photosynthesis. It is found in the chloroplasts of plant cells.

### DRAINAGE NOTES

- [illegible]



REV	DATE	DETAILS	INITIALS
1	01/01/19	for 5 items identified in serial copy procedure	Tracy
2	07/07/19	1 is added to suit overall objective of 2,0 lines/second	J.L.



**JDP TECHNICAL SUPPORT**  
Toumazat, Langlois, Carrière, Curroia C&E S.L.  
Téléphone: 01 228 791503  
Email: [technical.support@jdpipes.co.uk](mailto:technical.support@jdpipes.co.uk)  
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11

### Proposed Drainage Layout

1909-22-001

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466
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## Analysis Properties, Great Unions

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- All perimeter planting to be grey "horn" status (200000m x 60000m)
- All driveway to be labelled "Pavers", "natural" random block pavers
- Access road to be for terraced area
- All rear boundaries to be 1.8m high timber fence/unless otherwise stated
- All front boundaries to be hedging Prunus laurastina
- All grassed areas to be prepared and sown with quality lawn seeds from April to September. Solway turf to be laid during dormant months. Soil must be suitably fertilised prior to seeding
- Hedge removal to the access must include a bird survey to ensure no nesting birds are present within the hedge before removal. If nesting birds are found during this investigation, the hedge must be left in place until all birds have vacated the nest.
- All painting areas must be suitably prepared and fertilised before planting, with a layer of quality mulch applied after planting.

Planting areas to include the following plants:

- Front hedging to be Prunus laurastina 3 litre pots @ 40/metre
- New boundary hedging to be conservation mix to match existing, planted as whips in dormant season (Nov-March)
- New trees will be 10x1/250 cm (NW compartment Birch (Betula pendula), Cherry (Prunus avium), English Oak (Quercus robur) and Scots Pine (Pinus Sylvestris), as indicated on landscaping plan
- Plot planting areas to include:
  - 12x100 cm (3 litre pots)
  - 12x100 cm (3 litre pots)
- All plants to be planted at 3 no. per square metre density.

All contractors to receive clarification regarding RPA's and this plan must be read in conjunction with the RPA protection measures guide





## SCHEDULE A: Applications with Recommendation

19/0234

Item No: 03

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0234

**Applicant:**  
Carlisle City Council

**Parish:**  
Carlisle

**Agent:**  
WYG Group Ltd

**Ward:**  
Cathedral & Castle

**Location:** Civic Centre, Rickergate, Carlisle, CA3 8QG

**Proposal:** Demolition Of Rotunda And Extension Of Existing Car Park

**Date of Receipt:**  
20/03/2019

**Statutory Expiry Date**  
15/05/2019

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

The application was deferred at the June meeting of the Development Control Committee due to concerns from Members about the design of the proposed replacement car park. The applicant has amended the proposals in light of the committee's concerns and a revised car park layout, proposed landscaping scheme and artist's impression have been received.

The following sections of the report have been amended to reflect the submission of amended plans:

- The Proposal (paras 3.6 to 3.9);
- Summary of Representation (para 4.2) (a letter of objection has been received)
- Impact Of The Proposal On The Civic Centre/ City Centre Conservation Area (paras 6.12, 6.18, 6.19 (last bullet point), 6.26 and 6.28;
- Impact On Listed Buildings/ Non-designated Heritage Assets (para 6.34);
- Flood Risk/ Drainage (para 6.38);
- Biodiversity (para 6.45)

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impact Of The Proposal On The Civic Centre/ City Centre Conservation Area
- 2.2 Impact On Listed Buildings/ Non-designated Heritage Assets

- 2.3 Flood Risk/ Drainage
- 2.4 Designing Out Crime
- 2.5 Biodiversity
- 2.6 Other Matters

### **3. Application Details**

#### **The Site**

- 3.1 The Civic Centre is a large modernist structure that lies within Carlisle City Centre Conservation Area. It opened in 1964 and has been the headquarters of Carlisle City Council ever since.
- 3.2 The Civic Centre comprises three main linked elements: an eleven-storey tower; a two-storey civic suite which incorporates the main entrance; and an octagonal building (also known as the rotunda) which contains the Council chamber. The rotunda is a three-storey structure comprising a basement, ground floor and first floor (with the first floor having a balcony level). The basement and ground floor are currently unoccupied following flooding in 2015. The original scheme for the Civic Centre included the construction of a large assembly room to the south of the complex which would have formed a piazza but this was never built.
- 3.3 The architectural style of the Civic Centre is characterised by simple, plain, geometric forms. Similar to other modernist structures, the Civic Centre is characterised by the use of reinforced concrete and steel with large windows set in horizontal bands. The rotunda is constructed of reinforced concrete with concrete floor slabs and a flat roof.
- 3.4 The ground floor of the building was flooded in 2015 and has been out of use ever since, with temporary portacabins being used to provide additional floor space.
- 3.5 The Civic Centre building is adjoined by a car park to the south, beyond which lies Drovers Lane and a Debenhams department store; by Rickergate to the west beyond which lies the Magistrates Court and Ristorante Adriano; by Hardwicke Circus roundabout to the north; and by Lowther Street Car Park to the east.

#### **The Proposal**

- 3.6 The application is seeking planning permission to:
  - demolish the rotunda and the link to the two-storey civic suite;
  - make good and repair the south elevation of the two-storey civic suite where the link to the rotunda is proposed for removal;
  - create a civic square;
  - extend the existing surface car park onto land currently occupied by the rotunda and the lawned area (which contains two trees) to the east of the portacabin.

- 3.7 Following concerns by Members about the replacement car park the scheme has been amended to provide a civic square and additional landscaping around the western, southern and eastern sides of the car park.
- 3.8 The civic square would be located to the west of the current rotunda and would contain a raised platform in the centre which would be contain four flag poles in the corners to define the space. A plinth would be located in the centre of the square and this could be used to display public art and the current drawings indicate alternatives such as a sculpture, the civic coat of arms within a paving mosaic or carving with the motto 'be just and fear not'. LED uplighters would be used to highlight the central feature. The centre of the square would be paved to match in with the pedestrian ramp that is being created to the front of the Civic Centre. The square would be enclosed by a combination of trees and shrubs that would be planted along the eastern and western sides of the square . An interpretation board would be provided at the entrance to the square and this could provide information about the history of the rotunda.
- 3.9 One issue that concerned Members was the view of the Civic Centre (following the removal of the rotunda) for people approaching the building from the City Centre. This revised scheme is seeking to provide additional landscaping adjacent to Rickergate. An evergreen hedge would be planted adjacent to Rickergate, along with some mature trees and shrubs. Additional trees planting would also take place along Drovers Lane (in the existing landscaped area) and in the existing landscaped area to the east of the car park.
- 3.10 A Demolition Method Statement has been submitted with the application.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to three neighbouring properties. One letter of objection has been received from Cllr Bainbridge which raises the following concerns:

- disagrees with the removal of the two trees and the small lawned area for the sake of a few extra car parking places. They add a small green element to the current site and are a small amenity area in an oasis of tarmac and concrete. To remove them would be a retrograde step - they have several years of life expectancy ahead of them and trees of this size are rare in the city centre. Would be more comfortable if they were retained. People would rather see the trees kept than 12 additional car parking spaces. An assessment should be made as to whether they are eligible for a TPO;

- motorcycle parking was established at the Civic Centre as a result of a public petition 11 years ago. The current layout makes no provision for motorcycle users - a revised layout could make some motorcycle provision;

- the assumption has been made that the rotunda is unlettable in today's market and it has been mentioned that it has been marketed through agents
- but have never seen any mention of this site for let. Requested an explanation as to the precise methods used by the Council and agent to promote the site. The Council should be subject to the same rigors (if not more) of proving market demand as other applicants. The ground floor could be a potential crease/ nursery.

4.2 Following the deferral of the application one letter of objection has been received which raised the following concerns:

- The Octagon should remain as an iconic part of The Civic Centre. Sir Nicholas Pevsner acclaimed that the building, which was built in 1964, to be a true representation of its time and Copplestone's sculptured panel within the building is unique depicting the City's 1,000 years history;
- without The Octagon the building would be gaunt, unfinished in appearance and a blot on the landscape;
- with a few minor interior alterations (e.g. heating, acoustics and audio system) new life can be engendered into the building that is flood-proof unlike the proposed redevelopment.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to conditions (Construction Phase Traffic Management Plan and Surface Water Drainage Scheme);

**Cumbria Constabulary - North Area Community Safety Unit:** - does not consider that this development would create any appreciable crime risk. The present car park is well used and generates plenty of legitimate activity and casual supervision. The extension would be in view of the CCTV camera mounted on the Magistrates Court building. There are also some natural surveillance opportunities from the upper levels of the Civic Centre and pedestrian traffic using Drovers Lane and Lowther Street;

**Northern Gas Networks:** - no objections;

**Environment Agency:** - no objections - the proposed development would not be at an unacceptable risk of flooding or exacerbate flood risk elsewhere;

**Environment Agency - Environmental Crime Team:** - no comments received;

**Twentieth Century Society - Amenity:** - no comments received;

**United Utilities:** - no objections subject to conditions;

**Carlisle & District Civic Trust:** - it appears to have been missed that the building design was "Commended" in the 1966 National Civic Trust Awards representing the North West Region. Proposals arose in 2014 when a consultation by the Council revealed one option under consideration was for



demolition and substitution by a retail development scheme. Dis-affection was noted but also many spoke up in favour of retention of the building and its quality such as Alex Kolombos, from Wells, who regarded the building as a “true beauty” with “wonderful interior spaces” and also Tilly Hemingway who went on record as saying “I think Carlisle Civic Centre is a magnificent example of mid-century modern architecture and an important piece of British design history”. It is doubtful that public opinion will have changed greatly in the last 5 years.

A City should reflect its development and history through its architecture but it is not just that good examples are retained but how they appear cared for that can send a strong message to citizen and visitor alike as to how a community sees itself.

The Trust is opposed to the partial demolition of the Civic Centre complex. Its significance as a non-designated heritage asset is far higher with the retention of the design's original concept – the main tower block or 'secretariat' the committee rooms for democratic interaction which both culminate visually and purposefully in the Council Chamber rotunda. As our working guidance suggests the completeness of a building concept is of great importance and the loss of the rotunda as the focus of the Civic statement would be significant.

We are not convinced by the flooding justification. As originally built the rotunda was elevated off the ground on stilts (more recently in filled) which, we would argue, was probably a concept that may well have been appropriate for the whole complex given its location within the Eden flood plain sitting on Robert Smirke"s second 5 arch bridge of 1815 filled in during the 19 century.

Neither the Written Statement or the Heritage Statement adequately justify this damage to what may become an important survivor of the modern movement era. History always reminds us that where pride and quality are acknowledged at completion demolition without a rounded, balanced, argument often leads to regret and lost opportunity. We urge the Council to re-consider its proposals and retain the rotunda and not destroy part of this nationally commended building.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) 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 indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP1, SP4, SP6, SP7, HE3, HE7, CC4, CC5, CM3, CM4, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Documents Trees and Development and Designing Out Crime are also material planning considerations.

- 6.3 The proposal raises the following planning issues.
1. Impact Of The Proposal On The Civic Centre/ City Centre Conservation Area
- 6.4 The existing rotunda is no longer fit for purpose for use as a modern, multi-functional civic space. The design of the rotunda prevents easy access by all members of the public. The fixed circular seating arrangement does not allow for other flexible uses or conferences. The structure is not energy efficient and is uncomfortable to sit in for extended periods of time. The acoustics within the building are poor. A new multi-functional civic suite is to be provided within the Civic Centre and this would allow occupation, use and enjoyment by a large range of groups and members of the public.
- 6.5 The application is accompanied by a Built Heritage Statement (HS). An application to consider the Civic Centre for listing was made to Historic England in 2007. After considering the architectural and historic interest of the building it was concluded that the building did not meet the relevant criteria for listing. The building is, therefore, considered to be a non-designated heritage asset, with a low heritage value.
- 6.6 The structural frame of the rotunda comprises twenty-four rectangular columns, which extend through the council chamber. When the rotunda was constructed the ground floor was partially open and pedestrians could walk through the structure at ground floor level. This area, and the connecting link, have been infilled which has resulted in the loss of this permeability and the HS considers that this has partially compromised the original concept of the freestanding octagonal council chambers.
- 6.7 The rotunda contains a back-lit bas-relief in fibrous plaster by F. Trewin Copplestone which depicts elements of the city. Whilst this artwork is of interest, its artist is not renowned on a national level.
- 6.8 The original scheme for the Civic Centre included the construction of a large assembly room to the south of the complex which would have formed a piazza but this was never built. The hard landscaping to the south of the building has been removed and replaced with car parking, which has changed the immediate setting of the rotunda in particular.
- 6.9 The HS considers that overall whilst the Civic Centre has some heritage value this is considered to be low. The HS considers that the significance of the Civic Centre is considered to derive from: its association with post-war building of large modern civic centres to emphasise civic pride, identity and the progressive nature of local authorities; its competent modernist design and some internal features of interest which have been retained; and its role as an important public building within Carlisle.
- 6.10 Demolition of the rotunda would impact on the heritage significance of the Civic Centre by removing a key element of the building. However, the HS considers that the overall impact would be low. The original scheme design

was never completed and the original concept of an independent free standing octagonal council chamber has already been partially compromised through the infilling of the original ground floor beneath the council chamber and around the connecting link.

- 6.11 Prior to any demolition works taking place, a Historic Building Record would be undertaken to document the structure. This should include a photographic survey. The back-lit bas-relief would be removed from the rotunda prior to its demolition and relocated to a suitable location elsewhere within the Civic Centre where it can be seen by the general public. The south elevation would be made good and repairs would be in keeping with the character of the Civic Centre.
- 6.12 The HS considers that the replacement of the rotunda with an area of surface car parking would do little to improve the setting of the Civic Centre but considers that the overall resulting negative impact on the heritage significance of the Civic Centre is considered to be low. It should be noted that the proposal is now seeking to provide a civic square as well as additional car parking spaces and to increase the landscaping around the periphery of the car park. This would improve the setting of the Civic Centre, particularly when viewed from the approach from the City Centre.
- 6.13 The application site is located within the City Centre Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
- "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".*
- 6.14 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.15 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.16 The HS considers that the rotunda makes a neutral contribution to the character and appearance of the City Centre Conservation Area. Whilst the Civic Centre (and rotunda in particular) is competently designed it does not form the centre piece of a well designed civic quarter but rather sits awkwardly on the periphery of the city centre. The original scheme was not fully implemented resulting in an incomplete plan form and an unbalanced architectural composition. A piazza and a large assembly hall proposed as part of the original scheme design on land currently occupied by the car park did not materialise. As a result, the rotunda is a slightly isolated element

rather than forming part of the piazza as originally intended.

- 6.17 In townscape terms the rotunda acts as a landmark building mainly due to its unusual shape and detailing with its octagonal plan form and castellated roof finish. However, the rotunda fails to positively address the surrounding streetscape at ground floor level and does not provide any overlooking or animation of the public realm. The existing surface car park makes a negative contribution to the character and appearance of the conservation area, although the trees within the car park provide some limited greenery in this part of the conservation area.
- 6.18 The HS considers that the removal of the rotunda and its replacement with surface parking (along with changes to the existing car park, including the removal of two trees) would result in a negative impact on the character and appearance of the conservation area. However, in NPPF terms it is considered that the overall degree of harm would result in a negligible level of less than substantial harm. The proposal would now incorporate a civic square and additional landscaping which would reduce the impact on the character and appearance of the conservation area.
- 6.19 The Council's Conservation and Urban Design Officer has been consulted on the application. He has concluded that:
- Historic England, in their 2008 report, conclude that the building complex does not meet the strict standards required for national significance and listing. Its merit however is clearly set out, and this is corroborated by Pevsner's assessment of the value of the building;
  - The building sits within the City Centre Conservation Area, as extended in 2009. The Civic Centre is one of the more notable buildings within this extended area. Any loss of a building or part of a building of this scale will have an impact on the Conservation Area. While the loss to the Conservation Area as a whole may be less than substantial it is not negligible or neutral. The proposed car parking and the loss of trees can only be seen as not compliant with the planning policy and neither preserve nor enhance the Conservation Area.
  - The removal of the octagon portion of the Civic Centre can only be described as being of substantial harm to the Civic Centre building complex which is recognised as an undesignated heritage asset.
  - The scheme at present has an unacceptably damaging impact on the character and appearance of the Civic Centre building complex and constitutes substantial harm to the building. The proposed car parking will have a further detrimental impact on the Conservation Area, denuding it of its present limited tree cover and introducing an unbroken expanse of car parking. The proposals are not compliant with the need to give 'special attention to the desirability of preserving or enhancing the Conservation Area, nor to the policy considerations highlighted above – in particular HE7.
  - Constructively, consideration could be given to the removal of the piloto

infills to enable parking within the undercroft space (allowing for enhanced access to the building via the existing staircase and possible DDA compliant access), coupled with additional substantial tree planting to mitigate the impact of the already poor appearance of the existing car park.

- The Heritage Officer has confirmed that his advice has not changed following the submission of the amended plans. The provision of perimeter fastigate flowering cherry trees does not compensate visually for the loss of the existing large trees on the current grassed area of the site. The 2m-3.5m growth of typical fastigate cherry trees (after 10 years) is unlikely to be a visual match for the present trees with their possible 35 mature height. The extensive central car parking area remains unplanted and visually bleak.

- 6.20 The Carlisle and District Civic Trust notes that the building design was commended in the 1966 National Civic Trust Awards and considers that the building offers at least a medium level of significance in the city. The Trust is opposed to the partial demolition of the Civic Centre complex. Its significance as a non-designated heritage asset is far higher with the retention of the design's original concept – the main tower block and committee rooms both culminate visually and purposefully in the rotunda. The completeness of a building concept is of great importance and the loss of the rotunda as the focus of the Civic statement would be significant.
- 6.21 The Trust is not convinced by the flooding justification. As originally built the rotunda was elevated off the ground on stilts (more recently infilled) which was probably a concept that may well have been appropriate for the whole complex given its location within the Eden flood plain sitting on Robert Smirke's second 5 arch bridge of 1815 filled in during the 19 century.
- 6.22 The Trust does not consider that the Written Statement or the Heritage Statement adequately justify this damage to what may become an important survivor of the modern movement era. History always reminds us that where pride and quality are acknowledged at completion, demolition without a rounded, balanced, argument often leads to regret and lost opportunity. The Trust urges the Council to re-consider its proposals and retain the rotunda and not destroy part of this nationally commended building.
- 6.23 The Civic Centre is a non-designated heritage asset. Paragraph 197 of the NPPF deals with non-designated heritage assets. It states that "in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". Paragraph 198 of the NPPF seeks to ensure that new development will proceed after the loss has occurred, whilst Paragraph 199 of the NPPF seeks to ensure that developers record any heritage assets to be lost.
- 6.24 The building suffers from poor access, poor energy efficiency and low levels of comfort and the current layout does not allow for the flexible use of the space. The building is no longer required by the Council and it has been marketed for alternative uses without success. Given the current issues with the building, significant investment would be required to reuse the building

for an alternative use.

- 6.25 Whilst demolition of the rotunda would impact on the heritage significance of the Civic Centre by removing a key element of the building the loss of the rotunda is considered to be low. Prior to any demolition works taking place internal features of interest would be removed and relocated in the Civic Centre and a Historic Building Record would be undertaken to document the structure. The south elevation would be made good and repairs would be in keeping with the character of the Civic Centre.
- 6.26 The demolition of the rotunda would lead to less than substantial harm to the City Centre Conservation Area. Paragraph 196 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a non-designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would lead to the provision of a civic square, which would enhance the public realm adjacent to the building, some additional car parking spaces and additional landscaping around the periphery of the car park which would reduce the impact of the car park when viewed from outside the site.
- 6.27 Policy HE7 (Conservation Areas) of the adopted Local Plan states that new development and/or alterations to buildings in conservation areas should preserve or enhance the special character and appearance of the conservation area and its setting.
- 6.28 Whilst it is considered that the removal of the rotunda would not have an adverse impact on the character and appearance of the conservation area, its replacement by a car park and the loss of two mature trees would have a negative impact on the conservation area. In order to overcome this, the plans have been revised to enhance the public realm by providing a civic square, which would be enclosed by landscaping and by providing additional landscaping around the periphery of the car park. A hedge and trees would be planted along part of Rickergate, with additional trees being planted within the existing landscaped areas to the south and east of the car park. The proposed landscaping would be secured by condition.
- 6.29 In light of the above, it is considered that the proposal would not have an adverse impact on the Civic Centre or on the City Centre Conservation Area.

## 2. Impact On Listed Buildings/ Non-designated Heritage Assets

- 6.30 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

- 6.31 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.
- 6.32 Nos. 20-28 Scotch Street/ 1 West Tower Street and Carlisle Public Markets are Grade II Listed Buildings. The Civic Centre (including the rotunda) is visible from the front of these buildings and is considered to form part of the listed buildings wider setting (albeit only a small part of its wider setting).
- 6.33 The Carlisle and District Magistrates Court and the Old Fire Station which lie directly to the west of the Civic Centre are considered to be non-designated heritage assets. The Civic Centre (and rotunda) is visible from the Magistrates Court and is considered to form part of its setting.
- 6.34 The Heritage Statement notes that the Civic Centre (including the rotunda) forms a small part of the wider setting of 20-28 Scotch Street/ 1 West Tower Street, Carlisle Public Markets and the Magistrate's Court. However, the views between these buildings and the Civic Centre do not contribute to understanding the significance of these buildings and, as a result, the proposed demolition of the rotunda and the creation of a civic square and an extension of the car park would not impact negatively on their significance.
- 6.35 In light of the above, the proposals would not have an adverse impact on the setting of any listed buildings or non-designated heritage assets.

### 3. Flood Risk/ Drainage

- 6.36 The Civic Centre is located within a defended Flood Zone 3 area and in accordance with the NPPF a Flood Risk Assessment (FRA) has been submitted with the application.
- 6.37 The FRA notes that the site would be at risk of flooding from the River Eden if there were no defences. A residual risk remains in the event that the defences fail or are overtopped as occurred in December 2015. The site is at low risk of flooding from surface water, overland flows, sewers, groundwater and reservoir failure.
- 6.38 The existing car park, that serves visitors to the Civic Centre and the city centre would be extended and a civic square would be created. No other location would be suitable to extend the car park or to provide the civic square and it is, therefore, considered that the sequential test is passed.
- 6.39 As the proposal is seeking to remove a building and no additional buildings are proposed there is no requirement to provide flood compensatory storage. The buildings and car park are served by an existing drainage system that drains into the United Utilities combined sewer in Rickergate. It is proposed to restrict runoff rates from the proposed car park extension to 3 litres per second. No modifications to the existing drainage system serving the existing car park and the building are proposed.
- 6.40 The Lead Local Flood Authority (LLFA) has been consulted on the

application. The applicant has undertaken a survey of the existing drainage network associated with the rotunda and car park. The existing car park is drained via a series of gullies that discharge to the existing 450mm diameter public sewer in Rickergate which flows north into the River Eden. For the rotunda, there are two combined drains alongside the eastern and western parts of the building that discharge into the existing combined sewer in Rickergate.

- 6.41 In accordance with the drainage hierarchy stated within the Cumbria Development Design Guide 2017, the first method of surface water disposal to be explored is via infiltration. It is stated within the FRA that infiltration testing has been commissioned in order to confirm the suitability of infiltration methods within this site. In the event that these tests provide a positive result, then the drainage strategy is to be revisited to utilise infiltration techniques. However, no results have been provided by the applicant. These are required prior to any approval from the LLFA as it is currently proposed to discharge into the combined sewer on Rickergate at the same locations the previous land uses discharged to. The LLFA finds it acceptable that this information can be provided at a later date and this would be secured by condition.

#### 4. Designing Out Crime

- 6.42 The Crime Prevention Officer has been consulted on the application. He does not consider that this development would create any appreciable crime risk. The present car park is well used and generates plenty of legitimate activity and casual supervision. The extension would be in view of existing CCTV cameras. There are also some natural surveillance opportunities from the upper levels of the Civic Centre and pedestrian traffic using Drovers Lane and Lowther Street.

#### 5. Biodiversity

- 6.43 Two existing mature sycamore trees that lie to the east of the temporary portacabin would be removed, with a further sycamore tree that lies within the car park also being removed.
- 6.44 A Tree Survey has been submitted with the application. This identifies that the two trees adjacent to the portacabins are 25m and 32m high. One is categorised as of moderate quality and value, with the other being of moderate/ low quality. The tree within the car park is categorised as low value. The loss of the two trees adjacent to the portacabins would have a negative impact on biodiversity.
- 6.45 In order to mitigate for the loss of three trees a number of additional trees, some hedgerow and some shrubs are proposed to be planted around the civic square and around the edge of the car park these would be secured by condition.
- 6.46 In light of the above, the proposal would not have an adverse impact on biodiversity given the level of planting proposed.



## 6. Other Matters

- 6.47 The Local Highway Authority has requested further information on the number of construction vehicles entering the site per week, construction vehicle parking and a swept path analysis to ensure that all construction vehicles / HGVs can enter and leave the site in a forwards gear. This information can however be provided at a later date and a condition has been added to deal with this issue.
- 6.48 The current car park contains some motorcycle parking and the plans as originally submitted removed this provision. The plans have now been amended to provide some motorcycle parking within the car park.

### Conclusion

- 6.49 The scale and design of the proposed works would be acceptable and they would not have an adverse impact on the Civic Centre, the Carlisle City Centre Conservation Area, on any listed buildings, on any undesignated heritage assets, or on biodiversity. In all aspects, the proposal is compliant with the relevant national and local planning policies.

## 7. Planning History

- 7.1 Since 2010, a number of applications for roof mounted structures such as antenna, photovoltaic panels and generator equipment have been approved.
- 7.2 In February 2015, advertisement consent was granted for the display of 1no. internally illuminated LED sign (14/0914).

## 8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form, received 20th March 2019;
  2. the Block & Location Plans (drawing ref P101) received 20th March 2019;
  3. the Existing Car Park Plan (drawing ref E0011 Rev 01) received 20th March 2019;
  4. the General Arrangement Plan (drawing ref H.01 Rev T4) received 5th November 2019;

5. the Existing Ground Floor Plan (drawing ref E0001 Rev 01) received 20th March 2019;
6. the Existing North Elevation (drawing ref E0015 Rev 01) received 20th March 2019;
7. the Existing East Elevation (drawing ref E0014 Rev 01) received 20th March 2019;
8. the Existing West Elevation (drawing ref E0013 Rev 01) received 20th March 2019;
9. the Existing South Elevation (drawing ref E0012 Rev 01) received 20th March 2019;
10. the Proposed Ground Floor Plan (drawing ref P0001 Rev 17) received 20th March 2019;
11. the Proposed South Elevation (drawing ref P0038 Rev 01) received 20th March 2019;
12. the Proposed West Elevation (drawing ref P0039 Rev 01) received 20th March 2019;
13. the Proposed East Elevation (drawing ref P0040 Rev 01) received 20th March 2019;
14. the Proposed North Elevation (drawing ref P0041 Rev 01) received 20th March 2019;
15. the Flood Risk & Drainage Assessment (A095945-3 March 2019) received 20th March 2019;
16. the Flood Risk & Drainage Assessment Appendices received 20th March 2019;
17. the Built Heritage Statement (March 2019) received 20th March 2019;
18. the Tree Survey (Project no. EES19-015 20th March 2019 version No. v1) received 25th March 2019;
19. the Planning, Design & Access Statement (March 2019) received 20th March 2019;
20. the Rotunda Demolition Method Statement (13/03/2019) received 20th March 2019;
21. the Proposed Landscape Plan (drawing ref WW/L01C) received 5th November 2019;
22. the Notice of Decision; and
23. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Prior to their planting, details of the proposed trees to be planted shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within six months of the completion of the development. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policies GI6, HE7 and SP6 of the Carlisle District Local Plan 2015-2030.

4. Prior to the carrying out of any demolition work the existing rotunda building

shall be recorded in accordance with a Level 2 Survey as described by Historic England's document Understanding Historic Buildings A Guide to Good Recording Practice, 2016. Within 2 months of the commencement of construction works a digital copy of the resultant Level 2 Survey report shall be furnished to the Local Planning Authority.

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

5. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - Details of proposed crossings of the highway verge;
  - Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - Details of proposed wheel washing facilities;
  - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - Construction vehicle routing;
  - The management of junctions to and crossings of the public highway and other public rights of way/footway;
  - Surface water management details during the construction phase

**Reason:** In the interest of highway safety.

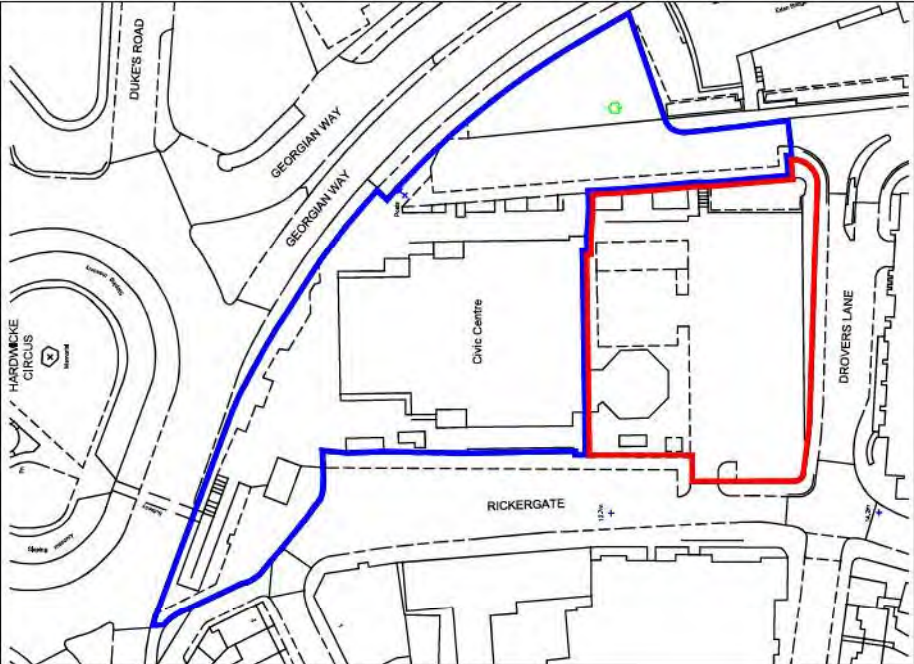
6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

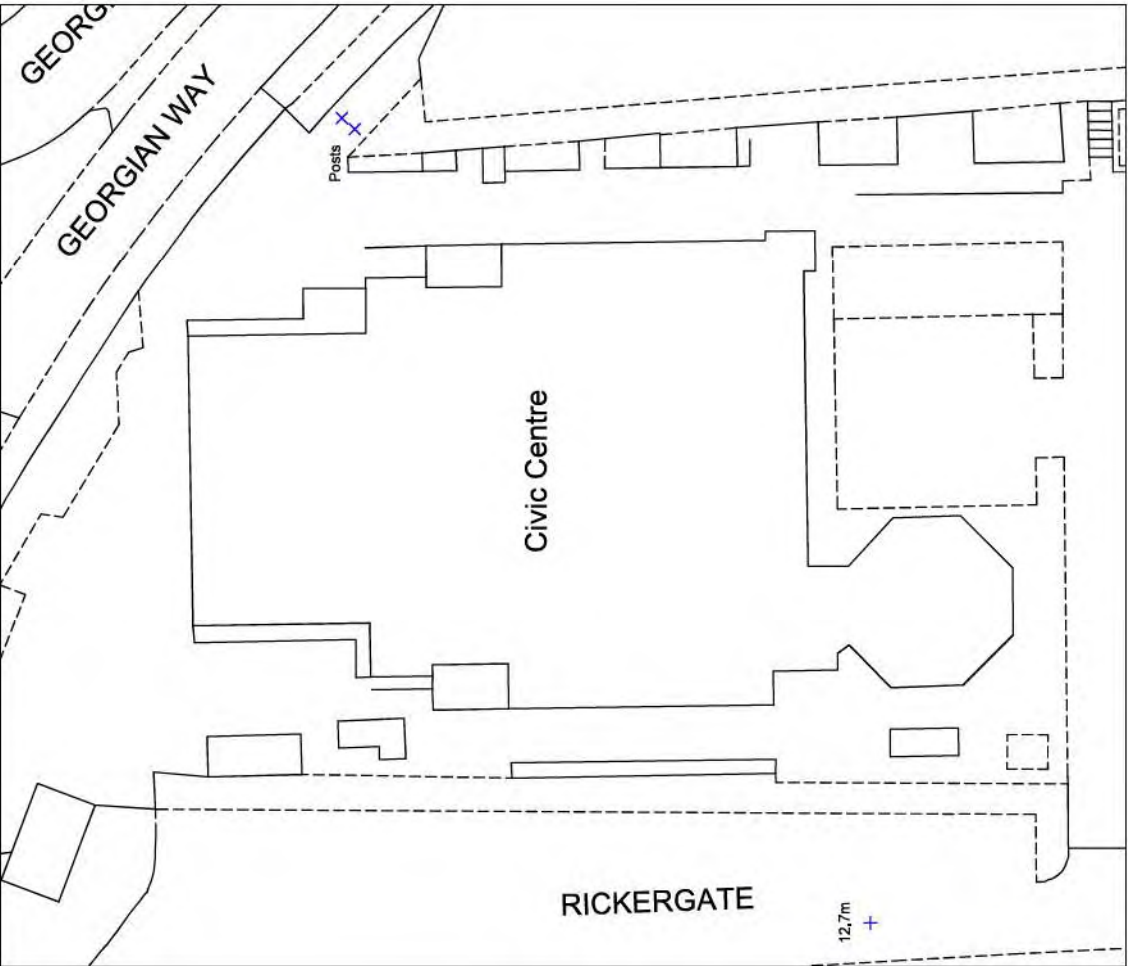
The development shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

NOTES:



Location Plan  
Scale: 1:1250



Block Plan  
Scale: 1:500

PLANNING APPLICATION

REV	PRELIMINARY ISSUE	DESCRIPTION	BY	CHK APP	DATE
0					

Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

ARNDALE COURT  
HEADINGLEY  
LEEDS  
LS6 2U

TEL: +44 (0)113 278 7111  
FAX: +44 (0)113 278 3487  
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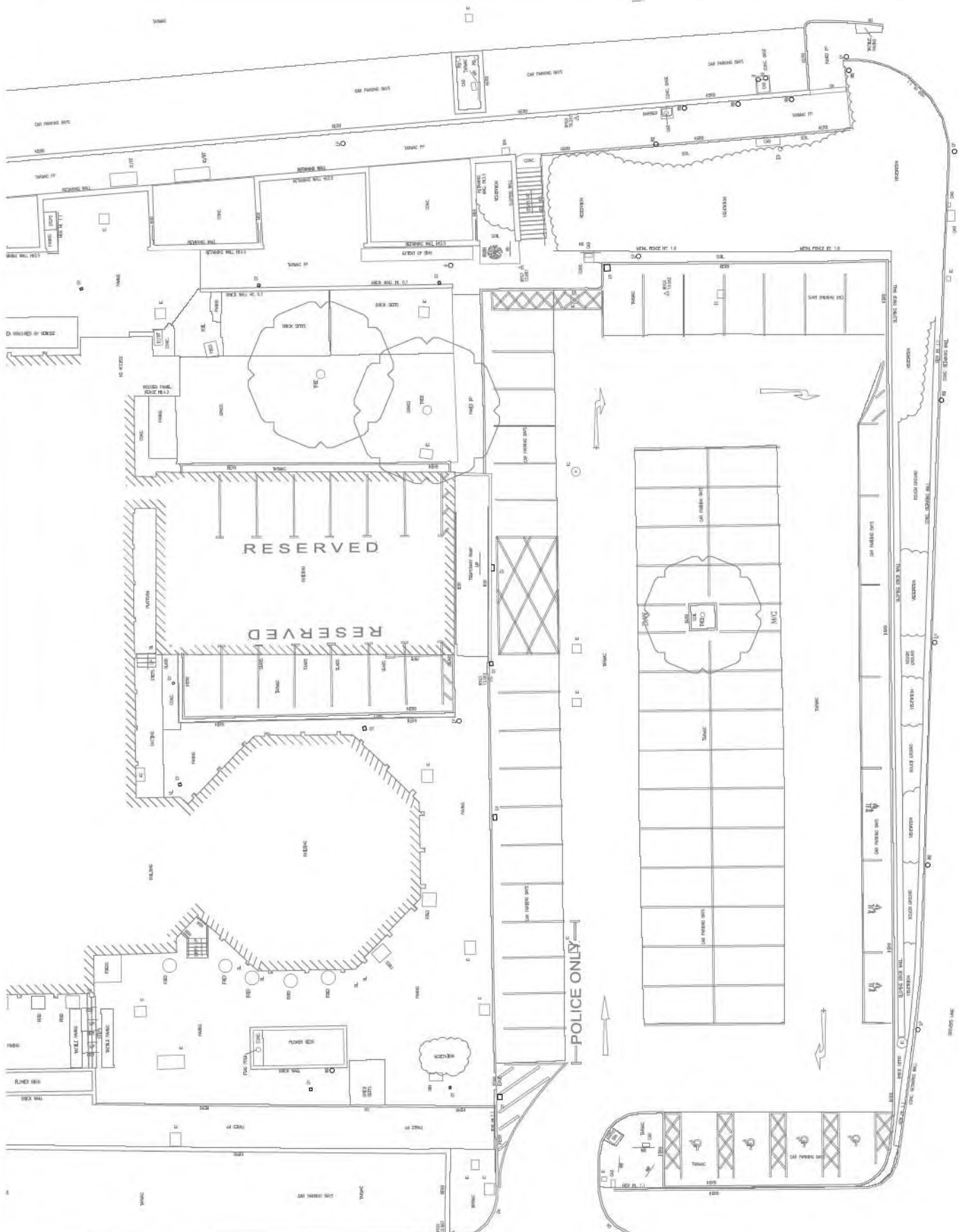
Carlisle City Council  
Civic Centre  
Carlisle City Council  
Derridition of Rotunda & Extension of Car Park

Project:  
Drawing Title:  
Block & Location Plans

Scale	A3	Drawn	Date	Checked	Date	Approved	Date
As Marked	DB	08/03/19	DB	08/03/19			
Project No.		Office	Type	Drawing	Revision		
A095945-3		BS		P101	0		

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DO NOT SCALE. CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS



# PLANNING APPLICATION

REV	DESCRIPTION	BY	CHK	APP	DATE
1	ISSUED FOR PERMIT				10/10/18

Civic Centre  
Civic Centre  
Civic Centre  
C33 80G

ANNEXE COURT  
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L55 203  
TEL: +44 (0)113 278 7111  
E-MAIL: [info@cityofleeds.gov.uk](mailto:info@cityofleeds.gov.uk)  
www.leeds.gov.uk

Project  
Civic Centre  
Civic Centre Council  
Demolition of Rounda & Extension of Car Park  
Car Park Plan  
As Existing

Scale @ A1	Date	Checked	Date	Approved	Date
1:200	10/10/18	DC	10/10/18	DC	10/10/18
Project No.	Office	Type	Drawing No.	Revision	
A095945-32103	BS	E0011	01		

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## PLANNING APPLICATION

1	1	As Bldg Ground Floor Plan	10/10/18	10/10/18	10/10/18	10/10/18	10/10/18
REV	DESCRIPTION	Drawn	Date	Checked	Date	Approved	Date
1:100	Scale & @	10/10/18	10/10/18	10/10/18	10/10/18	10/10/18	10/10/18
Project No.	Office	Type	Drawing No.	Revision	Revision	Revision	Revision
1095945-3	BS	E0001	01	01	01	01	01

**Drawing Title:**  
**Ground Floor Plan**  
**As Existing**

Project: Civic Centre  
Carlisle City Council  
Demolition of Rotunda & Extension of Car Park

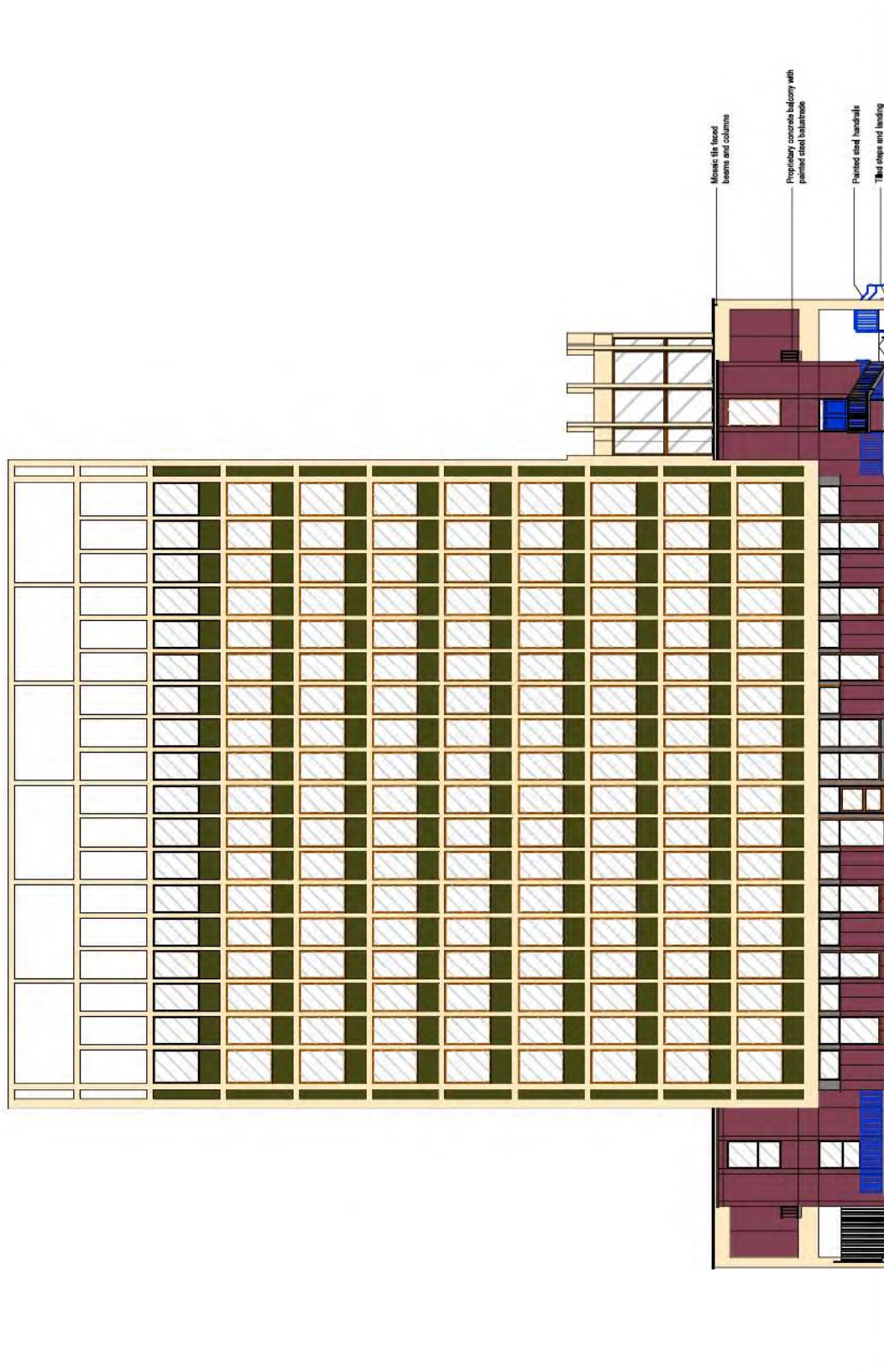


Client:  
**Carlisle City Council**  
**Civic Centre**  
**Carlisle**  
**CA3 8QG**



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PLANNING APPLICATION

REV	DESCRIPTION	DATE	BY	CHK	APP	DATE
1	As Existing North Elevation	06.10.18				
Project No.	A095945-3	Office	Type	BS	E0015	01
Project No.	A095945-3	Office	Type	BS	E0015	01

Client: Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Project: Civic Centre  
Carlisle City Council  
Demolition of Rotunda & Extension of Car Park

Drawing Title: North Elevation  
As Existing

Scale @ A1  
1:100

Drawn: AH  
06.10.18

Checked: DC  
06.10.18

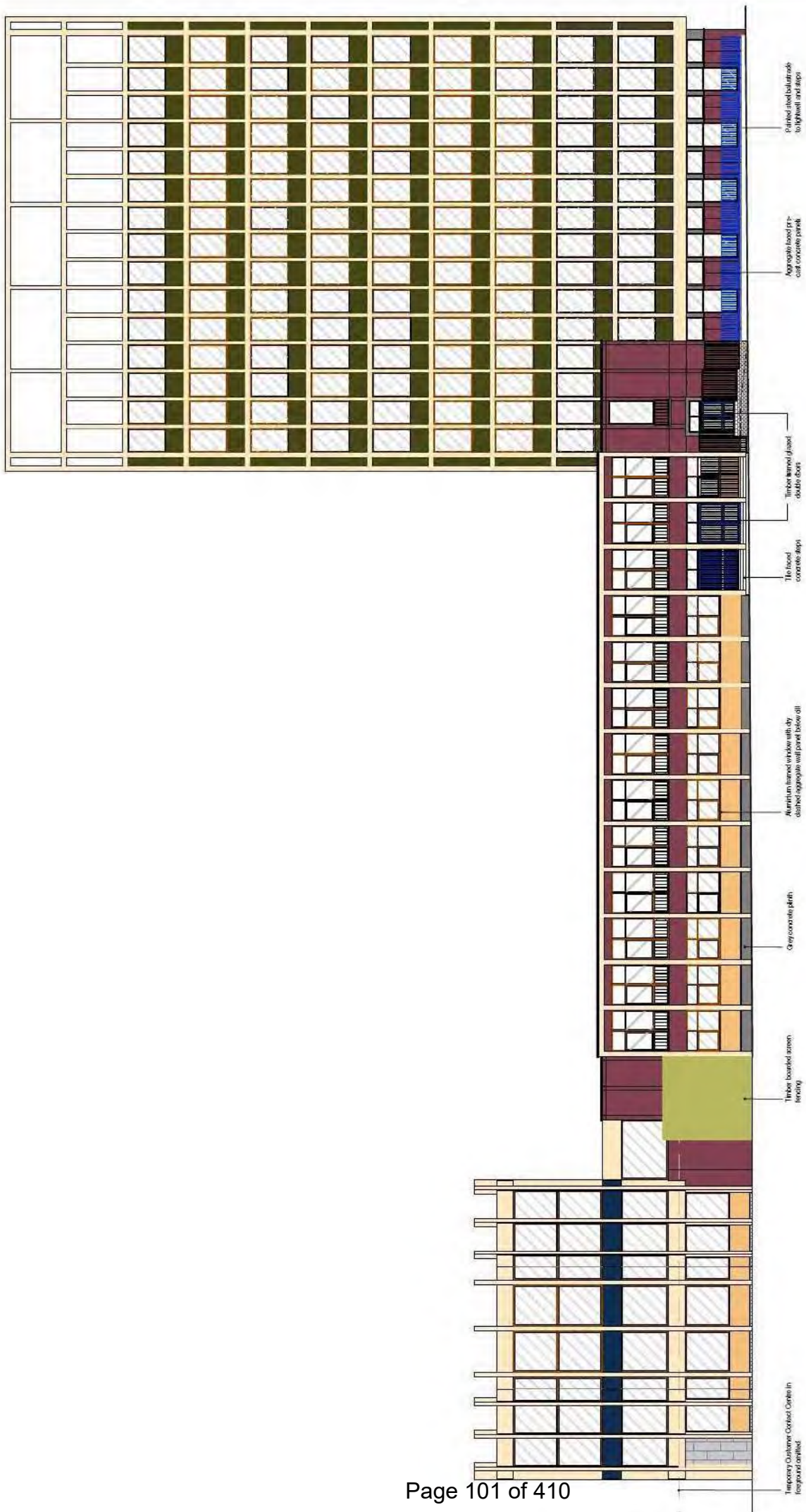
Date: DC  
06.10.18

Approved: DC  
06.10.18

Version: 01

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PLANNING APPLICATION

REV	DESCRIPTION	DATE	BY	CHK	APP	DATE
1	As Existing Use Elevation	06.10.18				06.10.18

Scale	Date	Drawn	Checked	Date	Approved	Date
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Project No.	Office	Type	Quantity No.	Revision
A095945-3	BS	BS	E0014	01

Client	Project	Drawing Title
Carlisle City Council Carlisle CA3 8QG	Civic Centre Carlisle City Council Demolition of Rotunda & Extension of Car Park	East Elevation As Existing

CARLISLE CITY COUNCIL

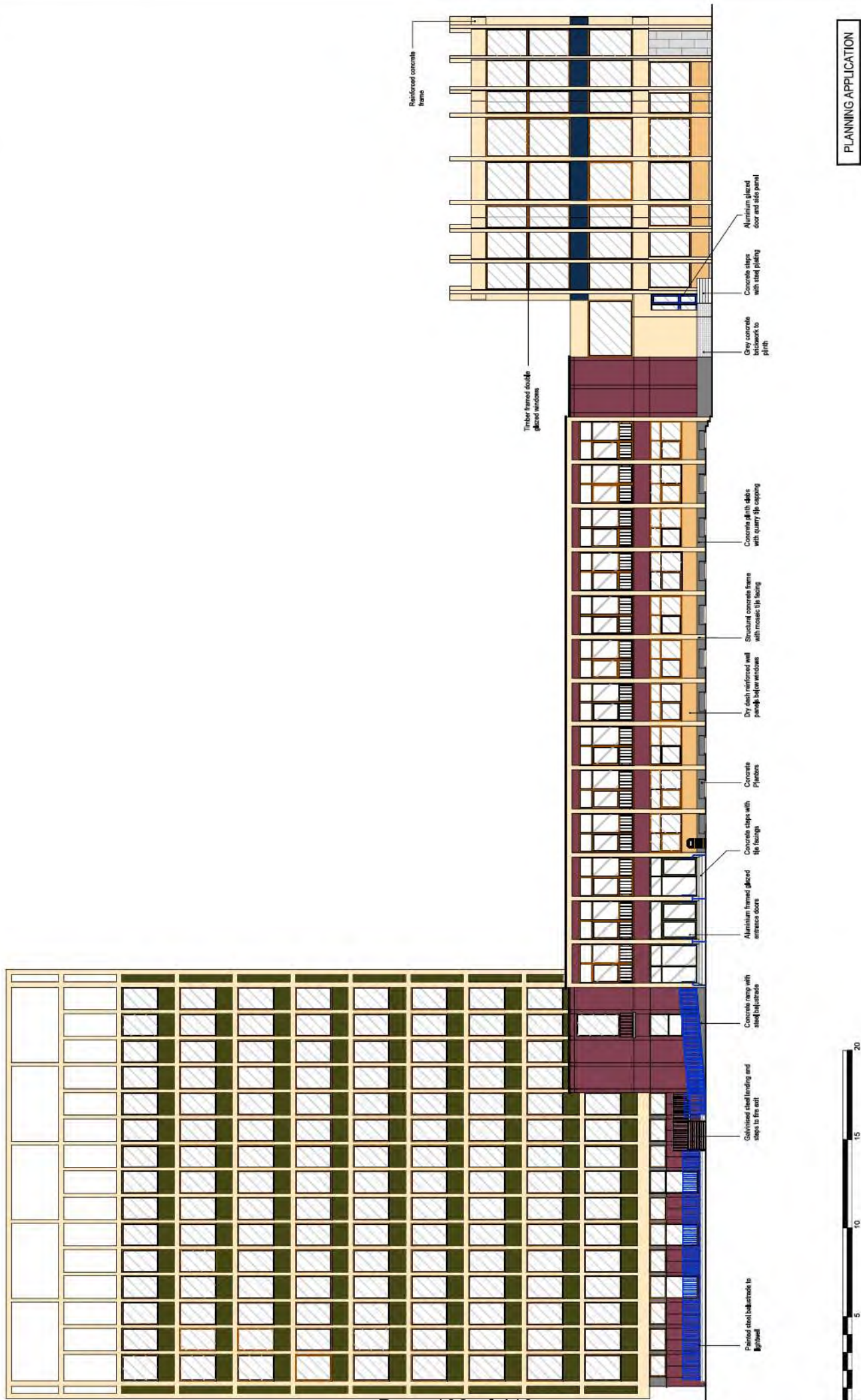
  

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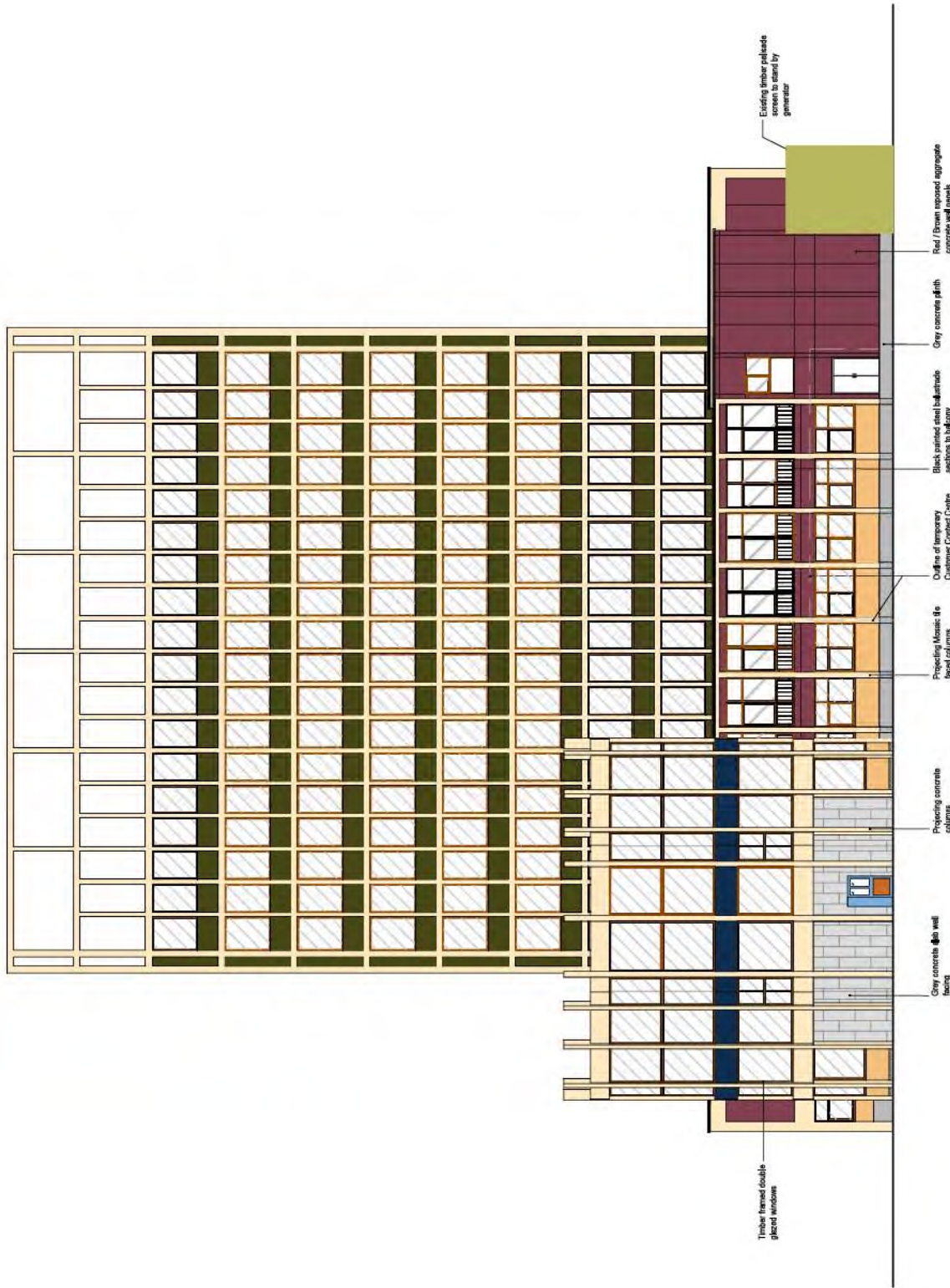


PLANNING APPLICATION

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Scale @	A1	Drawn	Date	Checked	Date
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Project No.	A095945-3	Office	Type	Drawing No.	Version
			BS	E0013	01

Project Title:	West Elevation As Existing
Project:	Civic Centre Carlisle City Council Demolition of Rotunda & Extension of Car Park
Client:	Carlisle City Council Civic Centre Carlisle CA3 8QG
Architect:	WYG
Address:	ASDALE COURT HEARNLEY L66 2UU
TEL:	+44 (0)113 278 7111
FAX:	+44 (0)113 278 3487
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PLANNING APPLICATION

1	As Existing South Elevation																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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Client: Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

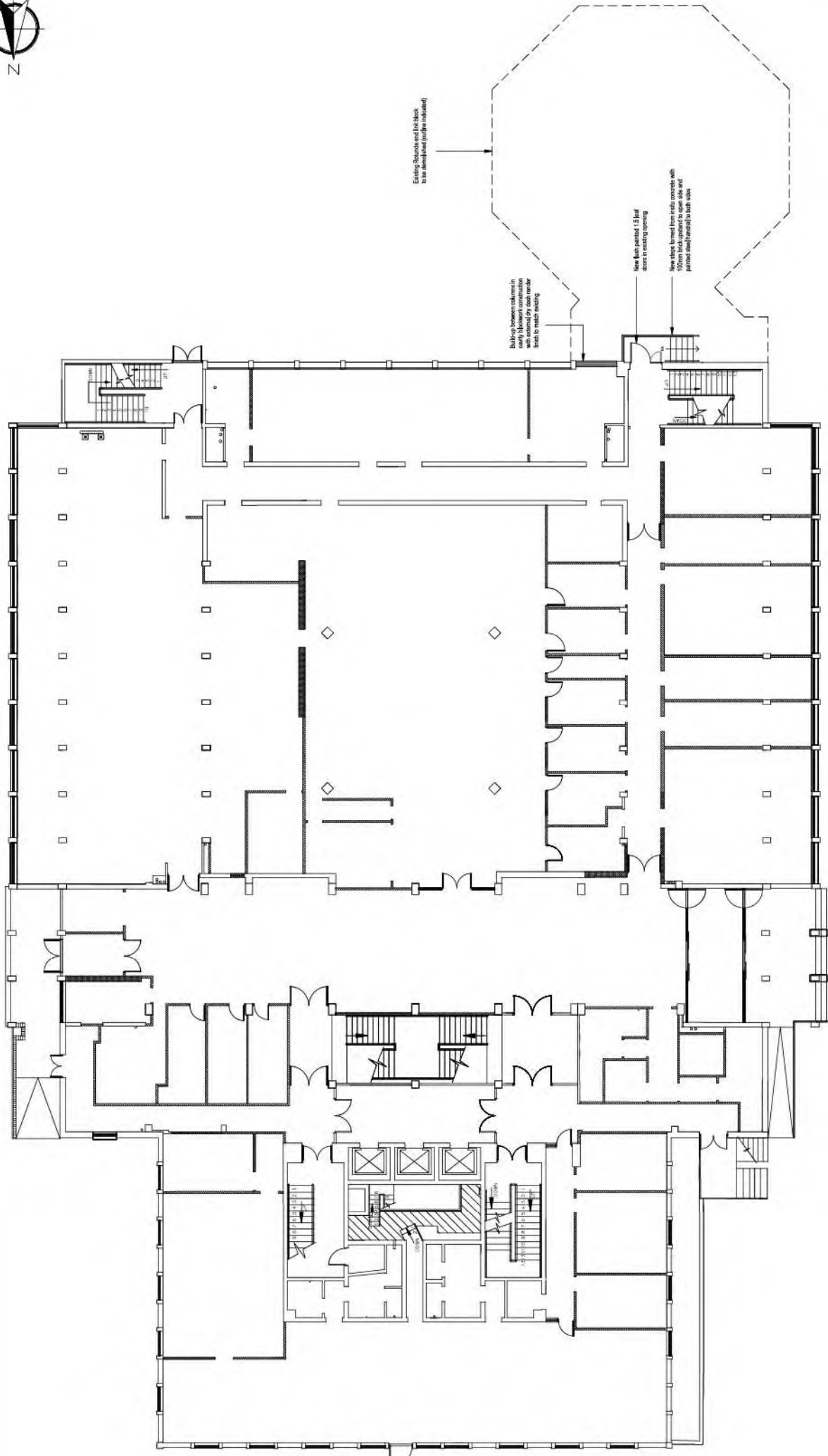
Project: Civic Centre  
Carlisle City Council  
Demolition of Rotunda & Extension of Car Park

Drawing Title: South Elevation  
As Existing

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WYG

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PLANNING APPLICATION

REV	DESCRIPTION	DATE	BY	CHK	APP	DATE
17	Shower amended, lobby added back	14/01/18	DC	DC	DC	05/01/18
16						
15						
14						
13						
12						
11						
10						
9						
8						
7						
6						
5						
4						
3						
2						
1						

Project No.	Office	Type	Drawing No.	Revision
A095945-3		BS	P0001	17

Drawing Title:  
Ground Floor Plan  
As Proposed

Project:  
Civic Centre  
Carlisle City Council  
Demolition of Rotunda & Extension of Car Park

Client:  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG



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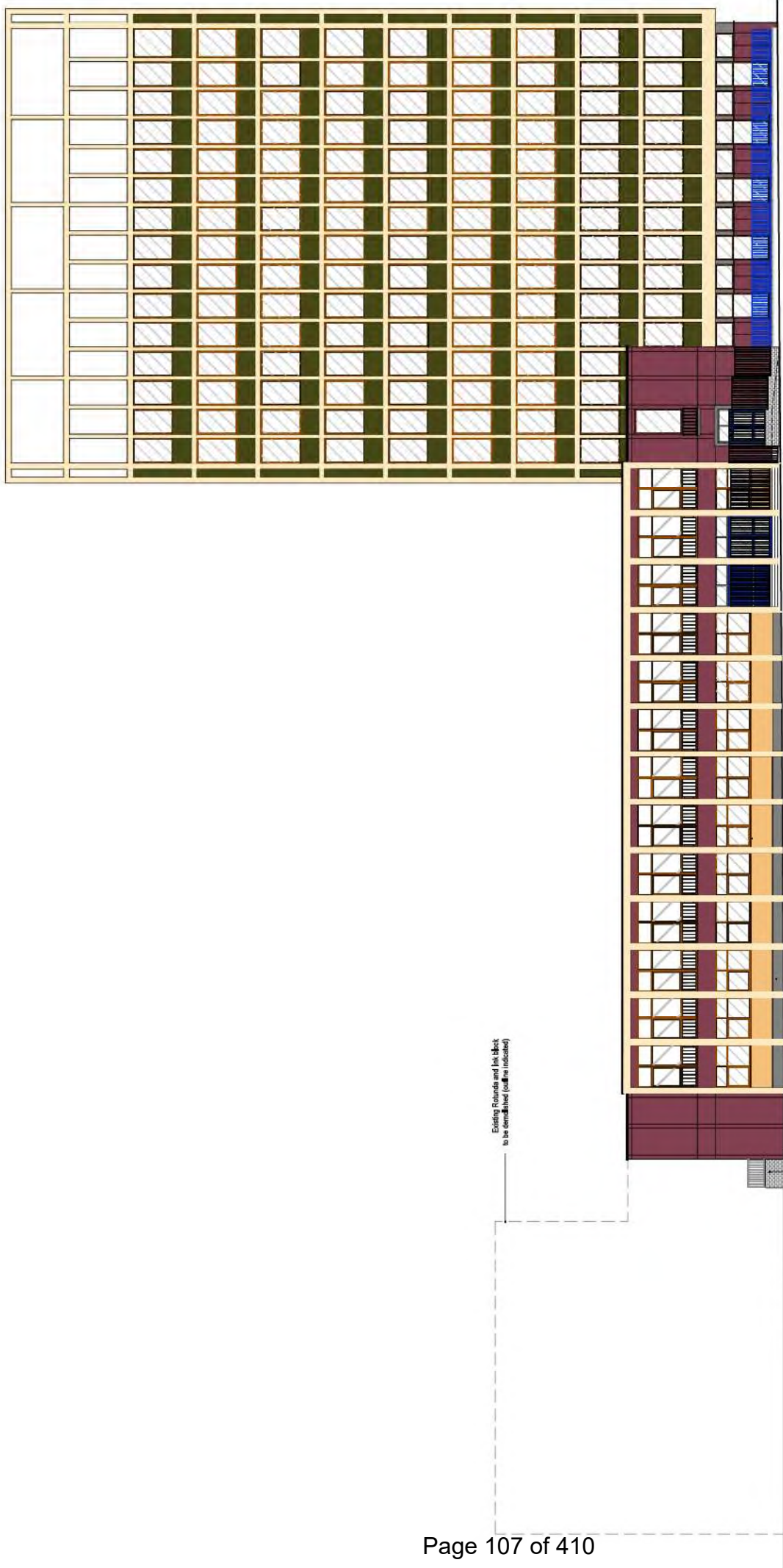
Drawing Title:  
**South Elevation  
As Proposed**

1	1	As Proposed South Revision	AH	DC	DC	06.10.18
REV	DESCRIPTION	BY	CHK	APP	DATE	
Scale @ A1	Drawn	Date	Checked	Date	Approved	Date
1:100	AH	06.10.18	DC	06.10.18	DC	06.10.18
Project No.	Office	Type	Drawing No.	Revision		
A095945-3	BS		P0038	01		

## PLANNING APPLICATION







Existing Rotunda and link block  
to be demolished (outline indicated)

New steps formed from in situ  
concrete with 100mm brick upstand  
to open side and painted steel  
handrail to both sides

Timber screen  
erected for clarity



PLANNING APPLICATION

REV	As Proposed East Elevation	AH	DC	DC	06.10.18
DESCRIPTION	DATE	BY	CHK	APP	DATE
1	A1	06.10.18	DC	06.10.18	DC
Scale @	1:100	AH	06.10.18	DC	06.10.18
Project No.	A095945-3	BS	P0040	01	01
Office	Type	Drawing No.	Version		

Drawing Title:  
East Elevation  
As Proposed

Project:  
Civic Centre  
Carlisle City Council  
Demolition of Rotunda & Extension of Car Park



Client:  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG



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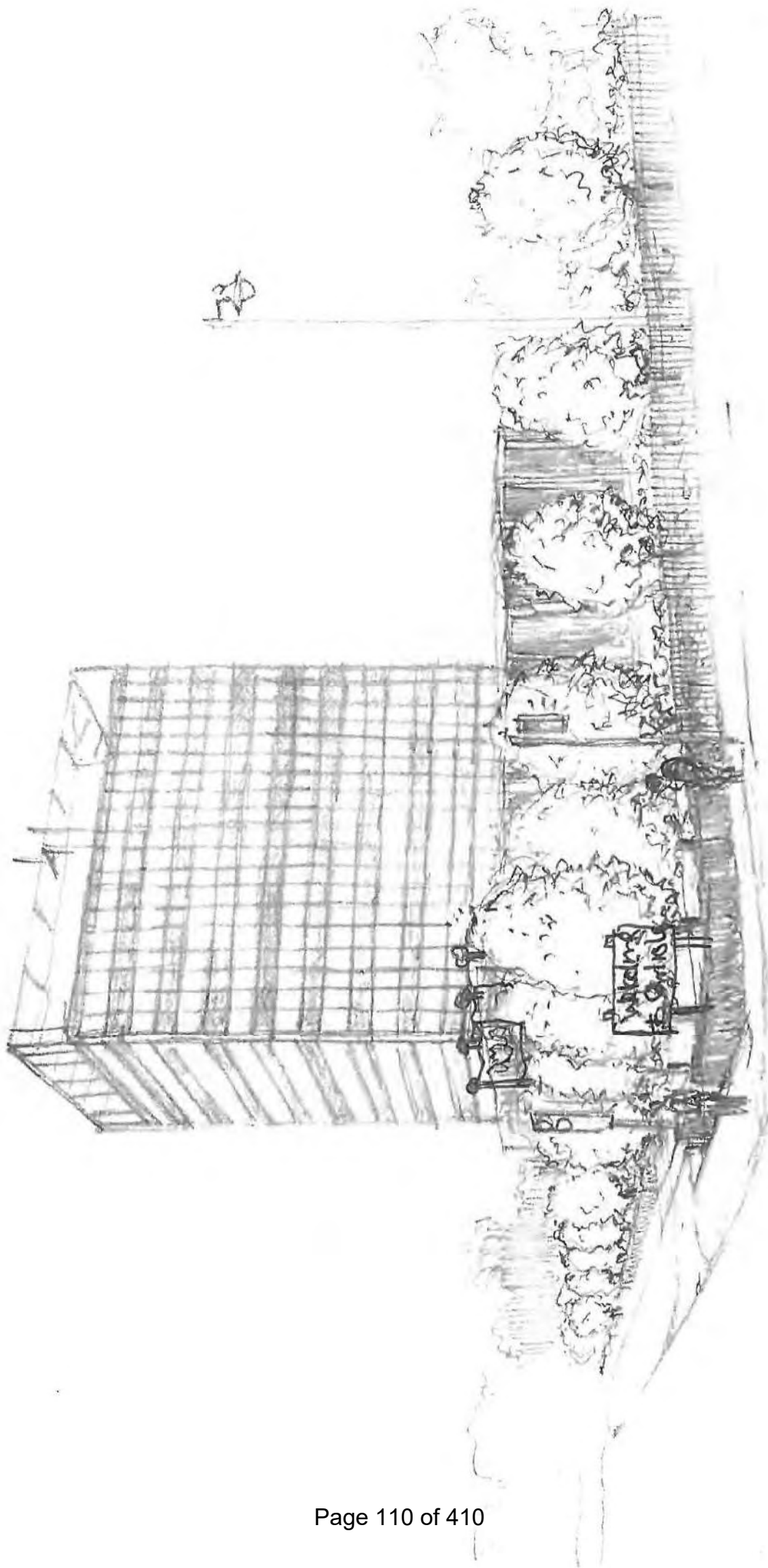


Drawing Title:  
**North Elevation  
As Proposed**

PLANNING APPLICATION									
1.	As Proposed Month	Revision	AH	DC	DC	DC	DC	06.10.18	
REV	DESCRIPTION	ST	CHK	APP	DATE				
Scale @ 1:100	Drawn Date	Checked Date	Approved Date						
	AH	DC	DC	DC	06.10.18	DC	06.10.18		
Project No.	Office	Type	Drawing No.					Revision	
A095945-3		BS	P0041					01	
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Rev amended 4/16/19

Rec 4/16/19

## SCHEDULE A: Applications with Recommendation

19/0596

Item No: 04

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0596

**Applicant:**  
Simtor Limited

**Parish:**  
Wetheral

**Agent:**  
Architects Plus (UK) Ltd

**Ward:**  
Wetheral & Corby

**Location:** Land adj. Hallmoor Court, Wetheral, Carlisle, Cumbria, CA4 8JS

**Proposal:** Erection Of 27no. Dwellings Without Compliance With Conditions 2, 3, 4, 16, 23, 24 And 26 (Works To Be Done In 2 Phases) Including Removal Of Condition 20 (Level 3 Code For Sustainable Homes) Of Previously Approved Application 12/0880

**Date of Receipt:**  
01/08/2019

**Statutory Expiry Date**  
26/09/2019

**26 Week Determination**

---

### REPORT

**Case Officer:** Richard Maunsell

#### 1. Recommendation

- 1.1 It is recommended that this application is approved subject to a Deed of Variation to the S106 Agreement.

#### 2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 The Principle Of The Variation Of Planning Conditions And Whether The Removal Of The Planning Condition Is Acceptable
- 2.3 The Proposed Revised Conditions
- 2.4 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The 1.176 hectare site is located towards the northern end of the village and is currently grassland. The topography of the land is such that it slopes down from south-east to north-west

- 3.2 A public footpath flanks the eastern boundary of the site beyond which is the Carlisle to Newcastle railway. Further to the north-east of Turnmire Common and Plains Road.
- 3.3 To the south of the south-east of the site is Hall Moor Court which comprises of a development of 2 storey brick built residential properties and the access to the site would be taken through this development. To the west and north-west is agricultural land.

## **Background**

- 3.4 In the absence of a 5 year supply of housing land, as defined by the National Planning Policy Framework, the Council adopted an Interim Planning Statement - Housing on 1st May 2012 (IPPS), as a material planning consideration to deal with the identified shortfall. This process encouraged a number of applications to come forward and be considered against the criteria set out in the Interim Statement and it was under this policy that the previous application was submitted.
- 3.5 The application was for full planning for the erection of 27 dwellings, together with associated infrastructure, on land at to the rear of Hall Moor Court, Wetheral. A single vehicular access measuring 4.8 metres in width will be formed that would then serve two cul-de-sacs within the site. Planning permission was granted on 19th December 2016.
- 3.6 The layout comprises a mix of detached/semi-detached and terraced properties. In total six different house types are proposed which comprise a variety of two to four bedroom dwellings and the properties will all be two storey in height. The dwellings will be completed in a range of materials including facing brick and painted render and positioned so that they follow the topography of the land.
- 3.7 Each dwelling will have two dedicated parking spaces, some of which include an integral garage.
- 3.8 The development will retain four existing trees within the site together with the hedgerows to the east and west. The proposed development incorporates new planting within the areas around the retained trees, some plot frontages and along the boundary with Hall Moor Court. General amenity shrub planting will be provided within the site to the plot frontages to define boundary ownership with rear garden areas delineated by 1.8 metre high open boarded fencing.
- 3.9 It is proposed that foul water will be discharged into the mains sewer. Surface water would be disposed of by means of on-site retention and controlled discharge at the current rates to the existing surface water drainage system.
- 3.9 Following the grant of this permission, an application has been submitted to discharge some of the planning conditions, namely numbers 5 (footpath

details); 6 (details of house accesses and parking areas); 9 (access during construction); 11 (surface water drainage); 12 (foul water drainage); 13 (tree protection); and 21 (construction of permeable surfaces). Members should note that some of the representations summarised in section 4 of this report, refer to the details contained within the application for the discharge of the conditions which is a separate matter to that proposed by this application.

## **The Proposal**

- 3.11 The current application seeks to vary seven conditions relating to the planning permission and for the removal of one condition. The seven conditions attached to the extant permission are worded such that they require the submission and agreement of details prior to any works being undertaken. The current proposal seeks permission to vary these conditions so that the details have to be agreed before a given point in time rather than prior to the commencement of any development.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 47 of the neighbouring properties. In response, 19 letters of objection have been received from 13 neighbours and interested parties and the main issues raised are summarised as follows:

### General

1. why is the developer wanting to make 2 phases at this time?;
2. they have had 6 years to come to arrangements with Network Rail and the council;
3. the application should be refused and the developer advised to comply with 12/0880;
4. what does the removal of Code 20 (Sustainable dwellings) mean?;
5. development in Wetheral has been piecemeal with no infrastructure improvements. No more housing should be built until this is resolved;
6. the population has increased without any matching increase in facilities i.e. healthcare, oversubscription in local schools, poorly maintained roads;
7. the removal of condition 20 looks as if they want to build properties on the cheap;
8. the council's decision to approve development in 2016 was barely carried out and taken with abstentions with one councillor questioning the wisdom of construction on the land;
9. the site is a greenfield site destroying yet more open spaces and bringing more pollution;
10. there is no reference to affordable housing;
11. the submitted plans shows an impingement of the boundary line owned by Hallmoor Court Management Company;
12. Land Registry documents clarify the site boundary indicating a rectangular piece of land adjacent to the garden of 12 Hallmoor Court which is owned by the Hallmoor Court Management Company;



### Access/ Highway

13. with another 27 houses there could potentially be another 50 cars entering the fore court which together with plant and machinery during construction, could cause a traffic hazard;
14. the majority of residents in Hallmoor Court are elderly, some of whom are registered blind, and there is only a pavement on one side of the entrance road;
15. visitors to the development would use Hallmoor Court as an overflow car park;
16. access into and out of the site is too narrow and is much busier than at the time of the original application and road markings should be considered;
17. since the original application there has been a lot of development in Wetheral and this will overload the roads;
18. where will a second access point to the site be located?;
19. the Construction Phase drawing show be verified if the site entrance indicated by a blue arrow is correctly indicated and not impinging on the limits of Hallmoor Court;

### Drainage

20. the proposal is impractical due to the boggy nature of the site;
21. the suggested drainage system is complicated and potentially expensive. How practical are ponds in the garden;
22. planning permission should not be granted until details of the agreement with Network Rail is known;
23. is the water treatment plan still in the plans?;
24. the increase in development has had a negative impact on the water table and resulting in spongy sites and localised flooding;
25. although the site is in Flood Zone 1, Environment Agency flood maps are very broad brush in their approach. A more details analysis would reveal localised flooding;
26. if no drainage problems exist, there would be no need for such an elaborate drainage scheme;
27. construction of the site will lead to surface water run-off onto the adjacent land which could lead to flooding or landslides onto the railway;
28. Cumbria County Council's "Wetheral, Flood Investigation Report, Flood Event 17 July 2011" clearly shows that heavy rainfall is a major challenge for the village;
29. the comments in the document "Management of SW/ FW Drainage Systems" lack operations detail i.e. who will inspect and maintain the system, carry out CCTV surveys etc.;
30. there is no clear statement from United Utilities expressing an opinion on this proposal and has not indicated that there is sufficient capacity in the existing systems to accommodate additional foul water;

### Amenity

31. the working hours of 8am until 6pm is too long and no building work should take place on Saturdays;
32. there will be a lot of disruption during construction that will be inconvenient and result in the loss of a view;
33. the development will result in the loss of privacy to neighbouring residents

- and townhouses should not be sited adjacent to existing properties;
- 33. the tranquillity that most sought when purchasing properties in Hallmoor Court will be lost;
- 34. single storey properties adjacent to existing properties would be more appropriate.

- 4.2 Following receipt of amended details which revise the application such that conditions 6 and 21 now form part of the application to discharge conditions, three further objections have been received which reiterate the issues outlined above.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highway & Lead Local Flood Authority):** - the following comments have been received:

Condition 3: the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of Condition 3 as it is considered that the proposal does not affect the highway nor does it increase the flood Risk on the site or elsewhere.

Condition 4: the Highway Authority have no objections with regards to the variation of condition 4 to change the wording to 'prior to installation' rather than 'prior to commencement' regarding the details of the height and materials of screen walls and boundary fences is to be submitted.

Condition 6: condition 6 has been omitted from this variation of conditions application and this condition will be discharged at a later date.

Condition 16: the applicant has submitted a revised site plan (12031-03L) which illustrates that the proposed development landscaping scheme will not impact upon the visibility splays of the junction. This was the major concern of the Highway Authority and the reason why the change in wording previously proposed was rejected by the Highway Authority. As this has now been clarified the Highway Authority have no objections with regards to the change of wording for Condition 16 to 'prior to occupation of any dwelling hereby approved details of a landscaping scheme'.

Condition 20: the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of Condition 20 as it is considered that the proposal does not affect the highway nor does it increase the flood Risk on the site or elsewhere.

Condition 21: condition 21 has been omitted from this variation of conditions application and this condition will be discharged at a later date.

Condition 23: the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of condition 23 as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

Condition 24: the Highway Authority and Lead Local Flood Authority has no objection with regards to the variation of the wording of condition 24 as it is considered that the proposal does not affect the highway nor does it increase the flood risk on the site or elsewhere.

Condition 26: the applicant is seeking to vary the wording of condition 26 from 'No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority...' to 'Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority for that phase of the development.' The Highway and Lead Local Flood Authority have no objections to this change in the wording of the condition as both phases of the development will require a construction management plan.

**Wetheral Parish Council:** - the parish council has submitted an objection. The committee has concerns regarding the poor supporting infrastructure. The village sewerage system is beyond capacity, the roads cannot cope and there is no primary school provision in the village. Members request a site visit by the Development Control Committee before a decision is made.

Following the receipt of amended documents that removed two conditions from this application, the parish council submitted a further objection that was received following the closure of the consultation period; however, no additional issues were raised other than those already submitted;

**United Utilities:** - it is recommended that Condition 16 relating to landscaping remains a pre-commencement condition. United Utilities considers the landscaping of the site to be a key component of site design which is fundamentally linked to surface water management and therefore any landscaping details should be agreed prior to the commencement of development;

**Network Rail:** - Network Rail are assessing the other application for discharge of conditions. The proposal has an interface with the railway and will need Network Rail agreement and review in addition to any planning decision. The applicant (if they have not done so already) will need to submit an application form and set up a basic asset protection agreement for the works.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) 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 indicate otherwise.



- 6.2 At a national level, the relevant considerations include the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). The Development Plan for the purposes of the determination of this application comprise Policies SP1, SP2, SP6, HO2, HO4, IP2, IP3, IP4, IP6, IP8, CC5, CM4, CM5, GI3, GI4, GI5 and GI6 of the Carlisle District Local Plan 2015-2030 are of particular relevance. The City Council's Supplementary Planning Document 'Achieving Well Designed Housing' (SPD) is also a material planning consideration. The proposal raises the following planning issues.

### **1. Whether The Principle Of Development Is Acceptable**

- 6.3 The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 6.4 Paragraph 11 of the NPPF continues to support sustainable development stating that:

*“Plans and decisions should apply a presumption in favour of sustainable development.”*

- 6.5 This is reinforced in paragraph 11(c) which states that:

*“approving development proposals that accord with an up-to-date development plan without delay”*

- 6.6 Policy HO2 is equally transparent in its guidance relating to housing development and requires that:

- “1. the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;*
- 2. the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;*
- 3. on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside;*
- 4. in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and*
- 5. the proposal is compatible with adjacent land users.”*

- 6.7 The application site is well related to Wetheral. Hallmoor Court is immediately adjacent to the south with Greenacres and Plains Road to the north, separated by the Carlisle to Newcastle railway line. The village has a number of services or facilities including a public house, a church, a railway station, restaurant, hotel and a GP surgery.

- 6.8 Full planning permission has previously been approved for the erection of 27 dwellings on this land by members of the council's Development Control Committee and the permission remains extant.
- 6.9 In light of the foregoing, the principle of development is therefore considered to fully accord with both national and local planning policies and remains acceptable.

## **2. The Principle Of The Variation Of Planning Conditions And Whether The Removal Of The Planning Condition Is Acceptable**

- 6.10 When planning permission was granted, it was subject to conditions. These conditions were the standard conditions used by the council at that time. Since then, the government has reviewed the issue of planning conditions and on 1st October 2018, introduced new regulations in the form of the Section 14 of the Neighbourhood Planning Act 2017 which inserted Section 100ZA of The Town and Country Planning Act 1990. This requires applicants to provide their written consent to pre-commencement conditions unless exclusion applies. Pre-commencement conditions are those conditions on a planning permission which must be fulfilled before work starts on site or before the use of land changes.
- 6.11 The revisions were introduced principally with the aim of reducing the time lag between planning permission being granted and work commencing on site and to reduce the number of unnecessary and otherwise unacceptable conditions, only imposing those that meet the test of the NPPF, ultimately to create a more efficient process and speed up development.
- 6.12 Paragraph: 007 Reference ID: 21a-007-20180615 of the PPG advises on the use of pre-commencement conditions and states:

*“Care should be taken when considering using pre-commencement conditions that prevent any development authorised by the planning permission from beginning until the condition has been complied with. This includes conditions stating that ‘no development shall take place until...’ or ‘prior to any works starting on site...’*

*Such pre-commencement conditions should only be used where there is a clear justification, which is likely to mean that the requirements of the condition (including the timing of compliance) are so fundamental to the development permitted that it would otherwise be necessary to refuse the whole permission.*

*A pre-commencement condition that does not meet the legal and policy tests may be found to be unlawful by the courts and therefore cannot be enforced by the local planning authority if it is breached. Development carried out without having complied with a pre-commencement condition would be unlawful and may be the subject of enforcement action.”*

- 6.13 Paragraph 55 of the NPPF states:

*“Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.”*

- 6.14 It is well-established planning practice, that planning conditions are subject to assessment and satisfaction of the six tests. These are outlined in "Use of planning conditions" Paragraph: 003 Reference ID: 21a-003-20190723 of the PPG as being:
1. necessary;
  2. relevant to planning;
  3. relevant to the development to be permitted;
  4. enforceable;
  5. precise; and
  6. reasonable in all other respects.
- 6.15 In summary, conditions 1, 2, 7, 8, 10, 14, 15, 17, 18, 19 and 22 are instructive conditions. Conditions 3, 4, 6, 16, 21 and 25 require the submission and agreement of details and need to be discharged. The true pre-commencement conditions are numbers 5, 9, 11, 12, 13, 23, 24 and 26.
- 6.16 It is evident that some of the conditions, whilst still necessary as part of the development and require agreement from the local planning authority, do not need to be dealt with prior to commencement and a more flexible approach could be taken in accordance with the current legislation and guidance.
- 6.17 The issues of scale, layout and design of the development; impact upon landscape character; the impact of the proposal on the living conditions of neighbouring and future residents; highway issues; landscaping and impact on trees and hedgerows; foul drainage; education; affordable housing; ecological issues; contamination; crime and disorder are unaffected by this application. The planning issues raised by the development and variation of these conditions are discussed in the following paragraphs.
- 6.18 The second part of the application relates to the removal of condition 20. This condition states:
- “All dwellings are required to be constructed to meet Level 3 of the Code for Sustainable Homes.
- a. *Prior to the commencement of development, a design stage assessment and related certification shall be submitted to and approved in writing by the local planning authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant code level;*
  - b. *No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority;*
  - c. *Within 6 months of occupation of each dwelling, a Final Certificate*

*certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the local planning authority in writing.”*

- 6.19 The Code for Sustainable Homes is a method for assessing and certifying the sustainable design and construction of new homes. It was launched in 2006 to help reduce UK carbon emissions and create more sustainable homes. It was part of a package measures including; Building A Greener Future and Planning Policy Statement: Planning Climate Change
- 6.20 In a written ministerial statement on 25 March 2015, the Secretary of State for Communities and Local Government Eric Pickles confirmed that from 27 March 2015, changes to the 2008 Climate Change Act would mean local authorities in England could no longer require code level 3, 4, 5 or 6 as part of the conditions imposed on planning permissions. Energy requirements for dwellings would instead be set by the Building Regulations which would be changed to be the equivalent to code level 4. As such, the condition is no longer considered necessary as far as the planning condition tests are concerned and its removal is therefore acceptable.

### **3. The Proposed Revised Conditions**

- 6.21 The grant of a variation of planning permission has the effect of granting a further planning permission in its own right and therefore should be subject to, where appropriate, relevant planning conditions. The revised conditions are still considered necessary to the development albeit permission is sought for a more flexible approach in the wording of the conditions. The following deals with each condition in turn.

- 6.22 Condition 3 refers to sample materials and reads:

*“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 buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.”*

- 6.23 It is proposed that this condition is revised to read:

*“Within three months following the commencement of development, samples or full details of materials to be used externally on the buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.”*

- 6.24 The submission of the sample materials or full details to be used as part of the development is still necessary but the variation will allow greater flexibility in allowing groundworks to commence with the condition being discharged at a later point in time.

6.25 Condition 4 refers to boundary treatment and reads:

*“Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.”*

6.26 It is proposed that this condition is revised to read:

*“Within three months following the commencement of development, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details and completed prior to the occupation of the each dwelling.”*

6.27 As with the condition that refers to the use of materials, the submission of the boundary treatment is still necessary and the details will secure the materials and height of the boundary and require them to be constructed prior to occupation of the dwelling, thus ensuring an appropriate form of development whilst simultaneously having regard to the amenity of existing and future. The variation will allow greater flexibility in allowing development to commence with the condition being discharged at a later point in time.

6.28 Condition 16 refers to a landscaping scheme and reads:

*“No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the local planning authority.”*

6.29 It is proposed that this condition is revised to read:

*“Prior to occupation of any dwelling hereby approved, details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority.”*

6.30 In response to this proposal, United Utilities has raised no objection but has expressed an opinion that the condition should remain as a pre-commencement condition as, in their opinion, landscaping of the site is a key component of site design which is fundamentally linked to surface water management.

6.31 The layout of the site is shown on the submitted drawings and shows the siting of the buildings, infrastructure and areas that would be planted either as private gardens or public open space. What the details don't show is the density and species of planting that would take place. Any trees and hedges are only required to be replaced if they die within five years of the scheme being implemented and after which, the council has no control. Furthermore, upon occupation of a dwelling, an owner may landscape their property without permission. The landscaping would still be subject to a condition upon which United Utilities could be consulted; however, given the fact that this cannot be retained in perpetuity, it would be unreasonable to refuse the

variation of the condition on the basis.

- 6.32 Accordingly, as with the above conditions, the submission of a landscaping scheme is still necessary but the variation will allow greater flexibility in allowing development to commence with the condition being discharged at a later point in time.

- 6.33 Condition 23 refers to the provision of protective barrier adjacent to the railway and reads:

*“No development hereby approved by this permission shall commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail's existing fencing/ wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/ roadway/ car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.”*

- 6.34 It is proposed that this condition is revised to read:

*“Phase 2 of the development hereby approved shall not commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail's existing fencing/ wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/ roadway/ car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.”*

- 6.35 The current application details contains a phasing plan which did not form part of the original application. This is a legitimate variation and allows progress to be commenced and implemented on part of the site whilst the appropriate negotiations are undertaken with Network Rail to ensure that adequate protection is afforded to the railway during construction of the land closer to Network Rail's asset. Members will note the Network Rail has raised no objection to this variation.

- 6.36 Condition 24 refers to excavations near to the railway and reads:

*“Where excavations/ piling/ buildings are to be located within 10 metres of the railway boundary, no development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.”*

- 6.37 It is proposed that this condition is revised to read:

*“Where excavations/ piling/ buildings are to be located within 10 metres of the railway boundary, Phase 2 of the development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.”*

6.38 For the reasons outlined to the previous condition in paragraph 6.35, this variation is acceptable.

6.39 Condition 26 refers to a Construction Management Plan and reads:

*“No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.”*

6.40 It is proposed that this condition is revised to read:

*“Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management Plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing for that phase of the development by the local planning authority. The development shall then be undertaken in accordance with the approved details.”*

6.41 A Construction Management Plan has been submitted with this application which details the proposed works, the sequence of works, construction hours, traffic movement, environmental impact, ecology and archaeology. This Plan adequately addresses the issues relevant to Phase 1 of the development and is acceptable in this regard. The revised condition still requires the submission of an appropriate Construction Management Plan for Phase 2 of the development.

6.42 Condition 2 refers to the list of approved documents and reads:

*“The approved documents for this Planning Permission comprise:*

- 1. the Planning Application Form received 26th February 2015;*
- 2. the Site Location Plan received 18th February 2015 (Drawing no. 12031-01);*
- 3. the Block Plan received 13th April 2015 (Drawing no. 12031-12B);*
- 4. the Topographical Survey received 25th October 2012 (Drawing no. 1116/1);*
- 5. the Site Layout received 13th April 2015 (Drawing no. 12031-03K);*
- 6. the House Type A received 18th February 2015 (Drawing no. 12031-05A);*
- 7. the House Type B received 18th February 2015 (Drawing no. 12031-06A);*
- 8. the House Type C received 18th February 2015 (Drawing no. 12031-07A);*

9. *the House Type D received 18th February 2015 (Drawing no. 12031-08A);*
10. *the House Type E received 18th February 2015 (Drawing no. 12031-09);*
11. *the House Type F received 18th February 2015 (Drawing no. 12031-10);*
12. *the Site Sections A, B, C received 13th April 2015 (Drawing no. 12031-04C);*
13. *the Landscape Concept Plan received 15th April 2015 (Drawing no. Figure A Rev 03);*
14. *the Design and Access Statement received 22nd April 2015;*
15. *the Planning Statement received 22nd April 2015;*
16. *the Archaeological Desk-Based Assessment And Geophysical Survey received 25th October 2012;*
17. *the Tree and Hedge Survey Report received 25th October 2012;*
18. *the Phase 1 Habitat and Scoping Survey For European Protected Species received 25th October 2012;*
19. *the Noise Assessment received 25th October 2012;*
20. *the Land Contamination 25th October 2012;*
21. *the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012;*
22. *the Notice of Decision;*
23. *any such variation as may subsequently be approved in writing by the Local Planning Authority."*

6.43 This condition would be varied to include the current suite of documents and also refer to the relevant approved and would read:

*"The approved documents for this Planning Permission comprise:*

1. ***the Planning Application Form received 16th October 2019;***
2. ***the Site Location Plan received 29th October 2019 (Drawing no. 12031-01A);***
3. ***the Block Plan received 29th October 2019 (Drawing no. 12031-12C);***
4. *the Topographical Survey submitted with application 12/0880 received 25th October 2012 (Drawing no. 1116/1);*
5. ***the Site Layout Plan received 29th October 2019 (Drawing no. 12031-03M);***
6. *the House Type A submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-05A);*
7. *the House Type B submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-06A);*
8. *the House Type C submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-07A);*
9. *the House Type D submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-08A);*
10. *the House Type E submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-09);*
11. *the House Type F submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-10);*
12. *the Site Sections A, B, C submitted with application 12/0880 received 13th April 2015 (Drawing no. 12031-04C);*
13. *the Landscape Concept Plan submitted with application 12/0880 received*



- 15th April 2015 (Drawing no. Figure A Rev 03);
14. *the Archaeological Desk-Based Assessment And Geophysical Survey submitted with application 12/0880 received 25th October 2012;*
  15. *the Tree and Hedge Survey Report submitted with application 12/0880 received 25th October 2012;*
  16. *the Phase 1 Habitat and Scoping Survey For European Protected Species submitted with application 12/0880 received 25th October 2012;*
  17. *the Noise Assessment submitted with application 12/0880 received 25th October 2012;*
  18. *the Land Contamination submitted with application 12/0880 received 25th October 2012;*
  19. *the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012;*
  20. ***the Phasing Site Plan received 29th October 2019 (Drawing no. 12031-14A);***
  21. ***the Construction Phase Plan Phase 1A received 1st August 2019 (Drawing no. CDM01);***
  22. ***the Construction Phase Plan Phase 1B received 1st August 2019 (Drawing no. CDM02);***
  23. ***the Construction Phase Plan Phase 1C received 1st August 2019 (Drawing no. CDM03);***
  24. ***the Supporting Statement for Sustainability, Removal of Condition 20 received 1st August 2019;***
  25. ***the Construction Management Plan received 1st August 2019;***
  26. ***the Supporting Statement to Accompany Removal or Variation of a Condition Application (Rev A) received 16th October 2019;***
  22. *the Notice of Decision;*
  23. *any such variation as may subsequently be approved in writing by the local planning authority."*

- 6.44 In light of the above changes, a condition needs to be imposed which lists the approved documents. The changes to the previously imposed condition have been highlighted in bold to assist members. The condition provides clarity to the applicant and allows for potential changes to the scheme in the future through the variation of the condition known as a minor material amendment. This condition is therefore acceptable on this basis.

#### **4. Other Matters**

- 6.45 Many of the representations raise objections in respect of the principle of the development of the site together with the relating pressure on surrounding infrastructure including roads, drainage, schools, education. Reference is also made to the provision of affordable housing. These issues were considered at the time of the original application. Approval of this application would be subject to a Deed of Variation to the S106 Agreement to secure the provision of seven affordable units on site; a financial contribution towards the provision and maintenance of public open space within Wetheral village; the maintenance of the informal open space within the site by the developer; a financial contribution towards education contribution.
- 6.46 The objectors have made reference to the fact that the working hours are

inappropriate and that no working should take place on Saturdays. Condition 19 of the planning permission states:

*"No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours and 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays."*

- 6.47 The submitted Construction Management Plan includes working hours of between 8am and 6pm on Mondays to Fridays and 9am until 1pm on Saturdays which are the standard working hours imposed on construction sites through planning conditions. These hours are less than the approved condition and subject to the imposition of a revised condition, would retain the amenity of the occupiers of neighbouring properties.

- 6.48 This application has been submitted under section 73 of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.

- 6.49 Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

*"Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended."*

*A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions."*

*As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation."*

- 6.50 On this basis, if Members are minded to approve this application, a new planning permission would be issued for the development and it is appropriate to impose conditions that may either need to be discharged, are pre-commencement conditions or are instructive conditions to address the relevant issues.

- 6.51 Although an application is currently being consider to discharge the conditions as part of the previous application, this has not been determined. In the event that this application is approved, the corresponding condition numbers would need to be changed to reflect those in the decision notice. The application to discharge the conditions continues to be considered by the relevant interested parties and will be determined as a separate entity.

## Conclusion

- 6.52 In overall terms, the principle of the development is extant and remains acceptable on the site. The dwellings could be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or over dominance. Adequate amenity space, incurtilage parking provision would be available to serve the dwellings. The new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety and all these issues have been accepted through the grant of the previous planning permission.
- 6.53 The application seeks permission for the rewording of some of the planning conditions, the details of which are being considered as part of a separate application for their discharge. The details of the Construction Management Plan is acceptable and would safeguard appropriate onsite working practices and the amenity of neighbouring residents.
- 6.54 The removal of the condition requiring the dwellings to be built in accordance with the Code for Sustainable Homes is acceptable. In all aspects the proposals are considered to be compliant with the objectives of the relevant national and local plan policies.

## 7. Planning History

- 7.1 An application for outline planning permission for residential development was refused in 1988.
- 7.2 In 2016, planning permission was granted for the erection of 27 dwellings.
- 7.3 An application is currently being considered to discharge conditions 5 (footpath details); 6 (details of house accesses and parking areas); 9 (access during construction); 11 (surface water drainage); 12 (foul water drainage); 13 (tree protection); and 21 (construction of permeable surfaces) under application reference 19/0595.

## 8. Recommendation: Grant Subject to S106 Agreement

1. The development shall be begun not later than 19th December 2019.

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

2. The approved documents for this Planning Permission comprise:
1. the Planning Application Form received 16th October 2019;
  2. the Site Location Plan received 29th October 2019 (Drawing no. 12031-01A);
  3. the Block Plan received 29th October 2019 (Drawing no. 12031-12C);

4. the Topographical Survey submitted with application 12/0880 received 25th October 2012 (Drawing no. 1116/1);
5. the Site Layout Plan received 29th October 2019 (Drawing no. 12031-03M);
6. the House Type A submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-05A);
7. the House Type B submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-06A);
8. the House Type C submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-07A);
9. the House Type D submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-08A);
10. the House Type E submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-09);
11. the House Type F submitted with application 12/0880 received 18th February 2015 (Drawing no. 12031-10);
12. the Site Sections A, B, C submitted with application 12/0880 received 13th April 2015 (Drawing no. 12031-04C);
13. the Landscape Concept Plan submitted with application 12/0880 received 15th April 2015 (Drawing no. Figure A Rev 03);
14. the Archaeological Desk-Based Assessment And Geophysical Survey submitted with application 12/0880 received 25th October 2012;
15. the Tree and Hedge Survey Report submitted with application 12/0880 received 25th October 2012;
16. the Phase 1 Habitat and Scoping Survey For European Protected Species submitted with application 12/0880 received 25th October 2012;
17. the Noise Assessment submitted with application 12/0880 received 25th October 2012;
18. the Land Contamination submitted with application 12/0880 received 25th October 2012;
19. the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012;
20. the Phasing Site Plan received 29th October 2019 (Drawing no. 12031-14A);
21. the Construction Phase Plan Phase 1A received 1st August 2019 (Drawing no. CDM01);
22. the Construction Phase Plan Phase 1B received 1st August 2019 (Drawing no. CDM02);
23. the Construction Phase Plan Phase 1C received 1st August 2019 (Drawing no. CDM03);
24. the Supporting Statement for Sustainability, Removal of Condition 20 received 1st August 2019;
25. the Construction Management Plan received 1st August 2019;
26. the Supporting Statement to Accompany Removal or Variation of a Condition Application (Rev A) received 16th October 2019;
22. the Notice of Decision;
23. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. The carriageways & footways etc: shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect full constructional details shall be submitted for approval before work commences on site. No work shall be commenced until these have been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

4. The house accesses and parking areas etc: shall be designed, constructed, drained and lit to the satisfaction of the local planning authority and in this respect further details, including longitudinal/ cross sections, shall be submitted to the local planning authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. Any works so approved shall be constructed before the development is regarded as complete.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety to support Local Transport Plan Policies LD5, LD7 and LD8.

5. The access and parking/turning requirements, shown on the plan, shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway. Before any development takes place, a plan shall be submitted for approval by the local planning authority reserving adequate land for the site offices, material storage and for the parking of vehicles\plant 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 building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues and to support Local Transport Policies LD5, LD7 and LD8.

6. Prior to the commencement of development, details of a scheme for surface water drainage and means of disposal, based on sustainable drainage principles and evidence of an assessment of site conditions (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority. If after an assessment of site conditions, it is demonstrated that it is necessary to discharge to watercourse, the surface water drainage scheme must be restricted to existing runoff rates including an allowance for climate change. No surface water, no land drainage and no highway drainage shall connect

into the public sewerage system (directly or indirectly). The scheme shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To ensure the most sustainable forms of drainage are investigated and secured, to promote sustainable development and to manage the risk of flooding and pollution in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

7. Prior to the commencement of development, details of a scheme for foul water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the local planning authority. The details shall demonstrate:
  - a. all foul water draining to a new foul water pumping station with 48 hours foul water storage fitted with a dosing system;
  - b. foul water storage vented through a carbon filter;
  - c. foul water stored shall be pumped at a maximum flow rate not exceeding 8 litres/second.

The scheme shall be completed, maintained and managed in accordance with the approved details.

**Reason:** To secure proper drainage, promote sustainable development and to reduce the risk of flooding and pollution. in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

8. Before development commences a scheme of tree and hedge protection shall be submitted to and approved in writing by the local planning authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

**Reason:** To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

9. All private paths, private driveways and other private hardstanding areas shall be constructed of permeable surfaces. The details for these permeable surfaces shall be submitted to the local planning authority and approved in writing prior to the commencement of development. The development shall be constructed in accordance with the approved details.

**Reason:** To promote sustainable development and to reduce the risk of flooding and pollution in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

10. Prior to their installation, samples or full details of materials to be used externally on the buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that materials to be used are acceptable and in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

11. Within three months from the date of this permission, particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in 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 in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. Within three months from the date of this permission, details of a landscaping scheme shall be submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

13. Phase 2 of the development hereby approved shall not commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/ roadway/ car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.

**Reason:** To ensure the adjacent transport infrastructure is not adversely affected by the development.

14. Where excavations/piling/buildings are to be located within 10 metres of the railway boundary, Phase 2 of the development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.

**Reason:** To ensure the adjacent transport infrastructure is not adversely affected by the development.

15. No external lighting shall be installed on Plots 1 to 13 shown on Drawing no. P04B received on 13th April 2015 submitted under application 12/0880 without the prior written approval of the local planning authority. The lighting shall be installed in accordance with the approved details and shall not be altered, modified or addition lighting installed without the further written

consent of the local planning authority.

**Reason:** To ensure that the operational safety of the adjacent transport infrastructure is not adversely affected by the development.

16. Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management Plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing for that phase of the development by the local planning authority. The development shall then be undertaken in accordance with the approved details.

**Reason:** To ensure that the operational safety of the adjacent transport infrastructure is not adversely affected by the development.

17. Footways shall be provided that link continuously and conveniently to the nearest existing footway, before 'first occupancy'. Ramps shall be provided on each side of the internal junction in Hallmoor Court, so enable wheelchairs, pushchairs etc. can be safely manoeuvred and shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5.

18. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter 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 and to support Local Transport Plan Policies LD5, LD7 and LD8.

19. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

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

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems,



and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

20. Within the tree protection fencing approved by Condition 8:

1. no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree;
2. no equipment, machinery or structure shall be attached to or supported by a retained tree;
3. no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area;
4. no alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority;
5. the tree protection measures shall be retained in good condition and to the satisfaction of the local authority for the duration of the development.

**Reason:** To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To protect the hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

22. All works comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or, in the alternative, by not later than the end of the planting and seeding season following completion of the development.

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

**Reason:** To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policies GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

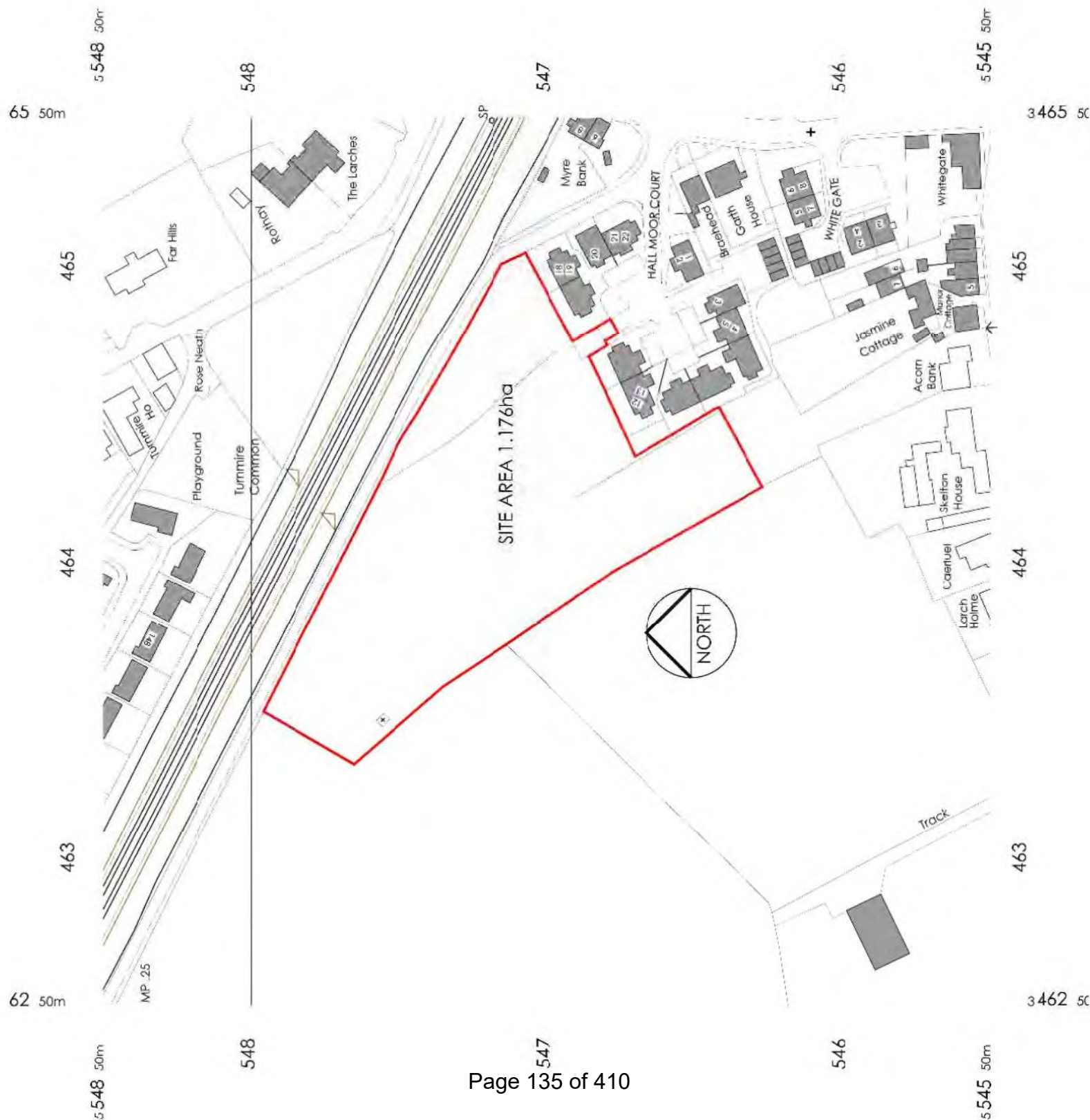
23. No construction work associated with the development hereby approved shall be carried out before 0800 hours or after 1800 hours Monday to Friday, before 0900 hours and 1300 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or an Order revoking or re-enacting that Order, with or without modification), no hard surfaces shall be constructed within the curtilages of the dwelling houses at any time, other than those expressly authorised by this permission or unless subsequently agreed in writing by the local planning authority.

**Reason:** To promote sustainable development and to reduce the risk of flooding and pollution in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

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All drawings in copyright. Printed dimensions are to be followed in preference to verbal dimensions. All particular notes are to be taken from the drawings and not from the verbal instructions. The architect must not be held responsible for the accuracy of the information provided by the client.

Rev	Date	Description	Drawn by
1	10/01/11	Initial design	10/01/11
2	10/01/11	Revised design	10/01/11
3	10/01/11	Final design	10/01/11

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Client  
SIMTOR

Drawing  
BLOCK PLAN

PLANNING

ARCHITECTS  
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PROPOSED HOUSING  
LAND ADJACENT TO HALLMOOR COURT





1. The drawings are prepared by the Architect in accordance with the requirements of the Building Regulations and the Planning Regulations. The drawings are not to be used for any other purpose without the written consent of the Architect.

2. The drawings are prepared by the Architect in accordance with the requirements of the Building Regulations and the Planning Regulations. The drawings are not to be used for any other purpose without the written consent of the Architect.

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- 4th FLYP A 384P  
 1st FLYP B 48/P  
 4th FLYP C 48/P  
 10th FLYP D 284P  
 4th FLYP E 284P  
 27th FLYP F 284P
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- 1st FLYP A 384P  
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 27th FLYP F 284P

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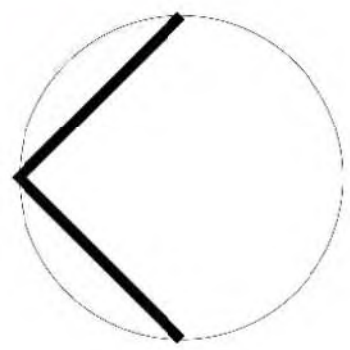
PROJECT  
 PROPOSED HOUSING  
 LAND ADJACENT TO DARTMOUTH CL WHARF  
 CLIENT  
 SIMTOR  
 DRAWING  
 SITE LAYOUT

Scale	Date	Version	Comments	Drawn	12001-03M
1:2500	09/12	R/W	PUB		
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# Land Adjacent to Hall Moor Court, Wetheral Proposed Residential Development

*for*  
*Simtor Ltd.*

## Construction Management Plan

*July 2019*







## 2.0 Project Overview

### 2.1 Existing Site

- 2.1.1 The site is located to the West of a residential area in Wetheral and is currently agricultural land. To the North is the railway line running between Wetheral and Carlisle. To the West and South of the site is agricultural land.



*Aerial Photo*

### 2.2 Proposed Works

- 2.2.1 The work comprises of erecting 27 number dwellings, along with associated access roads and external works.
- 2.2.2 The work will be completed in 2 phases, phase 1 being undertaken away from the railway line to allow works to progress while finalised agreements are made with Network Rail
- 2.2.3 The site is vacant and will be suitably cordoned off from the public for the duration of the works.

## 3.0 Communication

- 3.1 Information of all site arrangements including the construction management plan will be communicated to all contractors, sub-contractors, delivery drivers and suppliers.
- 3.2 Once work starts on site all Operatives, Subcontractors, Delivery Drivers and Visitors will be given a site induction which will include, but not be limited to, details of the following:-
- Site Working Hours
  - Parking Arrangements
  - Designated Pedestrian Routes around Site



- Delivery Times, Restrictions and Routes to Site
  - Loading and Unloading Areas
  - Provisions on site for Loading and Unloading
- 3.3 Neighbours and appropriate third parties will be regularly informed of site activities and likely to impact on adjoining properties. The contractors' representatives and the management team will demonstrate a considerate and professional approach and maintain a well-balanced relationship with neighbours and the local public during project execution. Communication will be in the form of personal introductions, letter drops and site notices posted on the site hoarding advising of anticipated events, general progress of the works and any requirements for any abnormal works. Contact details will be included on all communication.
- 3.4 The appointed constructor will be registered and comply with the requirements of the Considerate Constructors Scheme for the duration of the project. The works will be carried out in accordance with the Considerate Constructors Scheme and in such a way as to minimise the impact on the local environment and amenities. A contact board will be displayed outside the site providing contact details. This will include names and telephone numbers of key construction staff so that neighbours and the general public can make contact should they have cause to do so.
- 3.5 All complaints will be reported and recorded. If a complaint is made in person on the construction site the site manager will speak with the complainant and identify the problem. If the problem cannot be resolved immediately, the site manager will take the appropriate action and confirm satisfaction from the complainant.
- 3.6 A complaints/contact book will be kept on site, which will be used to record details of any complaints. This will include the name of the person making the complaint, the date, time and nature of the complaint and the action necessary to resolve the complaint. The complaints book will be regularly reviewed by the constructor and the client's management team to ensure that any complaints are dealt with and resolved promptly.
- 4.0 Site Works**
- 4.1 Preliminary Programme**
- 4.1.1 The anticipated start date for the project is autumn 2019
- 4.1.2 A full programme of the works will be finalised prior to the commencement of the project.
- 4.1.3 The works will be undertaken in two phases. Further details are given under 4.2 Sequence of works, please also refer to drawing 12031-14 Phasing Plan and the image on the next page showing the proposed phases.



#### Proposed Phasing Plan NTS

#### 4.2 Sequence of Works

The works are to be undertaken in two phases. As noted this is so that works can commence on site, away from the railway, while the appropriate statutory authorities are consulted and further details and finalised agreements are sought, particularly with Network Rail

##### Phase 1

Phase 1 will construct the access into the site, provide contractor parking and compounds and undertake the construction of the first 13 properties. Please also refer to drawing 12031-14 Phasing Plan and the image above showing the proposed phases. Phase 1 will be undertaken in a number of stages, so that access and construction traffic will have minimal impact on the residences on Hall Moor Court.

##### Phase 1A

The contractor is to form the new site access, which will become the permanent access to the site. This will allow vehicles to enter the site and an area for site welfare, storage, parking and deliveries set up. Form hardcore parking for temporary site setup and site vehicle parking in front of plots 18-21.

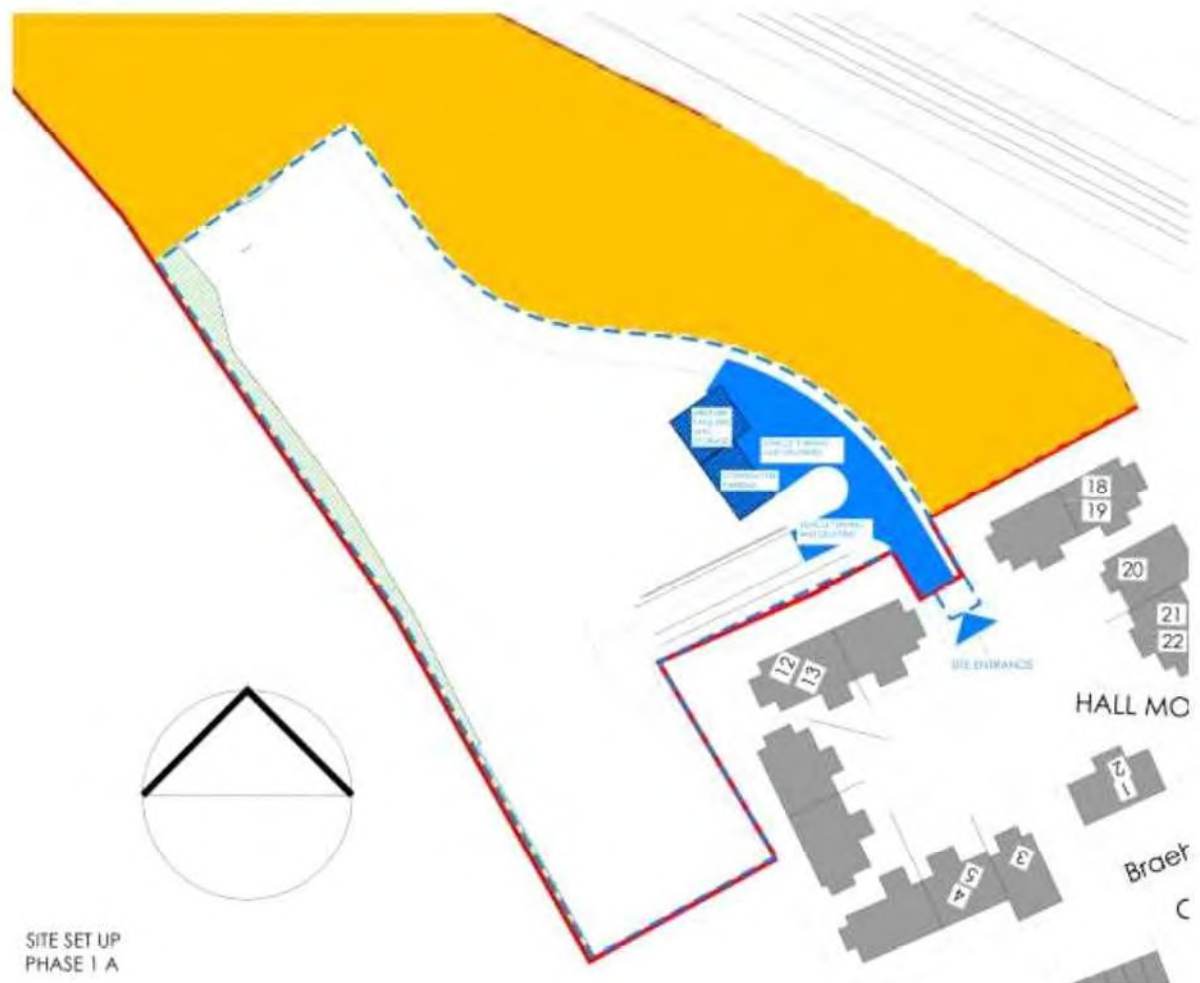
The space available will be suitable for delivery vehicles to draw into the site and allow off-loading of materials and equipment. Suitable temporary welfare facilities required under CDM 2015 will be required on site and such arrangements shall be accommodated for the limited numbers of workers present at the start of the works.



The site would also be fenced with a suitable temporary fence to ensure security on the site and if covered, prevent dust leaving the site.

Hedge protection zones within the Phase 1 area would be established on the site as indicated on drawing 12031-CDM04 Tree Protection, with clear delineation between the areas to be used for construction and those areas within the tree protection zone.

Please refer to drawing 12031-CDM01 for further details.



*Plan of Phase 1A NTS*



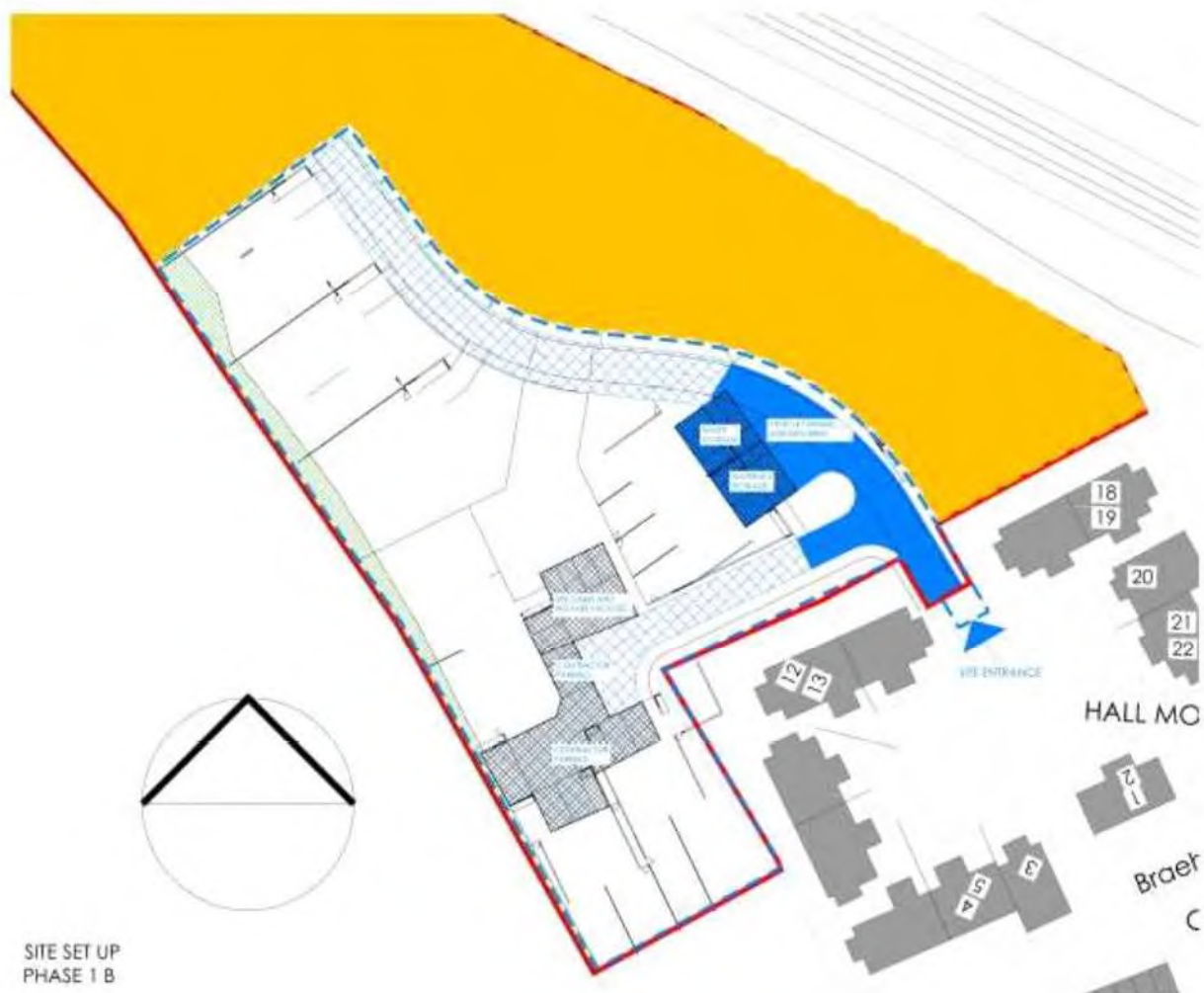
### Phase 1B

Areas of the site will continue to be levelled and established stockpiles of excess materials presented in areas of the site which would limit the impacts to both trees and future phases. All works would be done in accordance with CIRIA Environmental good practice on Site Guide (fourth edition) (C741D).

Hardcore for the permanent parking area is to be laid, increasing the area available for turning areas, parking and contractor's compound.

Segregated areas for materials and waste would be established and suitable parking established for the limited workforce on site. The revised area would also accommodate some elements of the finalised access to the site, offering a tarred surface to the entrance to ensure that any construction materials were kept within the site.

This will then become the permanent site set up to enable the remaining construction to be undertaken.



Plan of Phase 1B NTS

### Phase 1C

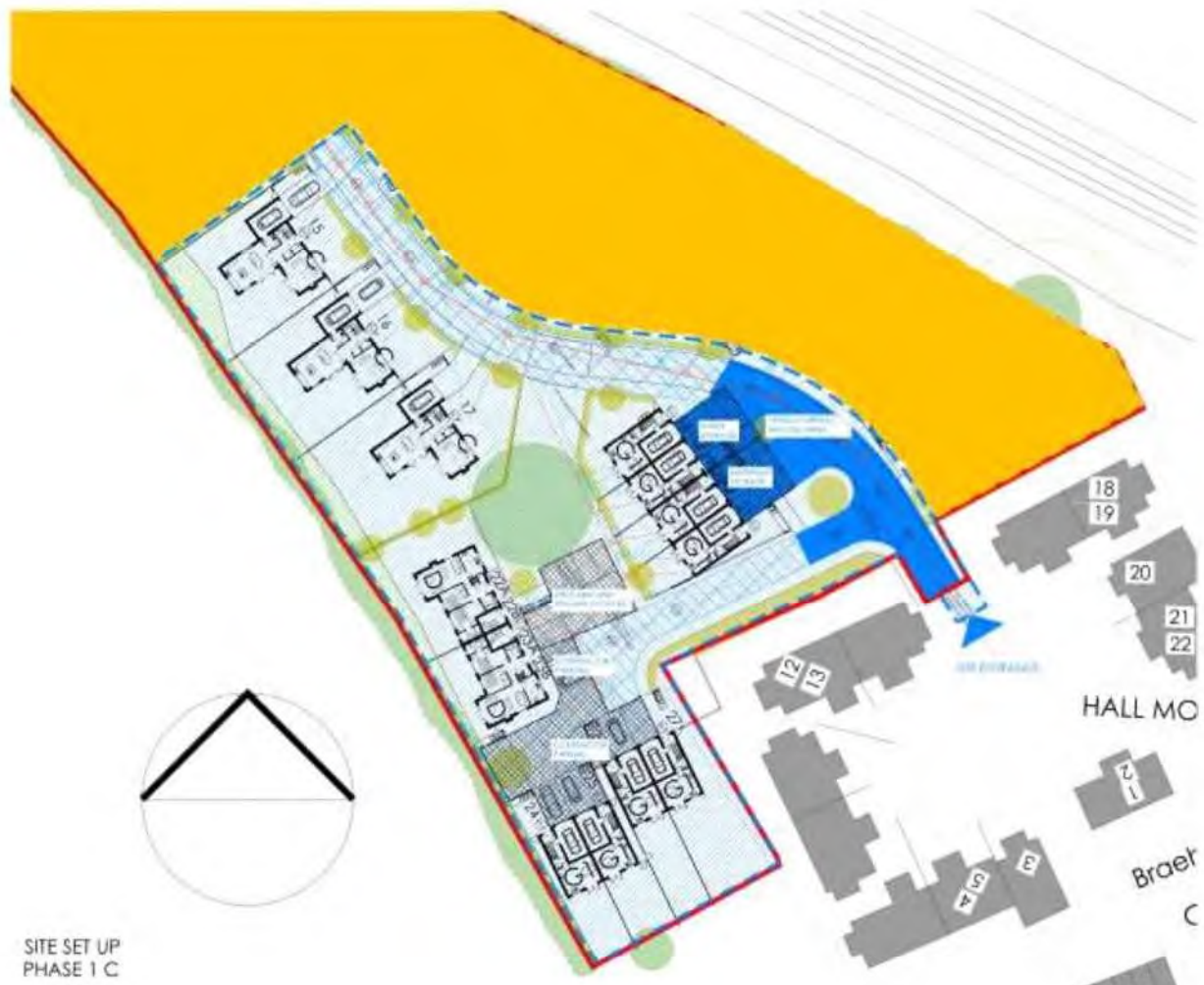
With the contractor's compound, storage, welfare and parking set up, the construction of phase 1 can continue with minimal disruption to adjacent residential areas.

The construction of the dwellings would commence, including drainage, external works and landscaping.

The dwellings are to be constructed in a traditional manner; cavity masonry walls, timber floors and roofs, and therefore all can easily be delivered and managed on site in a timely manner.

Final drainage connections to the dwellings would be established including the foul sewer connection and all tests conducted to the satisfaction of the statutory undertakers. Welfare facilities would continue to be maintained and serviced, and when not in continuous use, removed from site.

Pre mixed concrete and mortars would be brought to site if appropriate to reduce any potential noise and dust pollution from the site.



Plan of Phase 1C NTS



## Phase 2

Phase 2 will be undertaken once final agreements are in place with Network Rail and will see the final 15 properties constructed.

The existing welfare facilities and contractor parking and compound will be maintained within the Phase 1 area, as indicated, throughout the work. Additional welfare and storage/ delivery areas will be formed as the Phase 2 works progress.

### 4.3 Construction Operating Hours

No construction work (other than in the case of an emergency or with written approval from the local Planning Authority) associated with the development shall take place anywhere on the site on any Sunday, officially recognised public holidays, nor at any time other than the following;

- Monday – Friday: 08.00 – 18.00
- Saturday: 09.00 – 13.00

### 4.4 Site Setup

Please refer to drawings 12031-CDM01 – 03 for site set up information for the different phases of the works.

**Phase 1A** Initial access will be formed, allowing for suitable temporary welfare facilities required under CDM 2015 and such arrangements shall be accommodated for the limited numbers of workers present at the start of the works

**Phase 1B** More extensive access formed and more extensive contractors parking, site offices, welfare facilities, material storage, and waste storage can be formed within the areas indicated on the plans, to accommodate the increased number of personnel that will be on site for the main construction phase.

**Phase 1C** With the site access and contractors compound set up in Phase 1B, this is sufficient for the construction of the remainder of Phase 1 and to commence Phase 2.

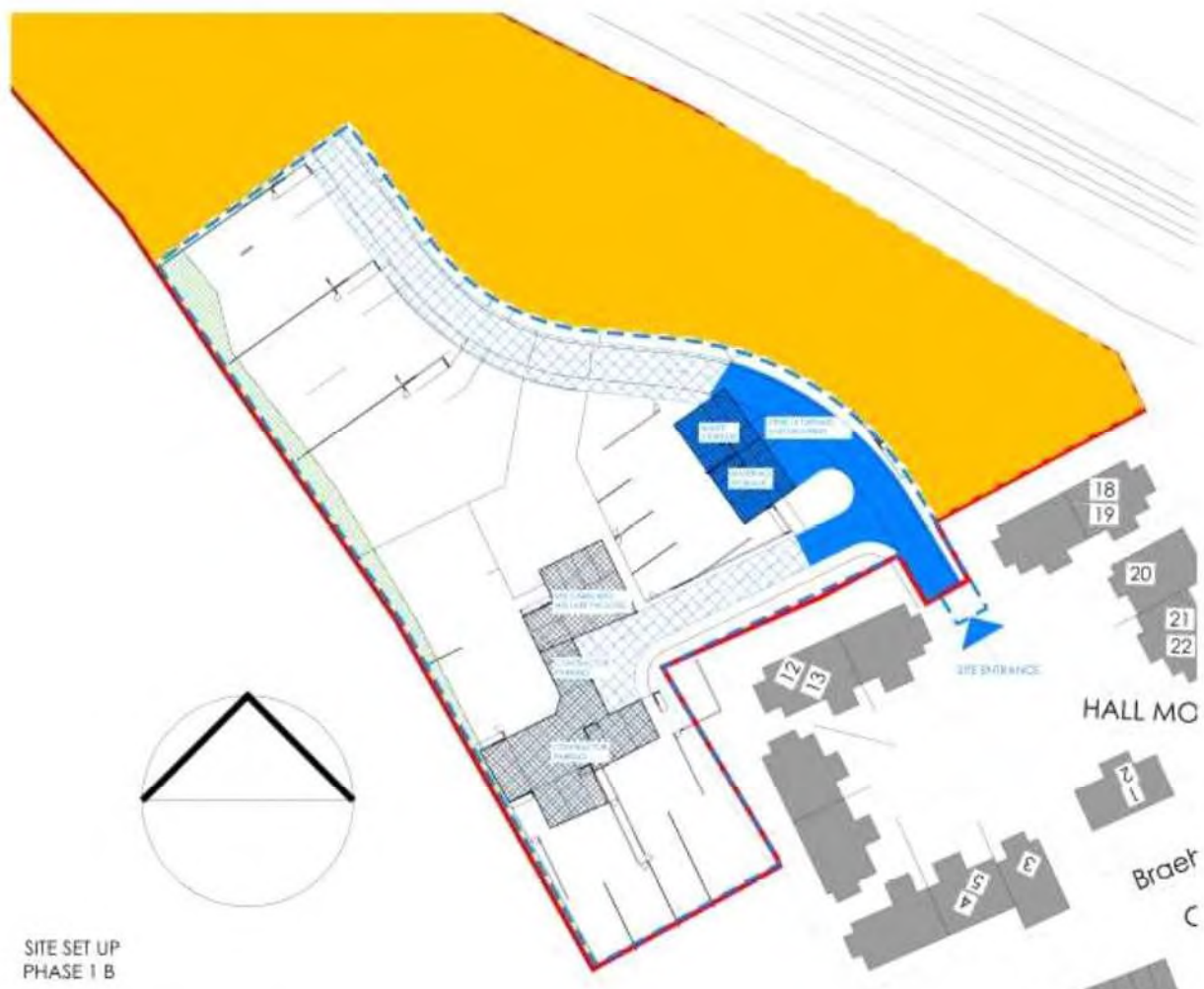
**Phase 2** Further details will be submitted following finalised agreements with Network Rail.

## 5.0 Traffic Management

### 5.1 Access/Movement

5.1.1 The site entrance for vehicular access will be from Hall Moor Court as indicated on drawing 12031-CDM01 to CDM03. These plans show details of the arrangement on site, including:

- Site entrance
- Parking area
- Site office / cabin, and accommodation
- Material and waste storage areas



Plan of Site Set Up NTS

## 5.2 Deliveries

All deliveries are to access the site from Hall Moor Court and enter the site from the proposed access as indicated on the drawings. All loading and unloading is to be undertaken within the site boundaries and a banksperson is to be on site at all times to oversee delivery vehicles and routes. The contractor should arrange deliveries to avoid rush hour traffic and to stagger deliveries.

## 5.3 Parking

No off-site parking is to be allowed. All contractors are to park on site within the designated contractor parking areas as indicated on the plans.

## 6.0 Environment Impacts

### 6.1 Dust Control Measures

- 6.2.1 Dust levels will be monitored by the site manager. To prevent damage caused by dust, control measures will include the use of solid panel boundary fencing or the installation of dust/wind netting onto boundary fencing, if applicable, the damping down of surfaces by utilising water bowsers and/or sprinklers during periods of dry weather, work areas will be damped down if dust is being generated by onsite activities; cutting of blocks and stone to be carried out with water suppression where possible.

### 6.2 Noise

- 6.2.1 All plant equipment used will be fitted with industry standard silencers and all care will be taken on site to ensure noise levels are controlled. Measures will include ensuring that all equipment is turned off when not in use, and there is no unnecessary revving/spinning of engines/motors while in use.
- 6.2.2 In the event of the contractor receiving complaints regarding noise levels on site, the contractor will be requested to collaborate with the LA Environment Health department to establish acceptable noise levels, and adopt mitigation measures in accordance with BS 5228 where required. If it is deemed necessary at this point by LA Environment Health officers, noise levels will be monitored in line with the guidance contained in BS 7445 (description and measurement of environmental noise).
- 6.2.3 An assessment on the use of reversing beepers on vehicles will be made and where appropriate a trained signaller/banksman will be employed.
- 6.2.4 The Site manager will monitor noise generally throughout the day to ensure no unnecessary nuisance is experienced to residential amenity, and this would include shouting, bad language, radios etc.
- 6.2.5 It is not thought that rock puckering will be required. If rock puckering is required, additional measures will include the requirement for acoustic barriers to be placed around areas of work where practical, acoustic blankets will be placed around the peckerhead where applicable with several 20 minute rest periods carried out, plant used for power such as electricity generators for site cabins and lighting will be placed away from boundaries with neighbours if practicable with additional acoustic blankets attached to fencing positioned around such plant.

### 6.3 Vibration

- 6.3.1 Prior to starting any works which would create excessive vibration, Site management will notify neighbours (adjacent Site residents and new Site residents) as to what we plan to do and for how long.



- 6.3.2 Generally, there shouldn't be any operations that create excessive vibration. However, In the event that a complaint is received, the Site Manager will be responsible for following the complaint through to resolution and initiating any necessary corrective action.
- 6.3.3 For phase 1, if any works creating vibration occur, each time these related works are carried out on site, a measurement and assessment of ground-borne vibration will be undertaken in accordance with the guidance contained in BS 7385 Evaluation and Measurement of Noise in Buildings, and BS 5528.2 Code of Practice for Noise and Vibration Control on Construction Sites and Open Sites. If after monitoring, there is evidence showing excessive vibrations, then mitigation methods listed in BS 5228 will be agreed with the LA Environment Health Officers for appropriate mitigation methods to address the levels of vibrations.
- 6.3.4 For phase 2, no operations that create excessive vibration will occur. Any operations that may cause vibration shall first be agreed with Network Rail and any vibration will be kept within Network Rails prescribed limits.

#### **6.4 Wheel Washing**

- 6.4.1 Wheel washing will be carried out to avoid excess soiling of adjacent highways to the full satisfaction of the Local Highway Authority, and Police.
- 6.4.2 Wheel washing will be carried out manually when vehicles are tracking materials off the site onto the road to ensure the highway does not get soiled. In the event of the highway becoming soiled mechanical sweeping of the roads will be undertaken.

#### **6.5 Visual Impact**

- 6.5.1 The site will be secured using a 2.0m high security fence which, along the boundary wall and will obscure the site from view. The site accommodation will be positioned to avoid privacy issues as much as possible.

#### **6.6 Lighting**

- 6.6.1 Certain areas of the site will need to be illuminated for Health and Safety and Security reasons, these areas will (wherever possible) be positioned so as not to affect any neighboring properties with the lighting positions to shine down and into the site.
- 6.6.2 Security lighting for the site required for night time illumination is to be positioned so as not to cause nuisance from glare to neighbours.
- 6.6.3 Wherever possible lighting should be minimal and directed away from the surrounding trees/hedgerows.

#### **6.7 Rubbish/Waste**

- 6.7.1 The housekeeping of the site shall be well maintained to prevent litter and dust from material blowing into neighbouring properties. Skips will be regularly emptied; burning of waste material on site will not be accepted. The site is too close to neighbours for this to be practical without causing nuisance.

#### **7.0 Ecology**

- 7.1 All site operative will be advised of the ecological significance of the site and be given copies of the Phase 1 Habitat Scoping Survey along with the Tree and Hedge Survey submitted as part of the original planning application and be made of aware of the environmental working methods require. Details of the potential for various species is given in the survey and although none were of concern, the recommendations in the



- report will be observed. The Site Agent is to ensure that contact details of the appointed ecologist are readily available.
- 7.2 The Contractor and Site Agent will ensure cooperation and communication with the appointed ecologist and ensure the requirements of any watching brief, notification process and requirements of Natural England are adhered to.
- 7.3 The Contractor will ensure that the works are progressed in strict accordance with the requirements of appointed ecologist in respect to vigilance for bats, squirrels, badgers and birds. No tree or hedge works to be undertaken from March to August .
- 7.4 Adherence to the following awareness measures will ensure that the low risk of disturbance to individual amphibian, badger, brown hare, hedgehog and other individual animals will be reduced:
- Before clearance works commence any areas covered by dense vegetation should be disturbed by hand (or by the contractor walking over and disturbing the ground cover) to alert any animal.
  - Tree removal should retain the stumps and vegetation at ground level – these areas should be cleared with care - following a fingertip search at least three days after the main body of the hedge has been removed.
  - Equipment, tools or plant associated with the development should be secured, stored away for the overnight period.
  - Any open pipes at the end of each working day should be capped off (or stopped) to prevent access to hedgehog and other small mammals.
  - All open excavations left overnight should allow any animal a means of escape if they enter the excavation. This can be achieved by placing a wooden board or plank no less than 0.5m wide and at an angle of no more than 45° or have a similar soil slope in the excavation.
  - Open excavations should be checked daily before commencing works.
  - All construction materials are to be stacked safely to prevent accidental collapse.
  - To prevent the encouragement of pests and scavengers no food wastes are to be deposited on site.
  - Works should, where possible, reduce working around sunrise and sunset.
  - During works, any lighting on site should be minimal and directed away from the surrounding trees/hedgerows.
- 7.6 If any bats or birds nest etc are uncovered during the construction works, works should cease immediately and the appointed Ecologist notified.
- 8.0 Archaeology**
- 8.1 An Archaeological desktop assessment was undertaken and submitted as part of the original planning application. This shows that the site has been fields since at least 1842. No further archaeological surveys have been recommended as part of the planning process.
- 8.2 If any archaeological features are uncovered during the construction works, works should cease immediately and the appointed Archaeologist notified.

## Land Adjacent to Hall Moor Court

### Proposed Residential Development

*for*  
*Simtor Ltd.*

## Supporting Statement for Sustainability, Removal of Condition 20

*July 2019*





## 1.0 INTRODUCTION

- 1.1 This document has been prepared by Architects Plus on behalf of Simtor Ltd. to supplement the Planning Application for Removal/ Variation of a condition following the 'Grant of Planning Permission' reference 12/0880 dated 19<sup>th</sup> December 2016.
- 1.2 The proposed development is to construct 27nr new houses on the land adjacent to Hall Moor Court, Wetheral, with associated parking and garden spaces, and a shared access drive.
- 1.3 Removal of condition 20 is being sought as it relates to the Code for Sustainable Homes, which has been withdrawn as a requirement and many items incorporated into the Building Control Approved Documents. However, this document has been prepared to demonstrate that the proposal adheres to the principles laid out in the Code for Sustainable Homes and will still be a sustainable development.

## 2.0 ENERGY

- 2.1 The proposed development incorporates a fabric first approach to low energy design to minimise the energy consumption of the buildings and ensure they are affordable to run for the occupants. The buildings have been designed to maximise the thermal fabric with increase insulation levels and air tightness above minimum Building Regulations standards to reduce the energy consumption of the buildings.
- 2.2 In addition high efficiency boilers with enhanced controls with weather compensators and delayed start thermostat; and whole house ventilation systems with heat recovery will ensure high efficiency heating and ventilation.
- 2.3 Low energy light fittings will also be implemented to reduce the energy consumption. Although white goods are not to be supplied, new white goods increasingly have a minimum energy rating of A+ or above with greater energy efficiency being driven by consumer demand and legislation.
- 2.4 Each dwelling is supplied with a garden with sufficient space for an external drying area, in addition the majority of the house types have a utility room and/ or large kitchen, as well as an airing cupboard, limiting the need for a tumble dryer.
- 2.5 The intention is that the building fabric should perform as best as possible within the financial constraints of the scheme before more expensive renewable technology is considered.

## 3.0 WATER

- 3.1 Consideration has been given to water consumption by incorporating low flow rate taps, showers and reduced capacity cisterns.
- 3.2 Surface water will be disposed of by means of on-site retention and controlled discharge, at the current rates, to the existing surface water drainage system.
- 3.3 Permeable paving and large areas of garden, grass and planting will assist with retention of water and limiting the run off.
- 3.4 The site is located within flood zone 1 with very low annual probability of flooding.

## 4.0 MATERIALS

- 4.1 With the introduction of the Modern Slavery Act 2015 and increasing drive and legislation for environmental responsibility, manufacturers and suppliers are becoming more aware of their supply chains and the

environmental impact of their products. The contractor is required to ensure that all of their materials are from a responsible and legal source.

- 4.2 All timber is to be FSC certified from a legal and responsible source.
- 4.3 Where possible, materials are to be re-used. Topsoil is to be retained for use in gardens and arisings to be used on site where practicable.

## **5.0 WASTE**

- 5.1 Storage areas for non-recyclable household waste and recyclable household waste have been provided externally for each dwelling.
- 5.2 Each dwelling has a kitchen and/ or utility suitably sized for three separate bins with a total capacity of 30 litres for recyclable and non-recyclable waste within the dwellings.
- 5.3 The contractor will be required to provide a Construction Site Waste Management method statement, detailing how they will manage site waste, reduce waste materials and recycle waste where possible. Where waste cannot be recycled they will need to dispose of the waste in a responsible way

## **6.0 HEALTH AND WELL-BEING**

- 6.1 Each dwelling has natural daylight in every habitable room. Kitchens and living areas in particular have large, openable windows and/ or glazed patio doors to reach the required minimum daylight factors.
- 6.2 The buildings will be constructed in accordance robust details and Approved Document E of the building regulations, ensuring adequate sound insulation and preventing the passage of sound from one building to another. In accordance with the Building Regulations, sound testing will be undertaken for each of the dwelling types.
- 6.3 Each dwelling has a generous private garden which is secure and has good accessibility.
- 6.4 Each dwelling has been designed in accordance with Approved Document M, ensuring good access to the dwellings. This includes level approaches, ground floor W.C.'s, adequate door sizes and room sizes for accessibility.
- 6.5 Each dwelling has car parking spaces adjacent to the main entrance and many also have garages with a secondary entrance into the building. Footpaths are provided throughout the site, affording good access to the site boundary and main road and footpaths.
- 6.6 The site is ideally located with good access to the train station and bus services within walking distance. Local amenities including a shop, hotel, doctors surgery, restaurant and pub are also within walking distance and will help provide a sustainable community.

## **7.0 MANAGEMENT**

- 7.1 An Operation and Maintenance Manual, along with a Health and Safety File is to be provided for each dwelling upon Practical Completion, in accordance with the CDM 2015 regulations.
- 7.2 As part of the planning process, any concerns raised by the Architectural Liaison Officer or Crime Prevention Design Advisor will be addressed. The dwellings have all been designed to Secure by Design principles, with good overlooking of entrances and open footpaths, external lighting to be provided, all doors and windows to be PAS24, limiting climbing aids, dedicated parking areas and considered planting.



## 8.0 ECOLOGY

- 8.1 Measures which enhance the biodiversity of the site and local area are proposed. Native species hedging is to be planted; this being a mix which will include Hawthorn, Hazel, Holly, Blackthorn, Bird Cherry, Guelder Rose, Dog Rose and Honeysuckle. Evergreen hedging, tree, shrub and wildflower meadow planting is also to be carried out.
- 8.2 The existing trees of significance which are to be retained and the hedges which bound the site are protected by the siting of the built development which is proposed beyond the appropriate 'buffer' zone.
- 8.3 A phase 1 habitat and scoping survey, as well as a tree and hedge report were undertaken to assess the site and has been referred to throughout the design and the recommendations undertaken as part of the proposal, including the wild meadow creation and use of native species.

## Land Adjacent to Hall Moor Court Proposed Residential Development

*for*  
*Simtor Ltd.*

### Supporting Statement to Accompany Removal or Variation of a Condition Application (Rev A)

*July 2019*





## 1.0 INTRODUCTION

- 1.1 This document has been compiled to supplement an application for a removal or variation of a condition application relating to the planning application approval reference 12/0880 dated 19/12/2016.
- 1.2 **Project Description** – The proposed development is to construct 27nr new houses on the land adjacent to Hall Moor Court, Wetheral, with associated parking and garden spaces, and a shared access drive.

## 2.0 DESCRIPTION

- 2.1 **Proposed amendments** - The proposed amendments are as follows:

- **Condition 2:** *'The approved documents for this Planning Permission comprise:*
  1. *the Planning Application Form received 26th February 2015;*
  2. *the Site Location Plan received 18th February 2015 (Drawing no. 12031-01);*
  3. *the Block Plan received 13th April 2015 (Drawing no. 12031-12B);*
  4. *the Topographical Survey received 25th October 2012 (Drawing no. 1116/1);*
  5. *the Site Layout received 13th April 2015 (Drawing no. 12031-03K);*
  6. *the House Type A received 18th February 2015 (Drawing no. 12031-05A);*
  7. *the House Type B received 18th February 2015 (Drawing no. 12031-06A);*
  8. *the House Type C received 18th February 2015 (Drawing no. 12031-07A);*
  9. *the House Type D received 18th February 2015 (Drawing no. 12031-08A);*
  10. *the House Type E received 18th February 2015 (Drawing no. 12031-09);*
  11. *the House Type F received 18th February 2015 (Drawing no. 12031-10);*
  12. *the Site Sections A, B, C received 13th April 2015 (Drawing no. 12031-04C);*
  13. *the Landscape Concept Plan received 15th April 2015 (Drawing no. Figure A Rev 03);*
  14. *the Design and Access Statement received 22nd April 2015;*
  15. *the Planning Statement received 22nd April 2015;*
  16. *the Archaeological Desk-Based Assessment And Geophysical Survey received 25th October 2012;*
  17. *the Tree and Hedge Survey Report received 25th October 2012;*
  18. *the Phase 1 Habitat and Scoping Survey For European Protected Species received 25th October 2012;*
  19. *the Noise Assessment received 25th October 2012;*
  20. *the Land Contamination 25th October 2012;*
  21. *the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012*
  22. *the Notice of Decision;*
  23. *any such variation as may subsequently be approved in writing by the Local Planning Authority.'*

The request is to vary the wording to allow for the inclusion of the documents provided within this application. The suggested amendments are as follows:

The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 31<sup>st</sup> July 2019
2. the Site Location Plan received 18th February 2015 (Drawing no. 12031-01) approved under application 12/0880;
3. the Block Plan received 13th April 2015 (Drawing no. 12031-12B) approved under application 12/0880;
4. the Topographical Survey received 25th October 2012 (Drawing no. 1116/1 approved under application 12/0880);
5. the Site Layout received 13th April 2015 (Drawing no. 12031-03K) approved under application 12/0880;
6. the House Type A received 18th February 2015 (Drawing no. 12031-05A) approved under application 12/0880;

7. the House Type B received 18th February 2015 (Drawing no. 12031-06A) approved under application 12/0880;
8. the House Type C received 18th February 2015 (Drawing no. 12031-07A) approved under application 12/0880;
9. the House Type D received 18th February 2015 (Drawing no. 12031-08A) approved under application 12/0880;
10. the House Type E received 18th February 2015 (Drawing no. 12031-09) approved under application 12/0880;
11. the House Type F received 18th February 2015 (Drawing no. 12031-10) approved under application 12/0880;
12. the Site Sections A, B, C received 13th April 2015 (Drawing no. 12031-04C) approved under application 12/0880;
13. the Landscape Concept Plan received 15th April 2015 (Drawing no. Figure A Rev 03) approved under application 12/0880;
14. the Phasing Plan received 31<sup>st</sup> July 2019 (Drawing no 12031-14)
15. the Construction Phase Plan Phase 1a received 31<sup>st</sup> July 2019 (Drawing no. CDM01)
16. the Construction Phase Plan Phase 1b received 31<sup>st</sup> July 2019 (Drawing no. CDM02)
17. the Construction Phase Plan Phase 1c received 31<sup>st</sup> July 2019 (Drawing no. CDM03)
18. the Design and Access Statement received 22nd April 2015 approved under application 12/0880;;
19. the Planning Statement received 22nd April 2015 approved under application 12/0880;;
20. the Archaeological Desk-Based Assessment And Geophysical Survey received 25th October 2012 approved under application 12/0880;
21. the Tree and Hedge Survey Report received 25th October 2012 approved under application 12/0880;
22. the Phase 1 Habitat and Scoping Survey For European Protected Species received 25th October 2012 approved under application 12/0880;
23. the Noise Assessment received 25th October 2012 approved under application 12/0880;
24. the Land Contamination 25th October 2012 approved under application 12/0880;
25. the Statement on the means of disposing of both foul drainage and surface water received 25th October 2012 approved under application 12/0880;
26. the Notice of Decision;
27. any such variation as may subsequently be approved in writing by the Local Planning Authority.'

- **Condition 3:** *'Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the buildings have been submitted to and approved by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in accordance with the approved details.'*

The request is to vary the wording of condition 3 from 'no development shall be commenced until samples or full details...' to 'prior to installation samples ... to be submitted to and approved' for details of materials.

- **Condition 4:** *'Particulars of height and materials of all screen walls and boundary fences shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development hereby permitted. The development shall then be undertaken in accordance with the approved details.'*

The request is to vary the wording of condition 4 from '... prior to commencement' to '... prior to their installation' for details of height and materials of screen walls and boundary fences.

- **Condition 6:** Omitted and resubmitted as a discharge of conditions application.



- **Condition 16:** *'No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the local planning authority.'*

The request is to vary the wording of condition 16 from 'No development shall take place until details of a landscaping scheme have been submitted to...' to 'Prior to occupation of any dwelling hereby approved details of a landscaping scheme...'

- **Condition 20:** *'All dwellings are required to be constructed to meet Level 3 of the Code for Sustainable Homes.'*
  - a. *Prior to the commencement of development, a design stage assessment and related certification shall be submitted to and approved in writing by the local planning authority. The assessment and certification shall demonstrate that the dwellings will meet the relevant code level;*
  - b. *No dwelling shall be occupied until a letter of assurance, detailing how that plot has met the necessary Code Level has been issued by a Code for Sustainable Homes Assessor and approved in writing by the Local Planning Authority;*
  - c. *Within 6 months of occupation of each dwelling, a Final Certificate certifying that the relevant Code for Sustainable Homes Level for that dwelling has been achieved, shall be submitted to the local planning authority in writing.'*

The request is to remove Condition 20. Please refer to 'Supporting Statement for Sustainability, Removal of Condition 20' for information on how the proposal adheres to the principles laid out in the Code for Sustainable Homes.

- **Condition 21:** *Omitted and resubmitted as a discharge of conditions application.*
- **Condition 23:** *No development hereby approved by this permission shall commence until details of an Armco or similar barrier located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing have been submitted to and approved in writing by the local planning authority. Network Rail's existing fencing / wall must not be removed or damaged. Given the considerable number of vehicle movements likely provision should be made at each turning area/roadway/car parking area adjacent to the railway particularly at the turning head between plots 12 and 13.*

The request is to vary the wording of condition 23 from 'No development hereby approved by this permission shall commence...' to 'Phase 2 of the development shall not commence until details...'

- **Condition 24:** *'Where excavations/piling/buildings are to be located within 10 metres of the railway boundary, no development shall commence until a Method Statement has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic.'*

The request is to vary the wording of condition 24 from '... no development shall commence until...' to '...phase 2 of the development shall not commence until...'. Please refer to drawing 12031-14 Phasing Plan submitted as part of the application.

- **Condition 26:** *'No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.'*

The request is to vary the wording of condition 26 from 'No development hereby approved by this permission shall commence until a Construction Management Plan has been submitted to and approved

in writing by the local planning authority...' to 'Phase 1 of the development hereby approved shall be undertaken in accordance with the submitted and approved Construction Management plan. Phase 2 shall not commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority for that phase of the development. The development....' or similar wording.

2.1.1 Please refer to Appendix 4.0 for accompanying drawings and supporting statement.



### 3.0 REASONS

- 3.1 **Condition 2:** To include the additional documents submitted as part of this application
- 3.2 **Condition 3:** The alteration of the wording is being sought so that a start on site, to conduct preliminary enabling works, can begin while further details are agreed and finalised.
- 3.3 **Condition 4:** The alteration of the wording is being sought so that a start on site, to conduct preliminary enabling works, can begin while further details are agreed and finalised
- 3.4 **Condition 6:** Omitted and resubmitted as a discharge of conditions application.
- 3.5 **Condition 16:** The alteration of the wording is being sought so that a start on site, to conduct preliminary enabling works, can begin while further details are agreed and finalised. [Site plan has been updated to ensure no hedges interfere with visibility splays. Refer to drawing 12031-03L.](#)
- 3.6 **Condition 20:** The request to remove Condition 20 is being sought as the Code for Sustainable Homes is no longer in use. However, a 'Supporting Statement for Sustainability, Removal of Condition 20' has been submitted with information on how the proposal adheres to the principles laid out in the Code for Sustainable Homes.
- 3.7 **Condition 21:** Omitted and resubmitted as a discharge of conditions application.



*Proposed Phasing Plan*

- 3.8 **Condition 23:** The alteration of the wording is being sought as the construction works will be undertaken in 2 phases. Phase 1 is located away from the railway boundary (greater than 20m distance) as indicated in the drawing below, and will have no impact upon the railway. In this way, phase 1 can start on site while

further details are agreed and finalised agreements sought with Network Rail. Please refer to drawing 12031-14 Phasing Plan for the phasing areas.

- 3.9 **Condition 24:** The alteration of the wording is being sought as the construction works will be undertaken in 2 phases. Phase 1 is located away from the railway boundary (greater than 20m distance) as indicated in the drawing above, and will have no impact upon the railway. In this way, phase 1 can start on site while further details are agreed and finalised agreements sought with Network Rail. Please refer to drawing 12031-14 Phasing Plan for the phasing areas.
- 3.10 **Condition 26:** The alteration of the wording is being sought as supporting document ST1.9 Construction Management Plan has been submitted with this application, detailing the Construction Management proposals for Phase 1 of the works. Phase 1 is located away from the railway boundary (greater than 20m distance) as indicated in the drawing above, and will have no impact upon the railway. In this way, phase 1 can start on site while further details are agreed and finalised agreements sought with Network Rail. Please refer to drawing 12031-14 Phasing Plan for the phasing areas. [A discharge of condition application has been submitted to discharge the condition for phase 1.](#)

## 4.0 APPENDIX

### 4.1 Accompanying Drawings

#### 4.1.1 12031-14 Phasing Plan

#### 4.1.2 12031-CDM01

#### 4.1.3 12031-CDM02

#### 4.1.4 12031-CDM03

#### 4.1.4 [12031-03L](#)

### 4.2 Accompanying Statements

#### 4.2.1 Supporting Statement for Sustainability, Removal of Condition 20

#### 4.2.2 ST1.9 Construction Management Plan





## SCHEDULE A: Applications with Recommendation

19/0494

Item No: 05

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0494

**Applicant:**  
Mrs Susan Henshaw & Mr  
Michael Thomlinson

**Parish:**  
Walton

**Agent:**  
Abacus Building Design

**Ward:**  
Longtown & the Border

**Location:** L/A rear of Walton Parish Church, Walton, Brampton, CA8 2DH

**Proposal:** Erection Of 1no. Dwelling

**Date of Receipt:**  
25/06/2019

**Statutory Expiry Date**  
20/08/2019

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of Development
- 2.2 Scale And Design
- 2.3 Impact On The Occupiers Of Neighbouring Properties
- 2.4 Impact On Listed Buildings
- 2.5 Impact On Hadrian's Wall WHS/ Archaeology
- 2.6 Highway Matters
- 2.7 Foul And Surface Water
- 2.8 Impact On Trees
- 2.9 Impact On Biodiversity

#### 3. Application Details

##### The Site

- 3.1 The application site is a triangular shaped field which sits at a higher level than the adjacent road. A hedgerow and stone retaining wall lie along the

front of the site, with trees being located on the southern and western site boundaries. A field gate provides access to the site.

- 3.2 St Mary's Church, which is a Grade II\* listed building, lies to the north of the site. The churchyard, which sits approximately 0.6m higher than the application site, adjoins the site and is separated from it by a stone wall, which forms the northern site boundary.
- 3.3 A terrace of three dwellings lie to the east of the application site. The property immediately adjacent to the site (Townfoot) has a garden that adjoins the application site and is separated from it by a fence.
- 3.4 An access track runs to the south and west of the site beyond which lie further residential properties. A bungalow (South View) lies to the south of the site, with a further bungalow (Montcalm) being located to the west. The track, which provides access to a number of properties and is used for parking, is designated as village green.

## **The Proposal**

- 3.5 The application is seeking full planning permission for the erection of a one-bedroom bungalow on the site. The existing site levels would be reduced by between 0.75m and 1m so that the finished floor levels of the dwelling are reduced to bring it more in level with the level of the road. The dwelling has been orientated so that it faces south and has been designed so that the side elevations do not contain any windows.
- 3.6 The main dwelling would contain a living room, kitchen, bedroom, bathroom and hall. A porch would be added to the front of the dwelling and this would be adjoined by a w.c.. The dwelling would have an eaves height of 2.5m and a ridge height of 4.7m with the porch area having a ridge height of 3.3m.
- 3.7 The dwelling would be constructed of natural sandstone, with a dressed red sandstone plinth and dressed red sandstone quoins, sills and lintels. The windows would be double glazed asphalt grey/ charcoal upvc sliding sash windows, with the front door being stained oak. Rainwater goods would be power coated black cast aluminium. The roof would be covered with Welsh blue slate and would contain a stone chimney.
- 3.8 Two car parking spaces would be provided to the west of the dwelling with a small garden area being provided to the rear. The existing stone wall and hedge that form the front boundary of the site would be retained. The stone wall to the rear, which forms the boundary with the churchyard would be retained and repaired by the applicant. A new hedge is shown being planted on the eastern site boundary between the site and the rear garden of Townfoot.
- 3.9 Foul and surface water drainage would be connected to the existing main public sewer.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to four neighbouring properties. In response six letters of objection have been received which raise the following issues:

### Highway Matters

- the adjacent road is a gravel track and is Parish land which is registered as village green;
- the area is subject to traffic as vehicles use it as a cut through;
- proposal will lead to extra traffic in the area which is already congested;
- whilst there is a parking space within the site the prospective owner might not park there;
- visitors will have to park outside the site given only one parking space is being provided;
- proposal will exacerbate the acute lack of parking in the area;
- there isn't enough space for a vehicle to turn within the site;
- during construction access for lorries delivering materials and removing 277 cubic metres of soil will be too tight;
- the track is designated as village green and it is an offence to damage a village green - any damage would need to be made good by the developer;
- the removal of 1m depth of soil will cause disruption and congestion;
- deliveries and lorries removing soil from the site will destroy the access track;

### Residential Amenity

- proposed dwelling will overshadow the neighbouring property and its garden and be over-dominant and result in loss of light to both;
- proposal would lead to an over-development of the site;
- the bungalow will have a direct view into Townfoot's kitchen window and will overlook the dining room of Montcalm;
- the proposed dwelling will block views of the church;
- if a hedge is planted on the boundary with Townfoot it will drop leaves in the garden of Townfoot, could become tall leading to loss of light and will prevent maintenance;

### Excavation/ Site Levels

- the levels shown on the plans are incorrect - the churchyard is approximately 600mm higher than the site;
- if 1m of soil is removed the graveyard will be 1.6m higher than the site;
- concerns about the structural stability of existing boundary walls due to removal of 1m of soil from the site;
- taking 1m of soil off the site level might undermine the bottom of the adjoining churchyard wall which won't have proper foundations and is in a poor state of repair;
- there are graves next to the boundary wall which might collapse;
- the excavation works will cause problems for the retaining wall between the site and Townfoot;
- the site level will be substantially below the level of Townfoot's adjoining garden meaning a retaining wall or earth batter will be required;

#### Character of the Area

- the plans show a grey buff stone which would not be in keeping with the local area;
- the proposal will severely impact on the character of an open space with a beautiful view of the church;
- proposal would have an adverse impact on the character of the area;
- proposal would have an adverse impact on the listed church;
- the dwelling is tight to the boundaries and only a one-bedroom property will fit on the site;
- the building is large in comparison to the site;
- the site is in the buffer zone of Hadrian's Wall WHS;
- the dwelling will only be 1m from the boundary wall of the churchyard and will intrude on its setting;

#### Biodiversity

- there are trees and hedges in or adjacent to the site which are not identified in the application;
- newts, lizards and frogs have been seen on the boundaries of the site;
- the proposal would adversely affect wildlife that uses the site;

#### Water/ Drainage

- the mains water supply for Wallside and Kingbank runs through the site and will need diverting;
- the soakaway is shown too close to the property/ boundary;
- the proposal will cause flooding and overload already over stretched drains;
- concerned that the developers will try and tap into the current water supplying the properties Kingbank and Wallside which would not have capacity to serve another property;

#### Other Matters

- the drawings are inaccurate;
- the site was previously refused permission for a dwelling and the current proposal seems bigger;
- the previous reasons for refusal have not been overcome;
- in the 1960s and 1970s the site was used as a haulage yard with various lorries containers stored there and it might be contaminated;
- in the 1980s and 1990s the site was used as a paddock for horses.

- 4.2 Following the receipt of amended plans and additional reports three letters of objection have been received which raised the following issues:

#### Residential Amenity/ Character of the Area

- even if 1m of soil is removed the bedroom window will still look into the kitchen window of Townfoot;
- proposal will lead to an overdevelopment of an open green space;
- new dwelling will lead to overcrowding and overdevelopment in this part of Walton;
- dwelling is over-dominant when viewed from Townfoot;
- the ridge line of the proposed dwelling is above the gutter line of Townfoot which is higher than previously shown;



- a wood burning stove is shown and this will blow soot and smoke over Townfoot;
- there is no provision for log storage within the site;
- proposal will lead to a loss of view of the church and will have an adverse impact on the amenity of the area;
- the site is untidy but is this deliberate neglect to influence any decision?;
- previous objections are still valid;

#### Highway Matters

- dwelling will add to a lack of parking in the area;
- there is nowhere for vehicles to turn on site and vehicles reversing out will be dangerous;
- any damage to the village green by construction vehicles will need to be made good;
- access for construction vehicles will be tight - a Construction Phase Plan should be part of the planning conditions;

#### Excavation/ Site Levels

- the revised plans show between 0.75m and 1m of soil being removed - which is it? - removing less soil will make the dwelling more dominant;
- removing a large amount of soil from the site will undermine the adjoining church wall and could cause graves to collapse; a retaining wall will be needed for Townfoot;
- the house will be near the boundary with the church and Townfoot and there won't be much room for retaining structures;
- graves are very close to the boundary wall with the church;
- the access track drops 1m from the gate to the Townfoot - which road level will the dwelling be at?;

#### Water Supply

- mains water supply for Wallside and Kingbank runs through the site and will need diverting before works start - the developer/ United Utilities need to sort this to ensure those dwellings are not without water;
- a suitable solution for re-directing the water supply of Kingbank and Wallside should be found and detailed before any work starts on site;
- a water pipe runs through the site and through the garden of Townfoot and this needs to be addressed;

#### Biodiversity

- the ecological appraisal is wrong - frogs, lizards and newts were previously found in the garden of Townfoot - there is a garden pond at Greenacres 150m away from the site;
- proposal will have an adverse impact on wildlife;

#### Other Matters

- the land has previously been used as a haulage yard and for the keeping of horses.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority): - no**

objections;

**Walton Parish Council:** - concern that access to the development is over a registered village green;

**Historic England - North West Office:** - do not wish to comment - suggest to seek comments from conservation and archaeological advisers;

**Cumbria County Council - (Archaeological Services):** - no objections subject to imposition of a condition to ensure that the construction ground works are subject to a programme of archaeological recording;

**United Utilities:** - the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) 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 indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies HO2, HE1, HE3, SP6, CC5, IP3, IP6, GI3 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The Supplementary Planning Documents Achieving Well Designed Housing and Trees and Development are also material planning considerations.
- 6.3 The proposal raises the following planning issues.
1. Principle Of Development
- 6.4 When the previous application was refused planning policies only permitted new dwellings in Walton if there was an identified local need. This is no longer the case and the proposal now needs to be considered against the NPPF and Policy HO2 (Windfall Housing Development) of the adopted Local Plan.
- 6.5 At the heart of the NPPF there is a presumption in favour of sustainable development. Policy HO2 of the adopted Local Plan allows new housing development in villages within the rural area if there are services within the village where the housing is proposed. The application site is located within Walton, which contains a range of services and facilities including a church, a village hall, a tea room, a micro-brewery/ bar and a children's play area. The principle of windfall housing within Walton is, therefore, acceptable and complies with national and local planning policies on the location of new

residential development.

## 2. Scale And Design

- 6.6 Outline planning permission for a dwelling on this site was refused in 2011. The officer's report did not consider that the site was large enough to accommodate a dwelling given the need to provide a parking/ turning area and outdoor amenity space. It was considered that any dwelling on the site would appear cramped and lead to an over development of the site.
- 6.7 The proposal is seeking to erect a one-bedroom bungalow on the site. The existing site levels would be reduced by between 0.75m and 1m so that the finished floor levels of the dwelling are reduced to bring it more in level with the level of the road. The dwelling has been orientated so that it faces south and has been designed so that the side elevations do not contain any windows.
- 6.8 The main dwelling would contain a living room, kitchen, bedroom, bathroom and hall. A porch would be added to the front of the dwelling and this would be adjoined by a w.c.. The dwelling would have an eaves height of 2.5m and a ridge height of 4.7m with the porch area having a ridge height of 3.3m. Being reducing the levels on the site and by restricting the dwelling to single-storey the proposed dwelling would not be over dominant and would be of an acceptable scale.
- 6.9 The dwelling would be constructed of natural sandstone, with a dressed red sandstone plinth and dressed red sandstone quoins, sills and lintels. The windows would be double glazed asphalt grey/ charcoal upvc sliding sash windows, with the front door being stained oak. Rainwater goods would be power coated black cast aluminium. The roof would be covered with Welsh blue slate and would contain a stone chimney. The proposed materials would be acceptable and would be appropriate to the character of the area.
- 6.10 Two car parking spaces would be provided to the west of the dwelling with a small garden area being provided to the rear. The existing stone wall and hedge that form the front boundary of the site would be retained. The stone wall to the rear, which form the boundary with the churchyard would be retained and repaired by the applicant. A new hedge is shown being planted on the eastern site boundary between the site and the rear garden of Townfoot.
- 6.11 In light of the above, it is considered the scale and design of the dwelling would be acceptable and that previous concerns about erecting a dwelling in this site have been overcome.

## 3. Impact On The Occupiers Of Neighbouring Properties

- 6.12 The previous application was refused in part due to the impact of the proposal on the occupier of the adjacent dwelling Townfoot. That application referred to a dwelling 7m high and did not reduce the site levels. The current proposal is seeking to reduce the site levels by up to 1m and to erect a

single-storey dwelling on the site which would have a ridge height of 4.7m. This would ensure that the dwelling does not over dominate the adjacent property.

- 6.13 The occupier of Townfoot has raised concerns about loss of privacy and loss of light. The dwelling has been orientated so that it faces south and the east elevation which faces the garden of Townfoot would not contain any windows. The kitchen window, located in the west elevation of Townfoot, is already overlooked from the adjacent road which passes within close proximity of the window. The oblique angle between the bedroom window of the proposed bungalow and the kitchen window of Townfoot would ensure that there is no loss of privacy to the occupiers of Townfoot from the proposed dwelling.
- 6.14 The proposed dwelling would lie to the west of Townfoot and whilst there would be some overshadowing of part of the garden at Townfoot at certain times of the day at certain time so the year this would be limited and would not warrant refusal of the application.
- 6.15 The front elevation of the proposed dwelling would face South View. This dwelling has a garage that projects forward of the main dwelling. Whilst there are windows in the north elevation of South View which faces the application site these would be 24m away from the living room window, would be largely screened from view by the existing garage and are already overlooked from the adjacent road.
- 6.16 Montcalm would lie to the west of the proposed dwelling and would be a minimum of 19m away. Given the oblique angle between Montcalm and the proposed dwelling there would be no loss of privacy to the occupiers of Montcalm, which is already overlooked from the road.
- 6.17 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

#### 4. Impact On Listed Buildings

- 6.18 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

- 6.19 Policy HE3 of the adopted Local Plan seeks to ensure that Listed Buildings and their settings will be preserved and enhanced.

- 6.20 St Mary's church, which adjoins the site to the north, is a Grade II\* listed building. The proposals would affect the setting of the church and the applicant has, therefore, submitted a Heritage Statement.
- 6.21 In views from the north, across the graveyard and towards the site, the proposed building will not appear prominent. This is due to the large trees and shrubs within the church yard and along the road which provide significant screening, in winter and summer. In addition, the proposed building would be built at a lower level due to the proposed excavation and would only be single-storey. It would be viewed against a backdrop of buildings in a tight knit pattern, in particular Townfoot, Southfoot and Montcalm. It is, therefore, considered that whilst the building would be visible in these views it would not be a prominent feature and would not cause harm.
- 6.22 In views from the south, the listed church is screened by the terrace of properties that include Townfoot. Once past Townfoot, the church is glimpsed over a mix of gardens, sheds, trees and bushes, and over the site itself. At present, the site is overgrown and untidy. The application proposals would improve the appearance of the site and improve the hedgerow along its frontage. The church building itself is set back from the road and is of a considerable distance from the proposed site. Immediately north of the application site is the graveyard, and there are several trees along the western boundary and within the curtilage of the listed building.
- 6.23 The Heritage Statement concludes that the proposed development would have a neutral impact on the setting of St Mary's Church. In accordance with Policy HE3, the development would preserve and enhance the setting and would be sympathetic in scale, character, materials and layout.
- 6.24 The Council's Heritage Officer has been consulted on the application. He has no objections to the proposal subject to conditions on the proposed materials and windows.

## 5. Impact On The Hadrian's Wall WHS/ Archaeology

- 6.25 The proposal lies within the buffer zone of the Hadrian's Wall WHS. Historic England has been consulted on the application and does not wish to offer any comments. It has suggested that the views of the specialist conservation and archaeological advisers should be sought.
- 6.26 The City Council's Heritage Officer has no objections to the proposal. He considers that the scale and design of the proposed dwelling would be acceptable.
- 6.27 The County Archaeologist notes that the site lies in an area of archaeological potential. The site lies adjacent to St Mary's church which is located on the site of its medieval predecessor and which is likely to have been the focus of earlier religious activity given that a 10th-11th century cross was found in the graveyard. It is, therefore, considered that there is potential for the site to contain buried archaeological assets and that these



would be disturbed by the construction of the proposed development. As a consequence, the construct ground works of the proposed development should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a watching brief) and should be commissioned at the expense of the developer. This programme of work can be secured by a planning condition.

## 6. Highway Matters

6.28 A number of objectors have raised concerns about the impact of the proposed development on parking in the area and on the surface of the road. Two parking spaces would be provided for the dwelling, which is a one-bedroom property and this should be more than sufficient to meet the parking requirements of the future occupiers.

6.29 Access to the development would be over a track which is designated as village green. This track provides access to a number of dwellings and is used as a parking area for a number of vehicles. If any damage is caused to this track during the construction phase of the development, the applicant would need to repair the track to its previous condition.

6.30 This application does not take access onto an adopted highway. From a Highway Authority point of view the layout details shown on the submitted plan are considered satisfactory. The Highway Authority, therefore, has no objections to the proposals

## 7. Foul And Surface Water Drainage

6.31 The submitted application shows both foul and surface water drainage discharging into the mains public sewer. The Lead Local Flood Authority (LLFA) and United Utilities have been consulted on the application. The LLFA considers that the drainage details are acceptable. United Utilities has stated that surface water should be drained in the most sustainable way and the developer should follow the drainage hierarchy (infiltration; to a surface water body; to a surface water sewer or highway drain; to a combined sewer). This issue would be addressed through a Building Regulations application.

## 8. Impact On Trees

6.32 A group of trees (G1) is located adjacent to the site entrance and the boundary wall. It is a group of semi-mature, multi-stemmed trees which have colonised a small section of the site. This group is of low retention value and would need to be removed. A further group of trees (G4) has recently established itself within the site but these do not have a significant retention value and would be removed.

6.33 A mature lime tree is located in the adjacent churchyard. The development would require a minor incursion into the root protection area (RPA) of this tree, which is estimated to be less than 3.5% of the overall RPA. An incursion of this size at a distance of 6m would not have any notable impact upon it. Nevertheless, all initial excavation work within the RPAs should be

by hand with no heavy plant or machinery used.

- 6.34 A hedge of mixed species is located along the front of the site and this would be retained. The hedge needs to be trimmed and managed.

## 9. Impact On Biodiversity

- 6.35 An Ecological Appraisal has been submitted with the application. A data search and desk study of the site and an area within 2km of the site were undertaken to establish the presence of protected species and notable habitats. The site was then visited by an ecologist who undertook a full botanical study of the site and surveys to establish the presence or absence of notable species at the site.
- 6.36 The plant species recorded at the site are all common in the local area and are considered to be of low ecological value. Domestic gardens are considered to offer habitat of equal or greater ecological value. Any vegetation to be trimmed or cleared should be checked for nesting birds before it is removed. Ideally vegetation clearance should occur outside the bird nesting season from March to September. The protection of trees on the site boundary and additional landscaping would promote structural diversity and would encourage a wider variety of wildlife to use the site than already occurs.
- 6.37 Common amphibians and nesting birds are known to occur in the local area but there was no conclusive evidence of any protected species regularly occurring on the site which would be negatively affected by the development. Should any species be found during construction all site works would cease and further ecological advice would be sought, with a view to a detailed method statement and programme of mitigation measures being prepared and implemented.

## Conclusion

- 6.38 The proposal would be acceptable in principle. The scale and design of the dwelling would be acceptable. The proposal would not have an adverse impact on the occupiers of any neighbouring properties, on any listed buildings, or the Hadrian's Wall WHS, on archaeology, on tree or on biodiversity. The proposed access, parking and drainage arrangements would be acceptable. In all aspects, the proposal is compliant with the relevant policies in the adopted Local Plan.

## 7. Planning History

- 7.1 In June 2011, outline planning permission was refused for the erection of a dwelling (11/0239).

## 8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 19th June 2019;
2. the Proposed Block Plans & Site Sections (drawing ref 2019/030/11B) received 27th September 2019;
3. the Proposed Property Plan & Elevations (drawing ref 2019/030/10B) received 27th September 2019;
4. the Proposed Property Plan & Elevations (drawing ref 2019/030/13B) received 27th September 2019;
5. the Proposed Property Plan (drawing ref 2019/030/12) received 27th September 2019;
6. the Planning Statement received 27th September 2019;
7. the Heritage Statement received 27th September 2019;
8. the Ecological Appraisal received 27th September 2019;
9. the Desk Top Study Contamination Report received 27th September 2019;
10. the Tree Survey & Impact Assessment received 27th September 2019;
11. the Notice of Decision; and
12. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

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

**Reason:** To ensure that the external appearance of the building is acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. A sample panel (1m square) of stone masonry walling shall be made available for inspection by the Local Planning Authority. The stone shall be pointed with a cement-free lime mortar. This mortar should contain a range of particle sizes from dust to up to 1/3<sup>rd</sup> joint size. It should be carefully tamped back from the face of the stonework to provide a flush but textured finish (not brushed). Once the sample panels have been agreed as acceptable by the Local Planning Authority, the remainder of the dwelling shall be built in accordance with the sample panel.

**Reason:** To ensure the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030 are met and to ensure a satisfactory external appearance for the completed development.

5. Details of all new windows and doors, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place. Such details shall include the frames, means of affixing to the wall and the size and opening arrangements of the window.

**Reason:** To ensure that the proposed windows are acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the commencement of development, details of the proposed hard surface finishes to all external areas shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with these details.

**Reason:** To ensure that materials to be used are acceptable and in compliance with the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

8. Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in its agreed form prior to the occupation of the dwelling. 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 approval to any variation.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

9. Prior to commencement of development a detailed scheme of tree and hedge protection shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its agreed form prior to the commencement of any development works on the site.

Within the fenced off area;

- No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- No mixing of cement or use of other contaminating materials or

substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

- No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
- No materials or vehicles shall be stored or parked within the fenced off area.
- No alterations to the natural/existing ground level shall occur.
- No excavations will be carried out within the fenced off area.
- The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

**Reason:** To protect trees and hedges during development works, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

**Reason:** To ensure that the character and attractive appearance of the dwelling is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development a written scheme of investigation for an archaeological watching brief must be submitted by the applicant and approved by the Local Planning Authority. Once approved, the scheme shall be implemented in full with an archaeological watching brief being undertaken by a qualified archaeologist. Within two months of the completion of the development, a digital copy of the archaeological report shall be furnished to the Local Planning Authority.

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

12. Prior to the commencement of development, the applicant shall submit details of the proposed wildlife enhancement measures to be incorporated within the site. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** To ensure that the proposal does not have an adverse impact on biodiversity in accordance with Policy GI3 of the Carlisle

District Local Plan 2015-2030.

13. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

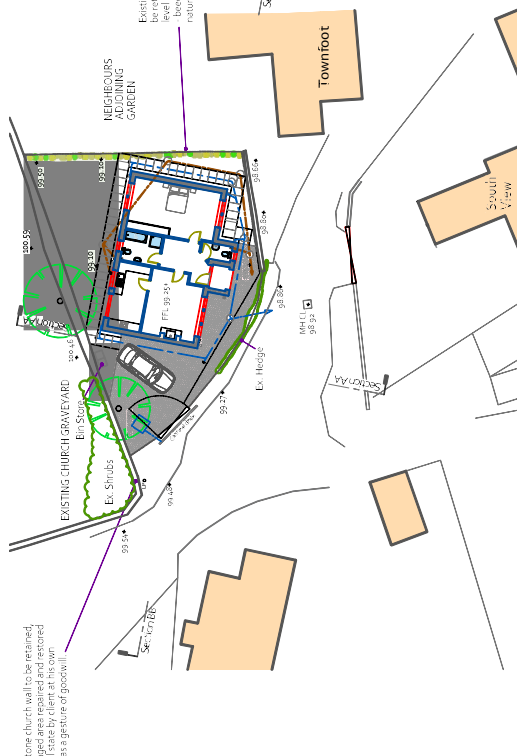
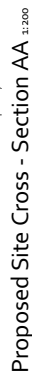
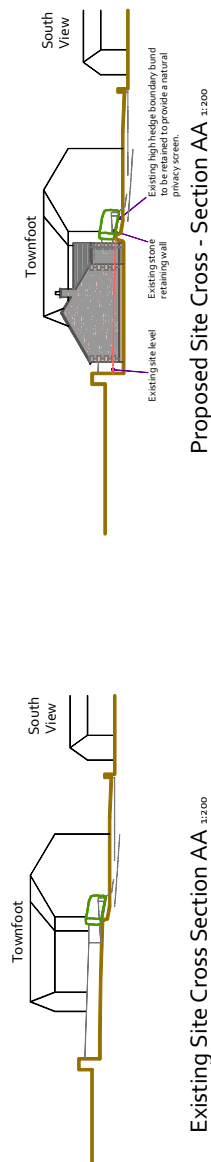
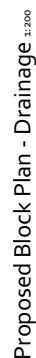
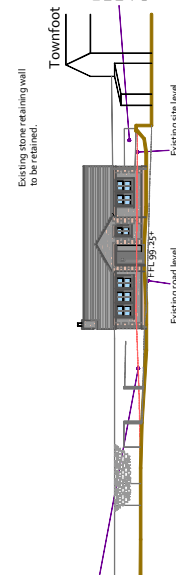
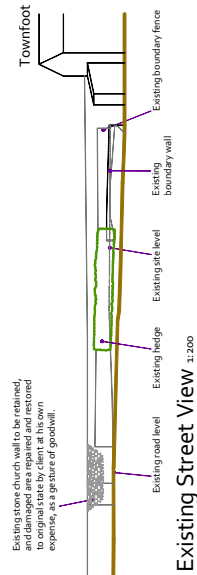
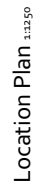
**Reason:** To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

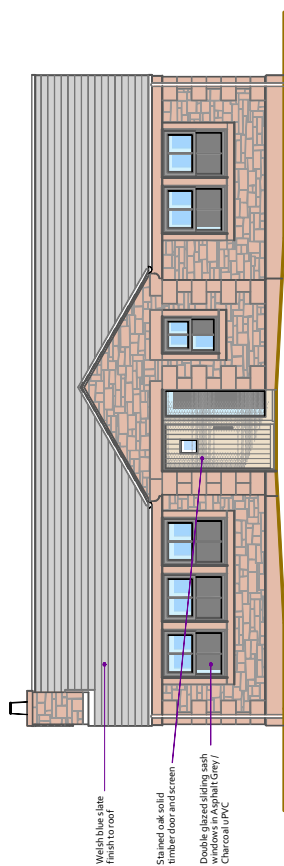
14. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwelling shall be submitted to and approved in writing by the local planning authority before development commences. The development shall be undertaken in strict accordance with the details approved in response to this condition.

**Reason:** In order that the approved development responds to planning issues associated with the topography of the area and preserves amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

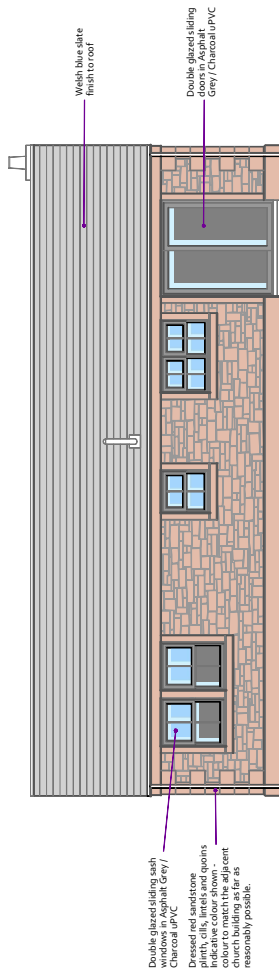
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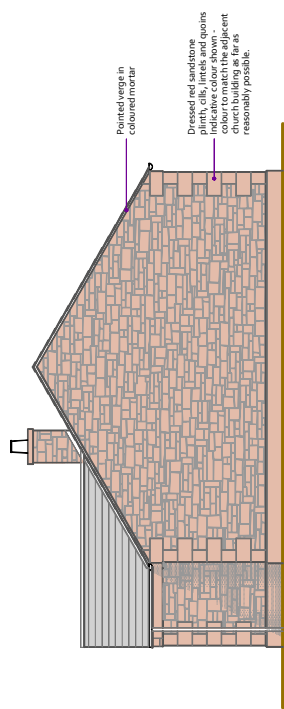




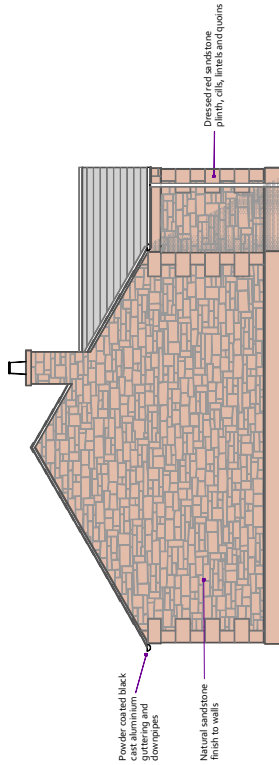
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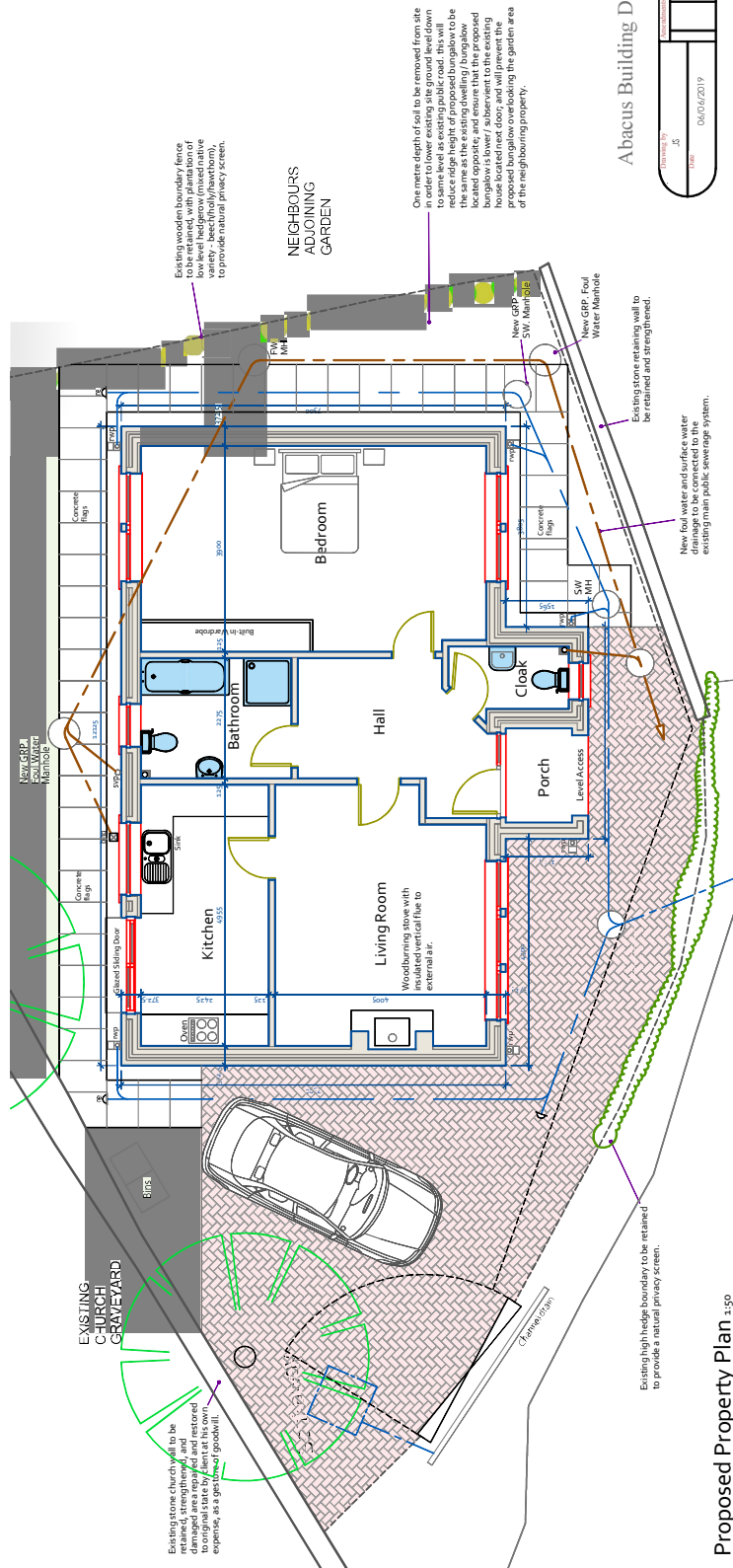
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Proposed Side Elevation 1:50



Proposed Side Elevation 1:50



Proposed Property Plan 1:50

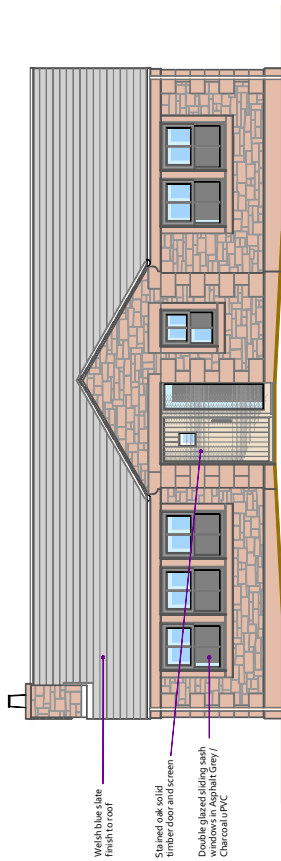
- PROPOSED EXTERNAL FINISHES**
- Roof:** Welsh Blue Slate  
**Walls:** Natural Sandstone to Plinth, Cills, Linels & Quoins  
**Windows:** Asphalt Grey / Charcoal Colour sliding sash UPVC double glazing.  
**Front Door:** Medium Solid Oak  
**Rainwater:** Powder coated black cast aluminium guttering and downpipes.

## Abacus Building Design

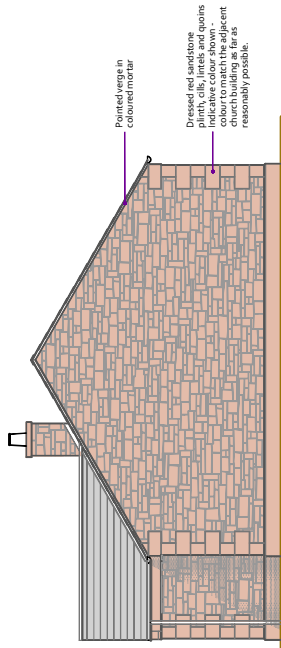
Client Name	MR M THOMLINSON & MRS S HENSHAW	Project No	2018/0001/08
Drawn By	JS	Date	06/07/2019
Scale	1:50		

PROPOSED PROPERTY PLAN & ELEVATIONS

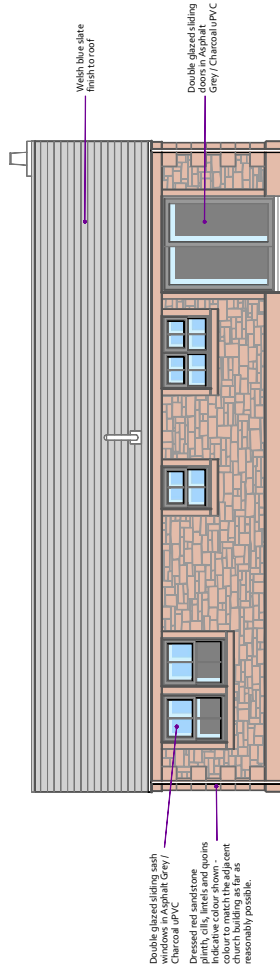
PROPOSED CONSTRUCTION OF A NEW RESIDENTIAL ANNEX ON FIELD SITE TO REAR OF WALTON PARISH CHURCH, WALTON, NR BRAMPTON, CUMBRIA.



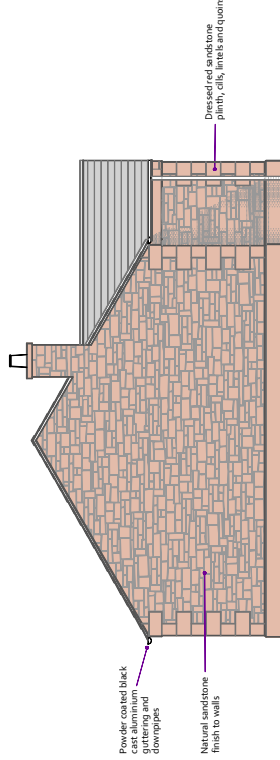
Proposed Front Elevation 1:50



Proposed Side Elevation 1:50



Proposed Rear Elevation 1:50



Proposed Side Elevation 1:50

#### PROPOSED EXTERNAL FINISHES

- Roof: Welsh Blue Slate
- Walls: Natural Sandstone to Walls (Red Sandstone to Plinth, Cills, Lintels & Quoins)
- Windows: Asphalt Grey / Charcoal Colour sliding sash uPVC double glazing.
- Front Door: Medium Solid Oak
- Rainwater: Powder coated black cast aluminium guttering and downpipes.

#### Abacus Building Design

DRAWING NO.		DATE	
2018/0001/18B		2018/0001/18B	
PROJECT NAME		PROJECT NAME	
MR M THOMLINSON & MRS S HENSHAW		MR M THOMLINSON & MRS S HENSHAW	
04/01/2019		04/01/2019	
1:50		1:50	

ACCESS TO MANUAL CONTROLS  
All Controls that are intended for operation by the Occupant shall be readily accessible and clearly identifiable. Unless incorporating a Restrictor or other protective device for safety reasons, controls should be operable with one hand.

WINDOWS, ROOFLIGHTS, VENTILATORS  
All windows, rooflights and ventilators shall be designed to allow natural ventilation should have controls for opening positioned at least 350mm from any internal corner, projecting wall or similar obstruction and at a height of:-  
• not more than 1.7m above the finished floor level, or  
• not more than 1.1m above the finished floor level, where access to controls is limited by a fixed obstruction of not more than 900mm. High windows shall be designed to allow natural ventilation should have controls for opening, in an unobstructed location, should be provided, or " not more than 1.2m. above floor level, in an unobstructed location, within an enhanced fire resistant enclosure, or  
• not provided with mechanical ventilation.

ELECTRICAL FIXTURES  
Electrical fixtures and systems should be positioned at least 350mm. from any external corner, projecting wall or similar obstruction and, unless the need for a higher location can be demonstrated, not more than 1.2m. above the finished floor level. All electrical fixtures, sockets, switches, fire alarm call points, and timer controls or programmers. Height Range to be:-  
• Light switches should be positioned at a height of between 900mm. and 1200mm.  
• Sockets and switches should be positioned at a height of between 450mm. and 1200mm.  
• Outlets and outlets for other services such as telephone or television should be positioned at least 400mm. above floor level. Above an obstruction, such as worktop, fixtures should be positioned at least 150mm. above the obstruction. All socket outlets are concealed, such as to the rear of white goods in a kitchen or utility room, separate switching should be provided in an accessible position, to allow switching should be isolated.

ALL BATHROOMS:  
In accordance with Water Byelaws to prevent the development of Legionnaires Disease, all water storage vessels, such as hot water storage tanks, should be stored at a temperature of not less than 60 Degrees Centigrade and distributed at a temperature of not less than 55 Degrees Centigrade. To prevent scalding the water supply to the hot water storage tanks should be controlled by a thermostatic mixing valve (TMV) or fitting complying with BS EN 1311:1999 or BS EN 1287:1999, fitted as close to the point of delivery as practicable.

DISABLED ACCESS (REAR / SIDE ENTRANCE & ACCESS TO CAR PARKING)  
Access to all doors on principle floor level to be a minimum of 900mm wide clear of any obstruction. The door should be a level platform minimum 1200 x 1200mm then ramped away at a maximum of 1:12. The ramp should be constructed of a material to not less than 2000mm. Principle door opening 800mm wide should be checked with PVCU. Manufacturer to ensure compliance as frames vary widely in size. Minimum 750mm clear of the door. Channel drain with vertical outlet to top external threshold.

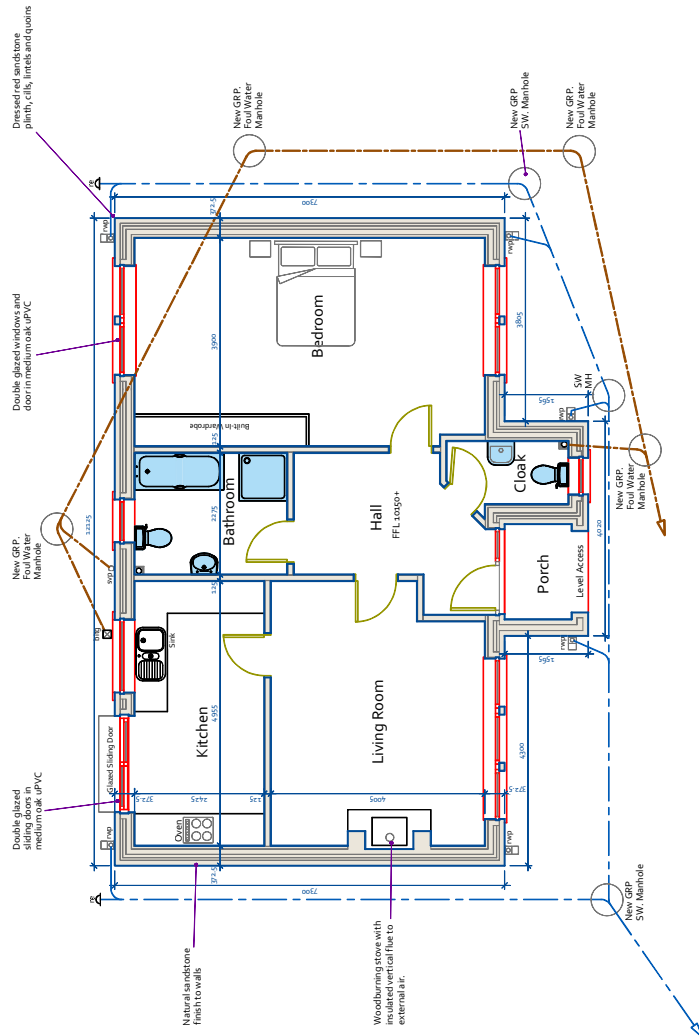
HEATING  
Worcester Bosch Gas Fired Combination Boiler in Utility. Ensure 10mm air gap under door. Secondary Heating. Closed Appliance Wood Burning Stove 73% Efficiency. Make, Model and Efficiency to be confirmed.

Full Details of the Heating and Hot Water System to be in accordance with Manufacturers Design and Specification. Full details of the Heating and Hot Water System to be supplied by the Main Building Contractor to the Building Control Officer prior to installation to ensure compliance and approval by the Building Control Officer before the commencement of any works. The Heating and Hot Water System to be installed by a Specialist Contractor. Timber Framed Timber Construction Log House Supplied to Manufacturers Design and Specifications.

Smoke Detection Mains operated self contained smoke alarms and heat detectors within 7.5 metres of all circulation areas and 7.5 metres of any habitable room and not more than 3 metres of any habitable room. Smoke Detection System to be a Grade D System in accordance with BS 5839. All Smoke Detectors to be Permanently wired to a separate fused circuit at the distribution board. Detectors to be interlinked, separate independent battery back up supply. Smoke Detector to have Carbon Monoxide Detection: Mains Operated (with separate battery back up supply) Carbon Monoxide Detector to be installed in a habitable room. Detector to be filled within 1 meter to a meters (horizontal) of Appliance, and filled in same room. Detector to incorporate a Sensor Failure Warning Device, to BS EN 5929.

Boiler Flue Terminal Ducted at High Level. Flue Vent To be Positioned a Min. of 600mm. from any Window Opening vertically and horizontally.

Extract Fans to be Ducted to External Air. No Outlet to be positioned within 1 meter of Boundary.



Proposed Property Plan 1:50

## Abacus Building Design

PROPOSED CONSTRUCTION OF A NEW RESIDENTIAL BUNGALOW ON FIELD SITE TO REAR OF WALTON PARISH CHURCH, WALTON, NR. BRAMPTON, CUMBRIA.	
PROPOSED PROPERTY PLAN	
Planning No. 2018/0001/2	2018/0001/2
MR. M. THOMLINSON & MRS. S. HENSHAW	1:50



## SCHEDULE A: Applications with Recommendation

19/0630

Item No: 06

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0630

**Applicant:**  
The Fryery

**Parish:**  
Carlisle

**Agent:**  
Centreplan

**Ward:**  
Stanwix & Houghton

**Location:** 53/53a Scotland Road, Carlisle, CA3 9HT

**Proposal:** Change Of Use From A1 (Retail) To A5 (Hot Food Takeaway);  
Installation Of New Shopfront And Insertion Of Side Window

**Date of Receipt:**  
15/08/2019

**Statutory Expiry Date**  
10/10/2019

**26 Week Determination**

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### REPORT

**Case Officer:** John Hiscox

#### 1. Recommendation

- 1.1 It is recommended that this application is refused.

#### 2. Main Issues

- 2.1 Whether the proposals would be prejudicial to the private amenity of residents;
- 2.2 Whether the proposals would be prejudicial to public amenity and safety;
- 2.3 Whether the new use would be compatible with other uses in the locality;
- 2.4 Whether impacts on the heritage environment are acceptable; and
- 2.5 Whether the development would be prejudicial to healthy living.

#### 3. Application Details

##### The Site:

- 3.1 The property address is 53/53a Scotland Road, which is partially residential (mainly in the upper floors) and partially a ground floor shop last occupied by the Spar chain. It has been closed for approximately a year and all signage relating to the business has been removed.



- 3.2 The property is situated within Stanwix Conservation Area, but is not a listed building. It is a prominent corner building having its side elevation on Thornton Road and its frontage onto Scotland Road. The flat(s) upstairs are accessed by separate entrances on the Thornton Road and Scotland Road elevations, and occupy the first and attic floors. The shop is accessed via the corner entrance and has a separate rear service access gate off Thornton Road.
- 3.3 The Thornton Road elevation is principally rendered and painted including the outer wall abutting the pavement. An existing timber fascia board/canopy is integral to the shop section of the building, which includes a flat-roofed single storey projection to the front and side (the former dwelling was enlarged to provide the shopspace). The corner is chamfered at 45 degrees to the front and side elevations – the shop door is located in this corner face of the building.
- 3.4 The front elevation contains the only shop window, a large glazed area covered presently (and previously outwith shopping hours) by a metal roller-shutter. The shutter box is located between the fascia and the window and is easily visible on the building, and within the street scene along with the shutter. A lighting fixture is present above the front fascia that would project downward lighting onto fascia signage.
- 3.5 The upper front wall of the original elevation above the shopfront is patterned brickwork akin to adjacent buildings. The northern/side face of the projection section (adjacent to 55 Scotland Road) at the front is brick-faced, and it may be noted that the fascia area returns around this end above the brickwork.
- 3.6 In front of the shop window is a hardsurfaced area set back from the line of the front boundary walls to properties in the same row to the north; presumably, this was removed when the building was converted to a shop or sometime subsequently.
- 3.7 Looking at the front elevation, the single-width sash and case window to the right of the shop window serves the shop area inside.
- 3.8 Adjoining the property to the north is the Sunrise Chinese takeaway, which has its own shop window and shopfront scheme including coloured paintwork and advertisements. Opposite on Scotland Road's eastern side is a row of terraced dwellings which are Grade II listed buildings. To the south is the end dwelling in a terrace, which is also Grade II listed. To the rear of the building are residential properties forming the terrace on the northern side of Thornton Road.

**Background:**

- 3.9 The applicant represents The Fryery, a local business with fish and chip

shops in the Carlisle town centre (Scotch Street) and on Newtown Road.

- 3.10 The current proposals have been modified in response to specialist consultation responses.
- 3.11 A separate, but related application for Advertisement Consent is also under consideration, under ref. 19/0635. The adverts are not to be considered as part of the planning application.

### **The Proposal:**

- 3.12 The current use of the shop premises is A1 of the Use Classes Order (retail). The application proposes to change the use of the shop premises to a hot food takeaway establishment, which falls under Use Class A5. Alterations to the building including a replacement window, a replacement door, a new window opening and a fan motor relating to an odour control unit are to be considered as part of this application. The existing internal shop floorspace is to be adapted to accommodate the new use. Submitted drawings show the proposed layout of the takeaway. A submitted photograph of the Newtown Road premises intends to illustrate what the current proposals would look like.
- 3.13 The applicant originally specified opening hours as being from 1100-2200 hrs from Monday to Saturday, and from 1600 hrs to 2100 hrs on Sundays and Bank Holidays in the original submission, but has amended this to 1100 hrs to 1400 hrs and then 1630 hrs to 2100 hrs from Monday to Saturday, and 1630 hrs to 2100 hrs on Sundays.
- 3.14 The application is supported by a Heritage Statement (received with the original application). Highlights of this statement include commentary on changes to the extraction proposals in relation to heritage concerns, and justification of the external changes proposed (and explanation as to why other alterations are not proposed i.e. to parts of the overall building not included in the application).
- 3.15 A separate document entitled 'A Working Partnership designed to provide solutions to odour control', written on behalf of the applicants was submitted with the original application, but related to an external metal flue now not forming part of the proposals.
- 3.16 On 26 September 2019, a Supporting Statement was submitted on behalf of the applicants by Hyde Harrington consultants. The intention of the document was to address matters raised in representations and consultation responses submitted up to that date. A summary of the issues discussed in the document is as follows:

- \* the Policy context of the proposal in relation to the Carlisle District Local Plan

2015-2030 is discussed, in particular with regard to Policies EC8 (Food and Drink), SP9 (Health and Thriving Communities) and HE7 (Conservation Areas)

- \* consideration of how the proposals would affect amenity and living conditions of local residents and what measures may be taken to manage such issues as anti-social behaviour
- \* how the development is considered not to give rise to overriding road safety concerns, taking into consideration nature of existing and proposed use and opportunities available in the locality
- \* how the development would not give rise to a proliferation of takeaways, taking into consideration other development in the vicinity
- \* how the proposals are considered to enhance the conservation setting, having regard to effects of the physical alterations
- \* the potential impacts in terms of healthy living, considering the nature of the proposed use and its relationship with the local area/users/other establishments

#### **4. Summary of Representations**

- 4.1 The application was initially advertised by way of a site notice, press notice and neighbour letters sent to 10 addresses. 19 letters of representation were received in response to the initial consultation processes. Of these, 18 were submitted in Objection and 1 was submitted in support. Further to re-consultation, one of the original objectors supplemented their original submission with a new response.
- 4.2 Subsequent to the receipt of revised proposals and supporting information in September 2019, all previous contributors and neighbours were informed in writing and were allowed a further two weeks to make further comment on the new scheme/information.
- 4.3 A summary of the matters raised in objection that are relevant to the proposals is as follows:
- (i) exacerbation of current car parking issues causing danger/problems in the area including impact on residents' parking opportunities;
  - (ii) danger to pedestrians crossing road (zebra crossing/nearby bus stops/nearby school specifically mentioned)
  - (iii) scenario for this premises is different to the premises on Newtown Road, because there is adequate on-street parking to serve that shop
  - (iv) cars reverse parking and delivery vehicles stopping on Scotland Road giving rise to blockages, especially where there are double yellow lines; causing obstruction for drivers exiting Thornton Road
  - (v) too many takeaways/proliferation in the area (already 4/5); not diverse enough choice of services - contrary to Policy EC8 of the Local Plan

- (vi) other takeaways in Stanwix benefit from loading/unloading area in front whereas this premises does not
- (vii) statistics relating to (vehicular) crashes in the locality identify none have happened since Spar stopped trading
- (viii) proposed use incompatible with the residential nature of the area
- (ix) other uses alternative to fast food outlet preferable in this location
- (x) concerns about adverse impacts on human health due to fast food nature of use
- (xi) increase in local litter problems
- (xii) increase in anti-social behaviour with people hanging around
- (xiii) odour arising from the new use
- (xiv) overlooking from new window towards residences (Thornton Road elevation)
- (xv) proposals not visually in keeping with the character of the (conservation) area
- (xvi) noise emanating from new use

4.4 A summary of the matters raised in support that are relevant to the proposals is as follows:

- (i) having local business in the premises is preferable to empty shop/falling into disrepair
- (ii) applicants' other shops always look clean and tidy
- (iii) precedent set by other takeaways on Scotland Road
- (iv) traffic already a problem in the locality and will continue to be similar with new use

## 5. Summary of Consultation Responses

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** - No objection.

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - Objects on the grounds that the application has not been demonstrated to address matters relating to safe user parking and turning, in particular in the light of recent accidents on the stretch of road immediately adjacent to the site.

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** - No objection but provides advice relating to maximising crimeproofing of premises and potential for operations to impact on road safety. In relation to re-consultation, notes information provided by applicant in respect of (i) intruder alarm; (ii) CCTV and (iii) deterring nuisance/loitering but does not wish to make further observations.

**Planning - Access Officer:** - No objection.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) 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 indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed are the NPPF and Policies SP1, SP6, SP7, SP9, EC7, EC8, IP2, IP3, CM4, CM5, HE3 and HE7 of the Carlisle District Local Plan 2015-2030.

6.3 The proposal raises the following planning issues:

1. Whether the proposals would be prejudicial to the private amenity of residents;
2. Whether the proposals would be prejudicial to public amenity and safety;
3. Whether the new use would be compatible with other uses in the locality;
4. Whether impacts on the heritage environment are acceptable; and
5. Whether the development would be prejudicial to healthy living.

#### **Impact on Private Amenity of Residents:**

6.4 The first consideration in this respect is the impact of the physical alterations to the building, which require planning permission. It must be noted that the illuminated fascia advertisements proposed within the Advertisement Consent application are not under consideration here. This limits assessment to the external alterations to the shopfront and to the introduction of the new window in the Thornton Road elevation.

6.5 The front elevation currently contains a timber-framed window which is protected outwith opening hours by a roller shutter. The shutter, and shutter box are unsightly and have a detrimental impact on the building and the wider setting, therefore their removal is welcomed. Permanent removal of this item would have a positive impact on private amenity, with residents in particular living on the opposite side of Scotland Road having an improved outlook. Changes to the front elevation are considered to be acceptable, in this context.

6.5 The corner elevation incorporating the access door for shop users would be the subject of only minor changes involving a replacement door. This would not impact on private amenity of nearby residents.

6.6 Introduction of the new window in the side elevation would not cause overlooking of private amenity space or any new direct window-to-window relationships. There are no ground floor windows in the nearest dwelling on the opposite side of Thornton Road. This element would not have a negative impact on the appearance of the building or the setting of the conservation area.

6.7 Turning to the impacts of the change of use from A1 retail to A5 hot food takeaway, this has several potential impacts on private amenity.

*Clientele:*

- 6.8 The last use was a corner shop ('Spar') selling a wide range of consumable products between 0700 and 2200 on weekdays and Saturdays. Hours of opening are likely to have been reduced on Sundays. The likely customer base would have represented a cross-section of local and passing people. It is highly likely that the new customer base would be similar. With the opening hours being notably less, and with the shop opening late morning, closing in the afternoons and closing earlier at night than the Spar shop, footfall would potentially be more intense for shorter periods. This would be at least equitable if the last use and proposed use are compared.
- 6.9 Objectors have raised concerns about anti-social behaviour arising from users of the takeaway hanging around, using the shop while intoxicated and generating noise. The applicants have attempted to address this by reducing opening hours so that it is not a late-night takeaway, and by discussing measures that may be taken to combat anti-social behaviour. It may be noted that the proposed usage has not promoted an objection from the Cumbria Constabulary as consultee, which has noted information relating to managing crime in the supporting information submitted in September. There is insufficient evidence to demonstrate that the new use would have any negative effect on private amenity due to criminal activity and/or anti-social behaviour.
- 6.10 Policy CM4 'Planning Out Crime' requires, in Criteria 1, that '*development should be laid out and buildings positioned with the intention of creating active and vibrant neighbourhoods and maximising natural surveillance opportunities*'. In this respect, the altered premises would reward operators with a more open aspect which enables regular observation of external areas looking outwards from the serving area, especially with the introduction of the new side window. This would have the potential to act as a disincentive to persons displaying anti-social behaviour, and allow the shop operators the opportunity to manage situations relating to the shop premises.

*Odour:*

- 6.11 The applicants propose to install an internal odour control system. The only external apparatus is a motor unit that would be installed behind the fascia on the Thornton Road elevation. This mode of control was utilised on the applicants' Newtown Road premises. Its usage is considered to be appropriate and to address not only potential odour concerns, but also visual amenity concerns relating to odour control, with no components visible externally. The Environmental Health Officer has not objected to the scheme on this basis.

*Parking:*

- 6.12 It is accepted that the proposed use would require customers and staff to park locally if they make the journey to the shop by vehicle. Because the premises does not have any on-site parking, and because the front and side roads immediately outside the shop are double-yellow lined, this would require users to park on-street, or within existing public parking facilities e.g.



Stanwix Bank, Sainsbury's.

- 6.13 The locality is on a busy road, which is also a main bus route. There is a fairly high density of residential properties, some of which do not have off-street parking and therefore a significant level of pressure exists. There are frequently issues of congestion in this area, which can be heightened during rush hour or during school pick-up/drop-off hours. With regard to the latter, the premises would not be open during school pick-up/drop-off hours and therefore would not exacerbate congestion during these times. During rush hour, when the shop is open, it would be anticipated that passing trade would be generated and therefore would have the potential to impact on local parking.
- 6.14 The impact of the new use on parking, and its related effect on private amenity with residents potentially competing with customers for spaces, would reasonably need to be compared to what may have been occurring when Spar was open. A successful local shop (A1 Use) will have a good amount of customers dropping in for a few items rather than doing a 'main shop', which could be the case at this premises and is the case at, for example, Sainsbury's on the opposite side of Scotland Road. In relation to the takeaway, there might be a slight intensification at peak times of customers looking for parking opportunities in areas where local residents would normally park, but for less hours during the day than for the former Spar shop. It is therefore considered, on balance, that the private amenity impacts of the change of use relating to residents' parking are unlikely to be particularly adverse.
- 6.15 Taking into account the potential customer base, previous and proposed opening hours, the nature of the proposals and the impact on private amenity, it is considered that there are no overriding issues, and the application would be compatible with Policies SP6, EC8, IP3, CM4 and CM5 in this specific context of Impact on the Private Amenity of Residents. Further, the proposals would be consistent with the advice in the NPPF Chapter 12 'Achieving well-designed places', in particular Paragraph 127 relating to achieving appropriate design.

#### **Impact on Public Amenity and Safety:**

- 6.16 To some extent, issues of amenity and safety have been explored in the previous section of this report. In addition to such issues, including crime/anti-social behaviour and impacts of the physical alterations, this section should specifically assess impacts on public amenity and safety.
- 6.17 Again, considering the physical alterations to the building on the front and side elevations, and taking into consideration that this is an opportunity to bring back an empty shop unit into active use, which would potentially add to the vibrancy and vitality of the local area, the resultant development would not be prejudicial to public amenity. It would offer greater choice for the public in a local centre which is acknowledged to have challenges in terms of keeping local shops and services open. The appearance of the shop would be appropriate insofar as the fenestrational arrangement would impact

satisfactorily on the local heritage setting.

- 6.18 Touching again on the potential effects of crime/anti-social behaviour, this time on public amenity, the proposed use is (for similar reasons as mentioned in Paragraph 6.10) considered to be agreeable and not to give rise to overriding amenity impact concerns.

#### *Traffic Management and Parking*

- 6.19 As mentioned in Paragraph 6.13, the locality experiences a high level of through traffic and congestion at certain times of the day, including rush hour and school pick-up/drop-off. The small Sainsbury's Local shop, in a block with a bookmakers and vet practice, generates a significant amount of traffic with users tending to park within the confines of the small car park in front of the block, but also on Scotland Road and on side streets beside, behind and opposite (e.g. Cheviot Road). Usually, perhaps with a short wait, persons wishing to use the Sainsbury's car park can achieve this aim because users tend to come and go after short stays. Local businesses are, however, also frequented by pedestrian users who have walked to the area.
- 6.20 Stanwix is a local centre for shops and services and therefore drivers will stop, park and leave their car while those shops and services are attended. Very locally, this includes the Sunrise takeaway next door to the application site, and would have included the Spar shop with users parking either as near as possible on Scotland Road, on Thornton Road, on Rosebery Road or in the Sainsbury's car park. It also includes the Angel Hair Studio in the first terraced building south of the Sainsbury's car park. This creates pressure on the stretch of road between Mulcaster Crescent and Rosebery Road, sometimes in a manner which may give rise to road safety concerns because it cannot be guaranteed that drivers will park or manoeuvre responsibly and safely. Perceived traffic safety concerns are exacerbated by the movement of pedestrians from one side of Scotland Road to the other and their interaction with vehicular traffic, with many pedestrians not using the nearby pedestrian crossings to save time.
- 6.21 It is suggested that the primary 'core' of Stanwix is a little further south and opposite the Stanwix Bank car park i.e. Spider and Fly pub, Brazzuca and Duke Hare barbers, the Stanwix Chippy, Caspian Express Takeaway, Tastys Chinese and Stanwix Tandoori. A little further north is the length of Scotland Road which includes The Crown pub, Stanwix Newsagent's, a sandwich shop and a further barbers'. 2 to 3 shop units on this stretch are closed (a former bakery, funeral shop and flower shop although one of the units may be in the process of accommodating a new business). On the opposite side of the road are the Cumbria Park and Angus Hotels and the Zenya Health and Beauty Salon. However, the more pinpointed local area relating to the Sainsbury's Local block, although not self-contained from a traffic point of view, gives rise to very localised effects due to the road layout, parking availability, alignment and width of the roads. The effects of local residents not being able to park off-street with their own vehicles, and therefore occupying on-street spaces in addition to visitors adds to apparent parking and manoeuvring pressures.

- 6.22 Paragraph 6.14 relates to the impacts of the proposed development on private amenity, and is relevant to how it would impact on public amenity and safety. It is argued by the applicants that there is in effect a 'status quo' and that the new use would not give rise to any additional road safety impacts; whereas the advice of the County Council Highways Officer, The Council's specialist advisor in matters of road safety, is that because the new use would offer no parking on-site, and because it has not been possible to present an effective traffic management strategy, taking into account a record of traffic accidents that have occurred in recent years in the immediate locality, support cannot be given. Despite supporting information received in September seeking to address road safety concerns, the original position of this specialist consultee is not changed.
- 6.23 For future users of the premises, that require planning permission for a new use, this matter would appear to be insurmountable because there are no on-site opportunities to provide parking, and any new use would generate more traffic than there is for the time being, with the shop unit being closed. It is acknowledged that a new A1 retail use could occupy the shop and that associated traffic would inevitably change current circumstances, but that would be within the planning use enjoyed by the premises and would therefore not require assessment through planning.
- 6.24 This issue is very finely balanced, mainly because it could be said that the transition from existing to proposed use, taking into account the intensity of use and the opening hours, would not necessarily worsen an existing set of circumstances relating to traffic impact. However, although the applicant has attempted to satisfy the concerns of the County Highways Officer in the Supporting Statement, there remains no strategy or scheme that will overcome concerns about road safety, particularly in the light of a number of accidents that have occurred in the immediate area.
- 6.25 Taking into account the above information, although the visual impacts are considered to be acceptable, and to respond positively to advice within the NPPF (in particular Paragraphs 127 relating to Design, and Chapter 16 relating to the historic environment) the change of use is found not to be able to fully comply with the objectives of Policies EC8, SP6, IP2 and IP3 of the Local Plan because of the unacceptable road safety impacts it would promote.

#### **Compatibility With Other Uses In The Area:**

- 6.26 Adjacent to the application premises is a well-established chinese takeaway. This would suggest that the principle may be acceptable because it would not introduce a virgin use to the immediate locale; residents and users of this part of Carlisle would not be presented with the first takeaway establishment at this point. It would re-use a vacant shop premises and add a level of vitality to the street, enhancing the appearance of the building by the introduction of an appropriate shopfront design. It would preserve the ability of the locality to provide a range of services to the public.
- 6.27 On the other hand, looking a little further afield to Stanwix Bank, this would

be the sixth establishment providing a takeaway service to the public in the slightly wider locale, plus another retail premises would be lost. Despite the aforementioned benefits described in Paragraph 6.26, it may be argued that it would be preferable for the premises to continue to be used as an A1 retail shop, which may be described as enabling greater diversity in the choice of shops and services available.

- 6.28 The application involves odour control with no concerns listed by the Environmental Health Officer, and no unsightly high level apparatus such as an external flue. None of the physical alterations present adverse visual or privacy impacts and are considered to be positively designed. The proposal would utilise existing floorspace, not creating any new floorspace so that it would be contained within the footprint of the former shop.
- 6.29 The circumstances of the four different takeaways being present at Stanwix Bank are almost self-contained, in that the block there has become a service industry environment, with the other three units being barbers (x2) and a public house. Their proximity to the site cannot be ignored and is of relevance, but is not so influential as to affirm a proliferation of takeaways to the extent that the proposed use could not be supported.
- 6.30 However, despite this position, those issues assessed in Paragraphs 6.19 to 6.25 of traffic management and parking, which were found to render the proposal unsupportable, would extend to this area of assessment. They would also suggest that the proposed use is not compatible with other uses in the area because the takeaway would promote road safety issues that are so significant, they promote a sustained objection from the County Council Highways Officer.
- 6.31 Essentially in the light of the road safety issues, the proposed change of use would be incompatible with the locality and would therefore be unable to comply with Policies EC8, SP6, IP2 and IP3 of the Local Plan.

#### **Impacts On The Heritage Environment:**

- 6.32 With the premises being prominent on Scotland Road, within the Conservation Area (although on the northern fringes of it) and having proximity to two groups of listed buildings, it is important to ensure that the proposed physical alterations would be compatible with this heritage environment.
- 6.33 The proposed alterations were altered to some extent in response to advice provided by the Heritage Officer at Carlisle City Council, which have led to the replacement window on the front elevation being re-designed more appropriately with greater subdivision of panes.
- 6.34 The existing premises, still displaying some of the detail of the Spar livery, appears tired and in need of refurbishment to enable it to present more positively to the street, and to other buildings forming part of the heritage environment. It is considered that the scheme, in terms of design and materials, would be appropriate to a non-listed building within the

conservation area and near to listed buildings. It would therefore be consistent with Policies HE3, HE7, EC8, SP6 and SP7 of the Local Plan in this specific context.

### **Impacts On Healthy Living:**

- 6.35 This is a matter identified within the objections of a number of individuals who have written in, because they consider that it would present an additional fast food premises to the locality, enticing people to potentially eat less healthily than they ought to. For that reason, it might not be compatible with Policy SP9 of the Local Plan 'Healthy and Thriving Communities'.
- 6.36 It is valid to acknowledge that some of the food provided by takeaways may not be on the very healthy side of a balanced diet. But it is essential to recognise that offering choice to consumers is logical, reasonable and influenced by the consumer market. It also has to be considered that the scale of the business is modest by comparison to other national chains providing other forms of fast food. Furthermore, takeaway outlets tend to come and go if they are not self-sustaining, as can be witnessed in particular at the present time on Botchergate in Carlisle, where more than one former takeaway is closed, and have been for some time; whereas at least one new takeaway has begun trading there.
- 6.37 In relation to this issue, it is considered that the proposed use would not give rise to an unacceptable adverse impact on human health, therefore the proposal would be consistent with Policy SP9.

### **Conclusion**

- 6.38 Although the principle of introducing the use into the vacant premises may be considered positively in terms of (i) design and visual appearance, (ii) private amenity impacts; and: (iii) harm to human health, and despite the A5 takeaway use being acceptable in terms of the range of other uses in the locality, the application fails to meet the objectives of the Local Plan because it would give rise to unacceptable road safety impacts.
- 6.39 The application is therefore found not to comply with Policies EC8, SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

## **7. Planning History**

- 7.1 In March 1987, planning permission was granted for the conversion of the upper floors of 53 Scotland Road to a flat (87/0172)
- 7.2 In October 1985, planning permission was granted for the conversion of 1st and 2nd floors of 53 Scotland Road to bedsit accommodation (85/0360)
- 7.3 In August 1969, planning permission was granted for internal alterations and rebuilding a lean-to to enlarge shop (29692)

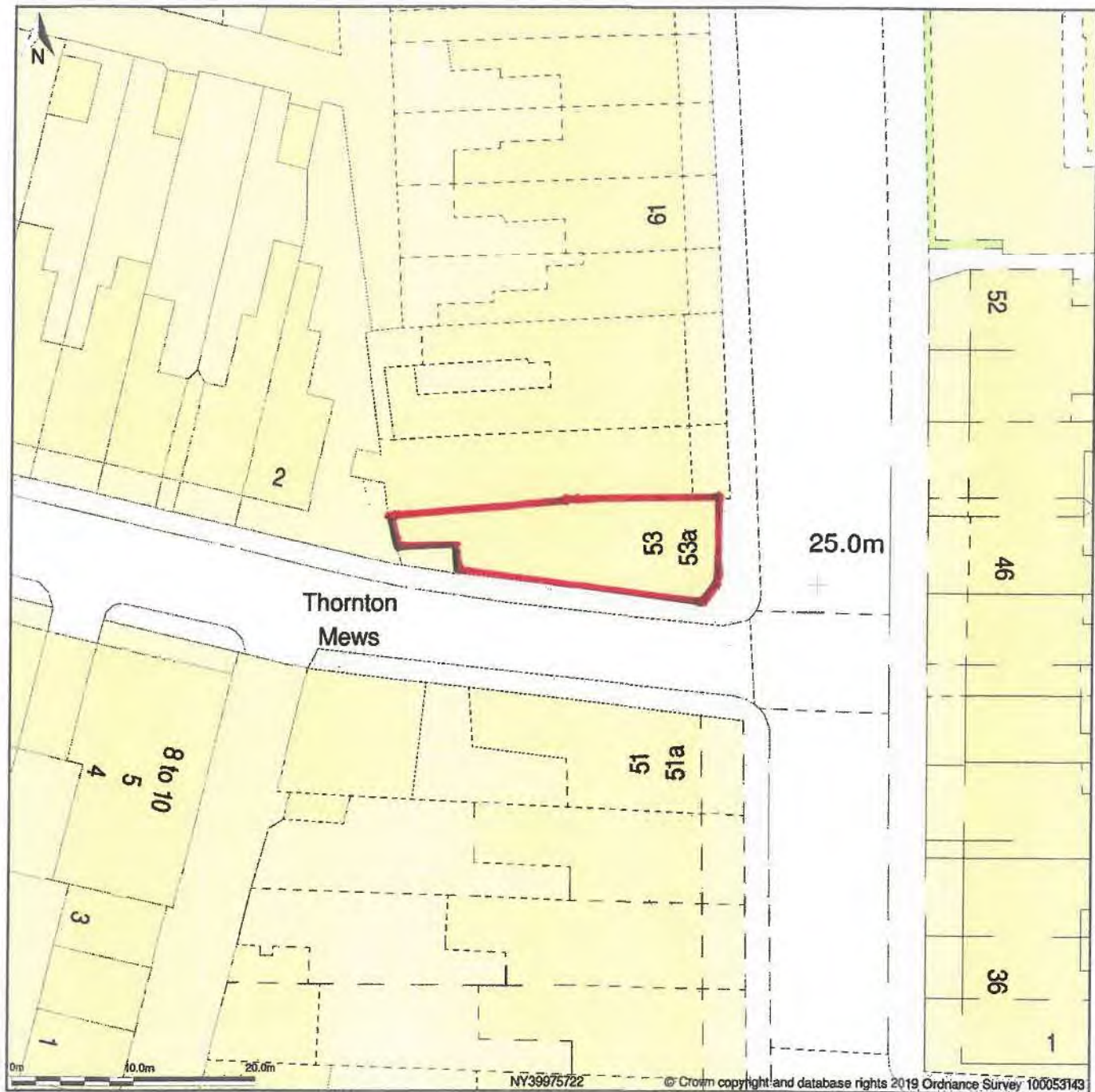
- 7.4 In March 1968, planning permission was granted for extension of existing shop premises and removal of internal walls to form store (28838)

**8. Recommendation: Refuse Permission**

1. **Reason:** The proposed change of use from Use Class A1 (Shops) to Use Class A5 (Hot Food and Takeaways) of the Town and Country Planning (Use Classes) Order 1987 would, by virtue of the unacceptable adverse impacts it would have on the safety of road users, and in the absence of an acceptable parking provision or strategy, fail to comply with the requirements of Policies SP6, EC8, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.
-



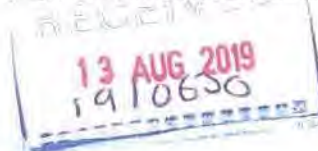
**53a, Scotland Road, Carlisle, Cumbria, CA3 9HT**



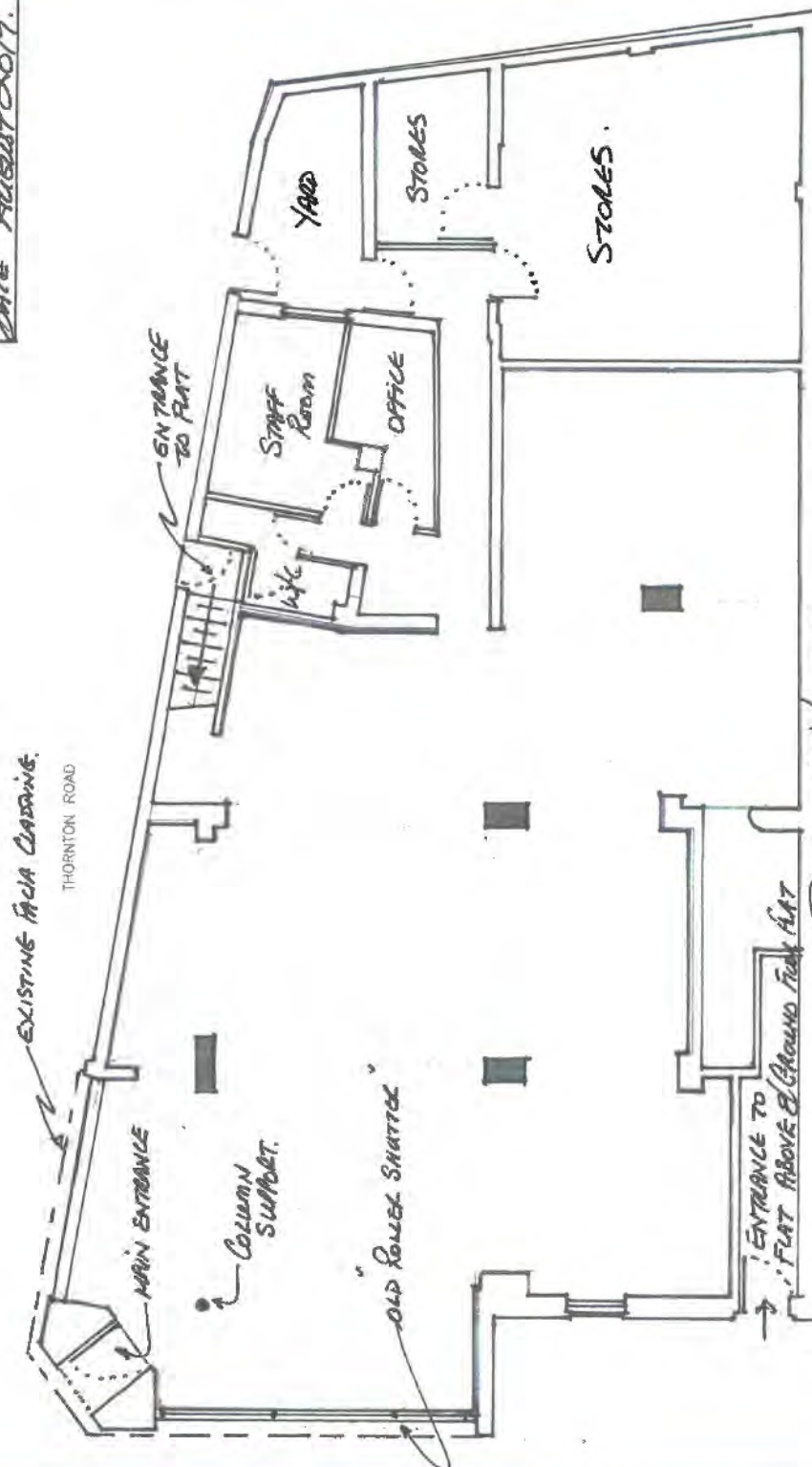
Block Plan shows area bounded by: 339934.22, 557182.97 340024.22, 557272.97 (at a scale of 1:500), OSGridRef: NY39975722. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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EXISTING FLOOR PLAN.  
 53 SCOTLAND ROAD  
 STANNIX, CARLISLE CA99HT  
 DRAWN BY V. YARLINGTON  
 SCALE 1:100  
 DATE AUGUST 2019.



DRAWING NUMBER  
 TFCPOOS

Design & Planning Consultants for the Fast Food,  
 Restaurant & Leisure Industry  
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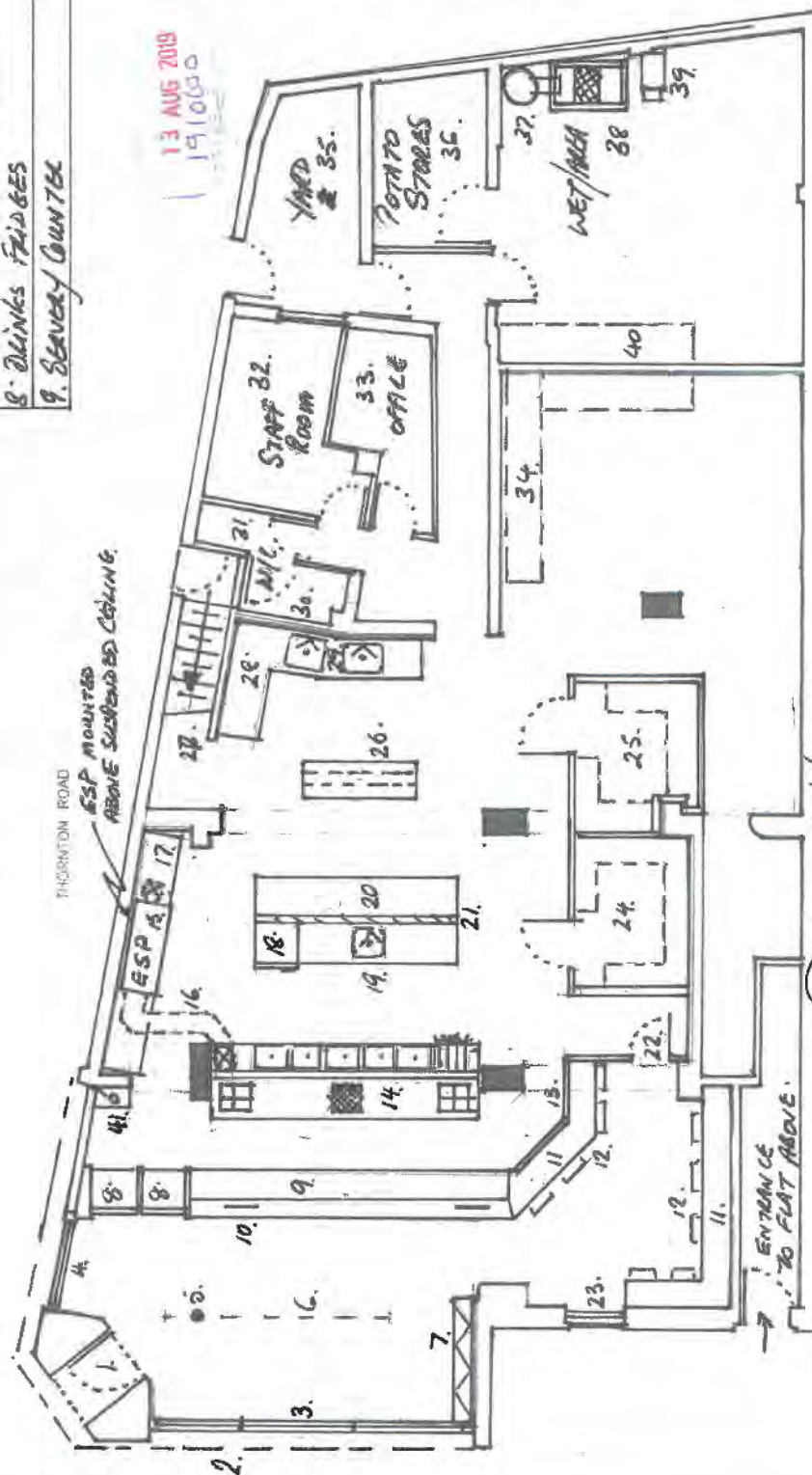
# PROPOSED FLOOR PLAN THE FRIGER

53 SCOTLAND ROAD  
STANDWIX - CARLISLE - CUMBRIA  
CA3 9HT

DESIGN BY V. YARRENSTON  
SCALE 1:100 - AUGUST 2019

1. MAIN ENTRANCE
2. NEW FACIA SIGN
3. NEW SHOP FRONT ALUMINIUM PLANT
4. NEW REINFORCED SIDE WINDOW
5. EXISTING COLUMN SUPPORT
6. CUSTOMER FLOW BARRIER
7. SERVICES CARPARK - ELEC - SUPPLY
8. DRINKS FRIDGES
9. SEVERITY COUNTER

10. YILL POINT
11. EXTENDED BAR TOP
12. BAR STOOLS
13. HALF HEIGHT @ EXISTING SCREEN
14. NEW FRYING PANTRY COOLER
15. DOUBLE CONTAINER UNIT
16. DUCTING ABOVE SUSPENDED CEILING
17. LOWER PREP - CHIPS READY
18. FISH FRIDGE - KEEPER
19. DEEP BOUL SINK - WASH
20. ROAR PREP - WORK TOP
21. LOW LEVEL SCREEN
22. ENTRANCE TO BACK OF HOUSE
23. RE-INSTATE EXISTING ARMED
24. Cold Room
25. FREEZER ROOM
26. ISLAND PREP - TABLE
27. STORAGE UNDER STAIRS
28. PREP TABLES - DOUBLE SINK
29. DEEP BOUL SINKS
30. STAFF W/C
31. LOBBY STAFF LOCKERS
32. STAFF REST ROOM
33. OFFICE
34. DAY STORE RACKING
35. OUTSIDE OPEN YARD
36. POTATO STALES
37. POTATO FEELER
38. POTATO BATH
39. POTATO CHIPPED
40. DAY STORE RACKING
41. SMALL HAND WASH



DRAWING NUMBER  
TFCP006

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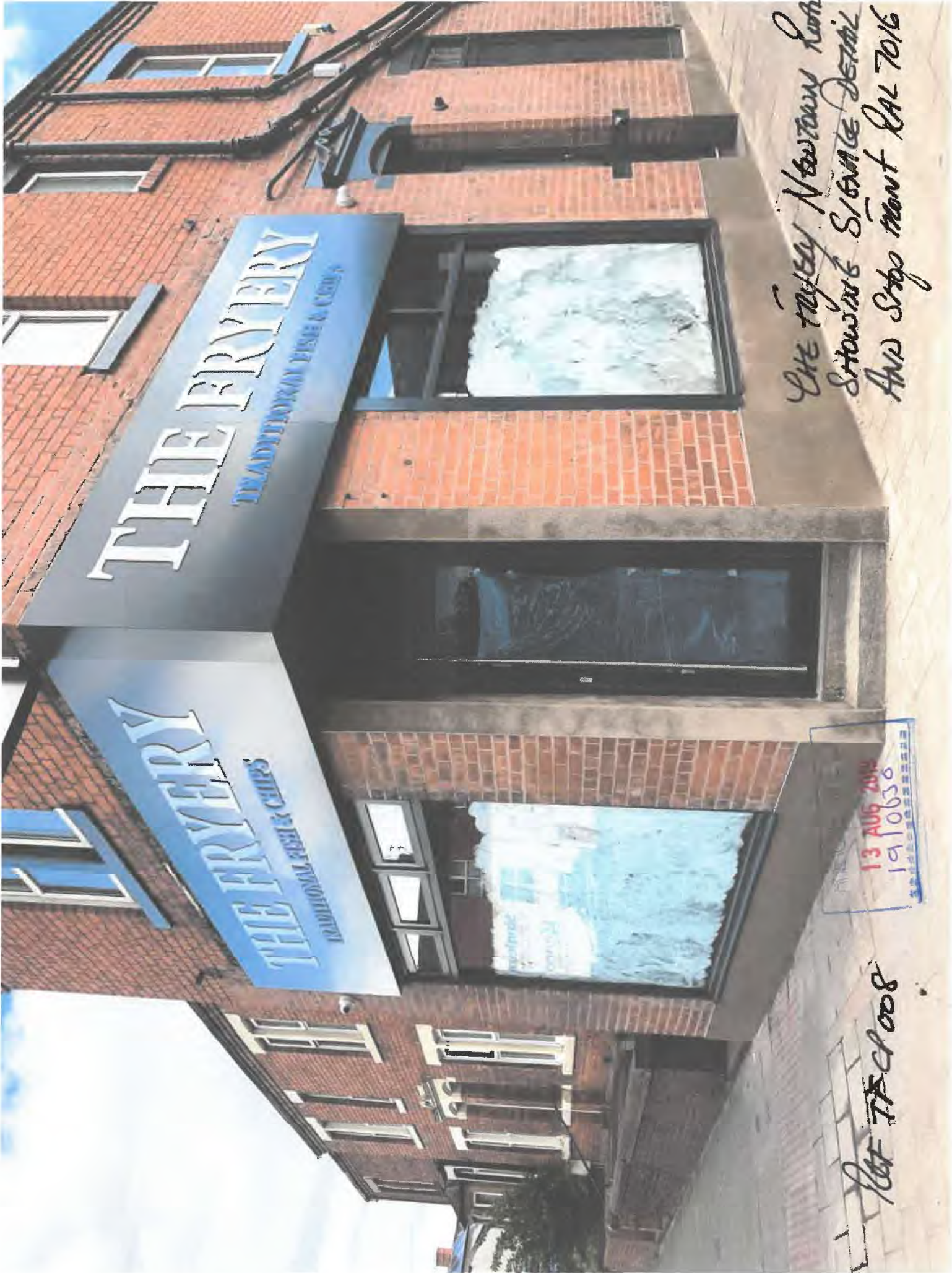












the frivery Newtown Road  
showing stone detail  
and steps front car 7016

13 AUG 2014  
1910630

10/11/14 11:00





## SCHEDULE A: Applications with Recommendation

19/0787

Item No: 07

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0787

**Applicant:**  
Lovell Partnership Ltd

**Parish:**

**Agent:**  
Ainsley Gommon Architects Newtown & Morton North

**Ward:**

**Location:** Land at Dalton Avenue, Raffles, Carlisle, CA2 7EX

**Proposal:** Non Material Amendment Of Previously Approved Permission 17/0603 To Amend Road Serving Plots 49-52 To A Shared Driveway; Removing Turning Head & End Of Road

**Date of Receipt:**  
08/10/2019 16:00:56

**Statutory Expiry Date**  
04/11/2019 16:00:56

**26 Week Determination**  
22/11/2019

---

### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

- 1.1 It is recommended that the application is approved (amendment accepted).

#### 2. Main Issues

- 2.1 Whether The Proposed Non-Material Amendment Would Be Acceptable

#### 3. Application Details

##### The Site

- 3.1 This proposal is seeking to make a non-material amendment to a previously planning permission for the erection of 52 dwellings on land at Dalton Avenue, Raffles, Carlisle.
- 3.2 The permission covers Sites P and R, which are blocks of land to the west and east of Dalton Avenue. The new housing, which is currently under construction, is being developed by Lovell and broadly follows the pattern of development set by earlier phases.

## **The Proposal**

- 3.3 Plots 49 to 52 lie within a cul-de-sac that is accessed from Dalton Avenue. The approved plans show a footpath on the southern side of the road with a turning head at the end of the cul-de-sac.
- 3.4 This proposal is seeking to remove the footpath from the road and to create a shared surface. The turning head, which was originally shown as being removed, would be retained at the end of the cul-de-sac.

## **4. Summary of Representations**

- 4.1 34 letters of objections (31 of which are standard letters) have been received which raise the following concerns:

- the classification of the application as a non-material amendment is wrong - removing the turning head and pavement is not a small amendment due to the increase in danger to pedestrians, particularly children and those with visual and physical disabilities - the increase in danger is a significant change and the application should be classed at the very least "a minor material amendment";
- the proposal results in a street with a single pedestrian footpath on its southern side and this is interrupted by a triangular shaped projection of part of the fenced garden of 67 Dalton Avenue. This is at a point approx 5m from the junction of the cul-de-sac with Dalton Ave;
- the projection of the garden into the footpath renders the footpath 'unusable' by those with certain disabilities. Design of housing estates should afford equal and dignified access for those with disabilities and prams etc.;
- the design of the footpath and road is a severe safety hazard for all pedestrians - people need to step out into the actual carriageway to pass the projecting garden of 67 Dalton Avenue;
- the rear garden fence is approx 1.74m high - this fence obscures less tall people from the view of vehicle drivers using the cul-de-sac - even taller people will be harder to see;
- a vehicle turning left into the cul-de-sac has only 5m to stop if a pedestrian steps into the road from the footpath to pass the projecting garden of 67 Dalton Avenue - the stopping distance for a vehicle travelling at 20mph is accepted as 12m and at 30mph 23m;
- it is unclear if the turning head is being removed - the removal of the turning head would be extremely unwise as large vehicles entering the cul-de-sac would be need to reverse into Dalton Avenue- reversing vehicles in a residential area are 100% taboo under Health & Safety Regs;
- the risk of reversing vehicles needs to be removed;
- the proposal will result in the creation of approx 70m of private street which will be constructed below the standards required by the Highways Authority for adopted streets;
- the proposed street is extremely badly designed. A street design which accommodates the needs of children and disabled people is likely to suit most user types - the proposed design does not achieve this;

- ease and safety of access should be a prime design factor providing for people of all ages;
- streets should not be primarily/ solely designed for the use of motor traffic;
- streets should not be bland and unattractive and must not be unsafe and unloosing to pedestrians and cyclists;
- the reference to a shared driveway is semantics - this is clearly a proposal to construct a private street;
- need to bear in mind the silent movement of electric vehicles;
- under the Human Rights Act everyone has the right to respect for private and family life - the creation of the dangers identified breaches the rights to respect;

4.2 Cllr Les Tickner (Ward Councillor) objects to the granting of planning consent for the variation of the street layout in the Lovell's development of the cul de sac - plots 49-52 inclusive for the following reasons:

- the request for variation is motivated more by reducing costs than appropriate planning considerations;
- the original planning application, which was approved, incorporated a pavement in the design of the cul-de-sac. The variation now sought by the developer will result in the total loss of the pedestrian footpath on the north side, and the pedestrian footpath on the south side being bisected by a garden 5m from the junction of Dalton Avenue;
- this is not good urban planning as safety and quality seem to be being sacrificed for profit;
- doubt whether this variation, if approved, would meet Cumbria County Council's criteria for the adoption of the highway. This would have serious consequences for future maintenance;
- if the Highways Authority decline to adopt this cul-de-sac, and I am strongly convinced that they will, the future maintenance would be passed on to the owners of the properties 49-52, which would include road surfacing, street lighting and the clearing and maintenance of drainage gullies;
- In the light of the above concerns the variation of planning consent should be refused
- However, if you are likely to grant approval under your delegated powers request that the application should be considered by members of the Development Control Committee.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the revised plan is acceptable to the Highway Authority.

## 6. Officer's Report

### Assessment

6.1 Section 70(2) 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 indicate otherwise.

- 6.2 The Development Plan for the purpose of the determination of this application is the Carlisle District Local Plan 2015-2030 from which Policies HO2, SP6 and IP2 are of particular relevance. The Council's Supplementary Planning Documents (SPDs) "Achieving Well Designed Housing", "Trees and Development", and "Designing Out Crime" area also material planning considerations.
- 6.3 The proposal raises the following planning issues.
1. Whether The Proposed Amendment Would Be Acceptable
- 6.4 Objectors consider that the proposal should not be treated as a non-material amendment due to the removal of the pavement and turning head which would increase the danger to pedestrians, particularly children and those with visual and physical disabilities. They consider that the increase in danger is a significant change and the application should, therefore, be classed at the very least as a "minor material amendment".
- 6.5 It is up to the Council to decide if an application can be considered as a non-material amendment. This proposal is seeking to remove a section of footpath along the south side of a cul-de-sac that serves four dwellings. The turning head at the end of the cul-de-sac would be retained. In the context of an application for 52 dwellings, the removal of a short section of footpath and changing the road to a shared surface is considered to be a non-material amendment.
- 6.6 The reason for the removal of the footpath is due to the presence of a triangular piece of land (which is in the ownership of 67 Dalton Avenue) that juts out into the proposed footpath. This land is enclosed by a timber fence and the presence of this fence jutting out into the footpath makes it undesirable to have the footpath.
- 6.7 Lovell has been unable to come to an agreement over the price of the some triangular piece of land with the owner. It is, therefore, seeking to remove the footpath and create a shared surface.
- 6.8 Objectors have raised safety concerns about the removal of the footpath. The Local Highway Authority has been consulted on the application and has raised no objection to the proposal to remove the footpath and to create a shared surface to serve four dwellings. The Cumbria Design Guide permits shared surfaces to serve up to five dwellings and these are common throughout the County. Whilst the shared surface would not be adopted it would have to be built to adoptable standard.

## **Conclusion**

- 6.9 The proposal to remove a footpath and create a shared surface to serve four

dwellings would be acceptable and can be treated as a non-material amendment.

## **7. Planning History**

- 7.1 In April 2005, planning permission was granted for the re-development of the remaining cleared sites within the Raffles Regeneration Scheme to provide 343 new residential dwellings comprising a mixture of 306 no. houses, 24 no. apartments and 13 no. bungalows (04/1675).
- 7.2 In January 2018, planning permission was granted for the erection of 52 dwellings (17/0603).
- 7.3 In December 2018, planning permission was granted for the erection of 52no. dwellings without compliance with conditions 2 (approved documents) and 4 (proposed hard and soft landscape works) imposed on planning permission 17/0603 for changes to the pathways to a more suitably wearing material (18/1017).

## **8. Recommendation: Amendment Accepted**

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**NOTE** - House type labels A3 & OFF referring to handling of house as shown on the House Packs only. Block plans drawn as per layout.

**NOTE** - House type labels A3 & OFF referring to handling of house as shown on the House Packs only. Block plans drawn as per layout.



Reference	Comments	Date
K - By N/A	Plan not submitted placed back along Patton Avenue to align with the boundary	03.11.17
L - By N/A	Plot 12/13 existing position's not noted	17.01.18
M - By N/A	Notes submitted in south with 1 remaining of wall	24.02.18
N - By N/A	Revised plans to plots 48, 49 & 44 submitted	18.06.19
O - By N/A	Revised survey plans 48-52 amended to become a road survey	06.09.19
P - By N/A	Surveying report for 48-52 amended to become a road survey removed	16.09.19
Q - By N/A	Land 12 hours for title 48-52 allowed access, Bin collection area closed	14.10.19
R - By N/A	Surveying company asked for title 48-52 removed as per request from Highway	18.10.19
S - By N/A	Access to title 48-52 provided to full Highway development complete	28.10.19

## SCHEDULE A: Applications with Recommendation

19/0222

Item No: 08

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0222

**Applicant:**  
Mr Joseph Connelly

**Parish:**  
Westlinton

**Agent:**  
Ashwood Design  
Associates Ltd

**Ward:**  
Longtown & Rockcliffe  
(Abolished 2019)

**Location:** L/A Part Field No 4823, Newtown, Blackford, Carlisle, Cumbria

**Proposal:** Erection Of Stables, Associated Hardstanding And Relocated Access

**Date of Receipt:**  
14/05/2019

**Statutory Expiry Date**  
09/07/2019

**26 Week Determination**  
22/11/2019

### REPORT

**Case Officer:** Suzanne Osborne

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development;
- 2.2 Whether the scale and design is acceptable together with the impact upon the character/appearance of the surrounding area;
- 2.3 Impact upon highway safety;
- 2.4 Impact upon the living conditions of neighbouring residents;
- 2.5 Drainage; and
- 2.6 Other matters.

#### 3. Application Details

##### The Site

- 3.1 This application relates to part of a field approximately 1941 square metres in area located within open countryside 257 metres west of Newtown of Rockcliffe village. The site is situated on the southern side of the U1074 101 which leads from Newtown of Rockcliffe village towards Blackdyke Farm and

Riding Centre . The field has a topography which gently slopes north-south and is bound by native hedgerows to the north, east and west together with stock proof fencing to the south. High voltage power lines traverse across the site in a north to south direction with a large pylon located within the centre of the site. There is also a line of smaller pylons which run across the northern boundary of the field in a west-east direction. Access to the site is via a gate in the north eastern corner of the field and at the time of the officer site visit the land was used for the grazing of horses.

- 3.2 The application site is wholly surrounded by agricultural land with the nearest residential property located approximately 257 metres to the east.

## **Background**

- 3.3 The available planning history illustrates that an agricultural livestock building (with a footprint of 221 square metres positioned 25 metres into the field adjacent to the western boundary) was refused on the site in April 1998 under application 98/0164 for the following reason:

*The application involves the erection of a substantial livestock shed on a holding less than 2 hectares. The site is located in open countryside, unrelated to any settlement or group of farm buildings. As such, it is considered that due to its scale, siting and design it would be an unacceptable visual intrusion into the open countryside, contrary to Policy 14 of the Cumbria and Lake District Joint Structure Plan, and Policy E2 of the Carlisle District Local Plan.*

*Reason: the proposed development if permitted, would establish an undesirable precedent which would make it difficult to resist further such applications, resulting in sporadic development leading to the erosion of open countryside to the detriment of the character of the area.*

- 3.4 In August 1998 a further application (reference 98/0497) for an agricultural storage shed (with a footprint of 200 square metres and a ridge height of 5.5 metres) was refused on the site for a similar reason to application 98/0164. An appeal was subsequently submitted and dismissed on the grounds that there was no justification for the proposal which would allow an exception to the planning policies which sought to restrict development within the open countryside and to allow such an exception would create a precedent for further erosion of the landscape character of the area. The second reason for the dismissal was due to the siting of the building. The Inspector considered that the location of the agricultural building midway across the field 25 metres from the boundary did not take advantage of existing natural screening. As such the Inspector was of the opinion that the large size of the building together with its isolated location would have a harmful effect on the character/appearance of the area.

## **The Proposal**

- 3.5 The current application seeks full planning permission for the erection of stables, associated hard standing and a relocated access. The submitted

plans illustrate the provision of three stables and a tack room which will be located in the north-western corner of the site behind existing hedgerows. The stable building, which will be constructed from stained timber walls under a felt tiled roof, will have a footprint of 80 square metres, an eaves height of 2.2 metres and a ridge height of 3.47 metres. The existing field access into the site is to be closed off with a hedgerow planted in its place. A new field entrance is to be formed within the existing hedgerow to the east of the proposed stable block with an inward opening gate. A compacted hard core internal access and turning area is to be formed within the site to the immediate south of the proposed stables with new post and wire fencing within the field to form a grass/paddock to the east and to separate the stable area from the grazing land to the south.

- 3.6 The application is accompanied by a design and access statement which confirms that the development will provide private/domestic stabling for the applicant's 5 horses and will not be associated to any form of business classification.
- 3.7 Members should be aware that when the application was first submitted the development was described as 'Erection of Stables and Change of Use of Land to Training School' with the submitted plans illustrating the erection of 5 stables and a tack room with a footprint of 121.5 square metres, land designated as a training school to the west and a hard surfaced area to the south measuring approximately 1080 square metres. Following concerns raised by Officers and confirmation from the agent that the development was for private purposes only the application was amended to that outlined in paragraphs 3.5-3.6 above.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by the display of a site notice. In response to the consultation undertaken one objection has been received.
- 4.2 The objection is summarised as follows:
1. agricultural field with no existing buildings;
  2. numerous livery yards and training facilities in the locality;
  3. adverse impact upon landscape;
  4. creeping urbanisation of the countryside;
  5. buildings are not in keeping with the locality;
  6. loss of hedgerow;
  7. impact upon highway safety of any emergency vehicles attending Blackdyke Farm and Riding Centre; and
  8. may lead to further development such as residential use.

#### **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the imposition of 4 conditions relating to visibility splays,



surfacing of the access drive, use not commencing until the access has been formed and the approval of all measures to prevent surface water discharging onto or off the highway. Standing advice received regarding highway permits and soakaways.

**Westlinton Parish Council:** - strongly object to this proposal. This is a green field site. The proposed development of a 5 stable block and training area is a recreational facility. It would be a business enterprise on farming land.

The access to the field is from a road barely wide enough to allow 2 vehicles to pass. There would have to be off road parking to be safe as refuse lorries use this road going to Hespian Wood tip.

Westlinton PC is therefore opposed to this application on these grounds: business development on green field site and safety concerns for road users.

Following the submission of further details the Parish Council has confirmed that they still object to the application on the following grounds:

- 1) it is a green field site that they say has never had any buildings on it. It should remain green used only for agricultural purposes;
- 2) the road, the field has access from, is not wide but has quite heavy traffic on going to Hespian Wood tip and Blackdyke Farm Equestrian Centre. They would want access at least 2 times a day, increasing the risk factor.
- 3) the PC have concerns that if given permission for stables the next thing would be to want accommodation as has happened in 3 fields within a mile of this one, allowing urbanisation on agricultural land.

Following the submission of amended plans the Parish Council has commented as follows:

We are still opposed to any building on this green field site for the following reasons:

- 1) there has never been a building there, so there is no precedent for one;
- 2) the access would give onto a road not wide enough to allow 2 vehicles to pass easily. The applicant wants hardstanding for a wagon. Would this have to sit on the road whilst they open the access?
- 3) drainage is poor so where would any run off from stables roofs and hardstanding go?
- 4) from past experience when stables go up, next thing is wanting to put a caravan or static on site - urbanisation

**National Grid UK Transmission - Plant Protection:** - no objection, standing advice received.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) 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 indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP2, SP6, EC13, IP3, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The Cumbria Landscape Strategy and Toolkit (adopted 2011) and the Council's 'Trees and Development' Supplementary Planning Document are also material considerations.
- 6.3 The proposal raises the following planning issues:

#### **1. Principle of Development**

- 6.4 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 83 of the NPPF states that in order to support a prosperous rural economy planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and, enable the development and diversification of agricultural and other land-based rural businesses.
- 6.5 Policy SP2 (Strategic Growth and Distribution) of the Carlisle District Local Plan 2015-2030 (CDLP) seeks to promote sustainable development through concentrating development within existing settlements and ensuring that developments within the remote rural area are assessed against the need to be in the location specified. The revised paragraph 84 of the NPPF recognises that there are instances where sites may have to be found beyond existing settlements and in locations not well served by public transport to serve local business and community needs. In such circumstances it is important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact upon local roads and exploits any opportunities to make a location more sustainable.
- 6.6 Policy EC13 (Equestrian Development) of the CDLP states that proposals relating to the development of stables, riding areas and/or riding centres will be permitted provided that there is: 1) no unacceptable impact on the landscape character of the area; 2) the building/structure is sited where practical to integrate with existing buildings and/or take advantage of the contours of the land and any existing natural screening; 3) the proposal will not have a detrimental effect on surrounding land uses; 4) the surrounding roads and bridleways are safe for the increased use by horse riders with the roads being suitable for all users; and 5) the scale and intensity of use is



proportionate to the equestrian needs and appropriate for the site and character of the area.

- 6.7 The submitted Design and Access Statement confirms that the site has been used mainly for horse pasture over the past 15-20 years with occasional sheep for grazing. The aims/objective of the proposal is to provide private/domestic stabling for the applicants 5 horses. The horses are currently not stabled so the proposals would improve the welfare of some older horses or horses in foal. The applicant requires this number of stables on the land so most of the horses can be stabled individually with the remaining horses being left outside and blanketed. The proposal is on land already established as equestrian pasture and permitting stables on the land would allow substantial savings to the applicant in respect of livery charges compared to stabling elsewhere.
- 6.8 As the application relates to the siting of three stables and a tack room for private/domestic purposes within a field currently used for the grazing of horses the principle of the proposal is acceptable. The scale/design of the proposals and impact of the development on the character/appearance of the surrounding area is discussed in the following paragraphs below.

## **2. Whether The Scale and Design Is Acceptable Together With The Impact Upon The Character/Appearance Of The Surrounding Area**

- 6.9 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF states that planning decisions should ensure developments function well and add to the overall quality of the area; are visually attractive; are sympathetic to local character and history whilst not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place; and, optimise the potential of the site to accommodate and sustain the appropriate mix of development. Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Paragraph 131 goes on to confirm that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 6.10 Policy SP6 of the Carlisle District Local Plan 2015-2030 also seeks to secure good design and contains 12 design principles of how proposals should be assessed. For example proposals should respect landscape character and respond to local context.
- 6.11 As stated in paragraph 6.6 of this report Policy EC13 of the CDLP seeks to ensure that proposals for equestrian uses have no unacceptable impact on the landscape character of the area; the building/structure is sited where

practical to integrate with existing buildings and/or take advantage of the contours of the land and any existing natural screening; and, the scale and intensity of use is proportionate to the equestrian needs and appropriate for the site and area.

- 6.12 With regard to landscape impact it is appreciated that Policy GI1 of the CDLP seeks to protect landscapes from excessive, harmful or appropriate development. Proposals should be assessed against the criteria within the Cumbria Landscape Character Guidance and Toolkit (CLCGT) with regard to a particular landscape character areas key characteristics, local distinctiveness and capacity for change.
- 6.13 The site falls within subtype 2c "Coastal Plain" of the CLCGT the key characteristics of this landscape are: flat and slightly undulating coastal plain, long and narrow fields in undulating areas with larger fields in flat areas, intersected by shallow rivers and watercourses, hedges form main field boundaries, scarce tree cover, predominately pasture with some arable in drier areas, frontiers of Roman Empire - Hadrian's Wall World Heritage Site is a significant archaeological feature in the Solway, and, historic field pattern strongly linked to settlements.
- 6.14 With regard to equestrian development the CLCGT states that horse grazing and equestrian uses should be encouraged to respect field boundaries and patterns. Stables and other facilities should be sited sensitively with appropriate landscape mitigation to prevent the erosion of pastoral farmland character.
- 6.15 As stated in paragraph 3.5 the application seeks full planning permission for the erection of stables, associated hard standing and a relocated access. The submitted plans illustrate the provision of three stables and a tack room which will be located in the north-western corner of the site behind existing hedgerows. The stable building, which will be constructed from stained timber walls under a felt tiled roof, will have a footprint of 80 square metres, an eaves height of 2.2 metres and a ridge height of 3.47 metres. The existing field access into the site is to be closed off with a hedgerow planted in its place. A new field entrance is to be formed within the existing hedgerow to the east of the proposed stable block with an inward opening gate. A compacted hard core internal access and turning area is to be formed within the site to the immediate south of the proposed stables with new post and wire fencing within the field to form a grass/paddock to the east and to separate the stable area from the grazing land to the south.
- 6.16 As the proposed stables and associated hard standing will be located in the north-western corner of the field directly behind an existing mixed species hedgerow it is considered that the siting of the development would take advantage of existing natural screening. The submitted block plan illustrates that additional planting will take place to the east of the stable block which will also provide further screening of the development. The additional planting will comprise of a mixed species hedgerow which will complement the existing landscaped boundaries. The proposed stable block will have a relatively low ridge and eaves height resulting in the majority of the development being

inconspicuous and obscured from public viewpoints by the existing hedgerow with only the roof visible which will hip away from the north. Any public viewpoints of the development would be seen in the context of the existing field hedgerows.

- 6.17 The proposal will provide 3 stables and a tack room which will have a footprint of 80 square metres. The size of the development is commensurate to the size of field which is currently used for the grazing of horses. The development also meets the guidelines for the sizes of stables set out by the British Horse Society.
- 6.18 The stables will be constructed from treated timber walls under a felt tiled roof. This is a typical standard design of a stable block which would be in keeping with the sites rural setting. The design of the new field access is also appropriate to the area and the size of the compacted hard core access/turning area is sufficient to allow a vehicle towing a horse box to enter and leave the site in a forward gear.
- 6.19 Overall the scale and design of the development is deemed appropriate to the site and would not have an adverse impact upon the character/appearance of the surrounding area.

### **3. Impact Upon Highway Safety**

- 6.20 The application seeks to block up the existing field access located in the north-eastern corner of the site and create a new access towards the west of the site. A compacted access and hard standing will be created within the field to enable a vehicle towing a horse trailer or a medium sized horse box to enter and leave in a forward gear.
- 6.21 The new access will provide 215 x 2.4m visibility in either direction. The submitted design and access statement confirms that it is envisaged that there may be 2 traffic movements back and forth from the site each day to feed, water and turn out the horses.
- 6.22 The relevant Highway Authority has been consulted on the proposal and has raised no objections subject to the imposition of four conditions relating to visibility splays, surfacing of the access drive, use not commencing until the access has been formed and the approval of all measures to prevent surface water discharging onto or off the highway.
- 6.23 Given that there are no objections from the Highway Authority it is not considered that the development would have an adverse impact upon highway safety.

### **4. Impact Upon The living Conditions Of Neighbouring Residents**

- 6.24 The application site is wholly surrounded by agricultural fields with the nearest residential property located 257 metres to the east. Given the separation distances involved the proposed development will not have an adverse impact upon neighbouring properties in terms of loss of light,

overlooking or over dominance.

## **5. Drainage**

- 6.25 The submitted design and access statement confirms that 50% of the surface water from the roof of the stables will be disposed of via a soakaway with the remainder of the water collected and reused for the horses. The proposed hard standing will be naturally draining. Horse manure is to be spread on land under the applicants ownership as a natural fertilizer.
- 6.26 The Lead Local Flood Authority has been consulted on the development and has raised no objections to the proposed drainage methods. Although the principle of the drainage strategy is acceptable, a relevant condition has been imposed requesting full details of the proposed drainage arrangements.

## **6. Other Matters**

- 6.27 As confirmed in paragraphs 3.3-3.4 of this report two applications have been refused on the application site (one of which was dismissed at appeal) for the erection of an agricultural building. This application in comparison to the previously refused applications is for the stabling of horses which are currently grazed on the land. The stables will be sited in the north-western corner of the site and will therefore make use of existing natural screening. Whilst the appeal is a material planning consideration it is appreciated that there has been a change in planning policies since the previous refusals and for the reasons outlined in paragraphs 6.4-6.26 the principle of stables on the land are acceptable, and, the scale and design of the development is deemed appropriate to the site.
- 6.28 It is appreciated that the Parish Council has raised concerns that the development of stables within the field may lead to further development on the site. The current application has to be dealt with on its own merits and for the reasons outlined in the report the development is acceptable.
- 6.29 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 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 regularize any breach of planning control;

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

- 6.30 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, proportionate and

there is social need.

- 6.31 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

## **Conclusion**

- 6.32 The principle of the proposal is acceptable as the application relates to the siting of three stables and a tack room for private/domestic purposes within a field currently used for the grazing of horses. The size of the stables is commensurate to the field in which it is to be located. The scale and design of the development is deemed appropriate to the site and given the positioning of the stables behind existing hedgerows which delineate the field it is not considered that the development would have an adverse impact upon the landscape character of the area. Accordingly the application is considered to be compliant with the criteria of the relevant Development Plan policies and is therefore recommended for approval subject to the imposition of relevant conditions.

## **7. Planning History**

- 7.1 In 1998 full planning permission was refused for the erection of an agricultural livestock shed (reference 98/0164); and
- 7.2 In 1998 full planning permission was refused and dismissed at appeal for the erection of an agricultural storage shed (reference 98/0497).

## **8. Recommendation: Grant Permission**

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form received 24th September 2019;
  2. the site location and block plan received 23rd October 2019 (Drawing No.005 Rev D);
  3. the proposed floor plan and elevations of the stables received 24th September 2019 (Drawing No.010 Rev B);
  4. the swept path analysis received 23rd October 2019 (Drawing

- No.19-C-15602/01);
5. the design and access statement Rev v3 received 24th September 2019;
  6. the Notice of Decision; and
  7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. The development hereby approved shall be used only for private use and shall at no time be used for any commercial purposes including for livery, stabling, equestrian tuition or leisure rides.

**Reason:** To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies SP6 and EC13 of the Carlisle District Local Plan 2015-2030.

4. The development shall be landscaped in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority which shall indicate the proposed types, species planting heights and planting densities of all trees and shrubs to be planted together with the heights and profiles of any proposed earth modelling. The scheme shall be implemented during the planting season following the completion of the development hereby approved and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of any development, a surface water drainage scheme, including a sustainable drainage management and maintenance plan for the lifetime of the development, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall then be installed in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

6. The development shall not commence until visibility splays providing clear visibility as per Drawing No.1835-005D have been provided .



Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

7. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 15 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

8. The use of the development shall not be commenced until the access has been formed with 10 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 15 metres into the site from the existing highway has been constructed in accordance with details approved by the Local Planning Authority.

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

9. 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.

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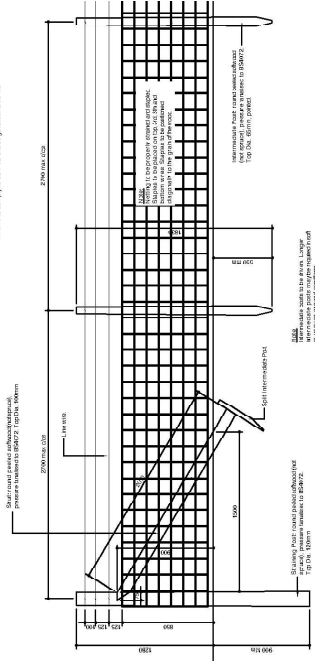
This drawing is copyright ©. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

REVISIONS			Rev	Description	Drawn	Date
3			3	Yard Hedge and Paddock clarification	PM	17.06.19
2			2	Yard Gates, Visibility	PM	19.09.19
1			1	45° Splay	PM	23.10.19

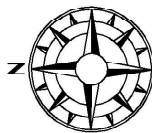
Rev	Description	Drawn	Date
3	Yard Hedge and Paddock clarification	PM	17.06.19
5	Yard Gates, Visibility	PM	19.09.19
6	45° Splay	PM	23.10.19

8-mm (Raisz) pins with painted one  
color (R15). Galvanized stock setting  
60 x 4-mm. Galvanized wire 0.0216.  
Wire to comply to 154-02 and the galvanised. **PS-413**

**Notes:**  
Sisalume posts to be used at each end of fence and at least every 100mm and at all change in direction.  
Sisalume posts to be dug in, cemented and fixed, and strutting in the line of the fence.



KEY  
2.4m x 215m visibility splays



ASHWOOD  
DESIGN ASSOCIATES LTD

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 01228 510316 01228 520361

## Planning

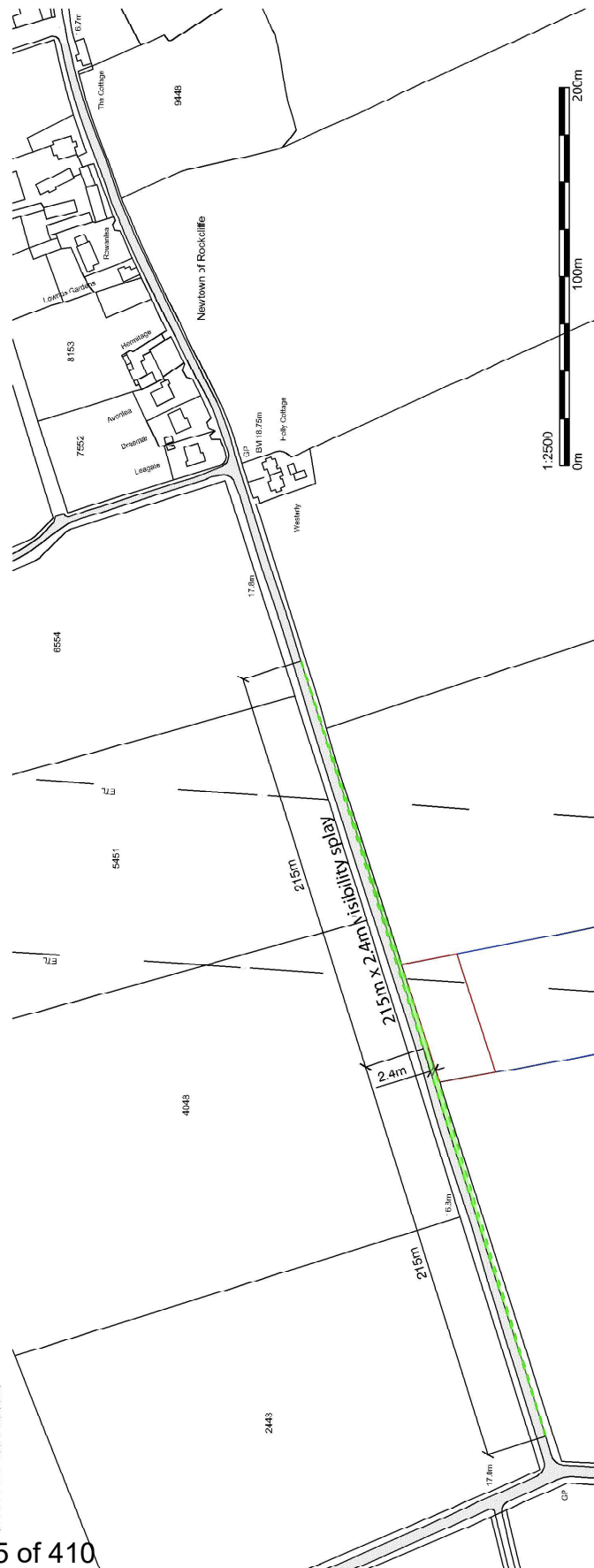
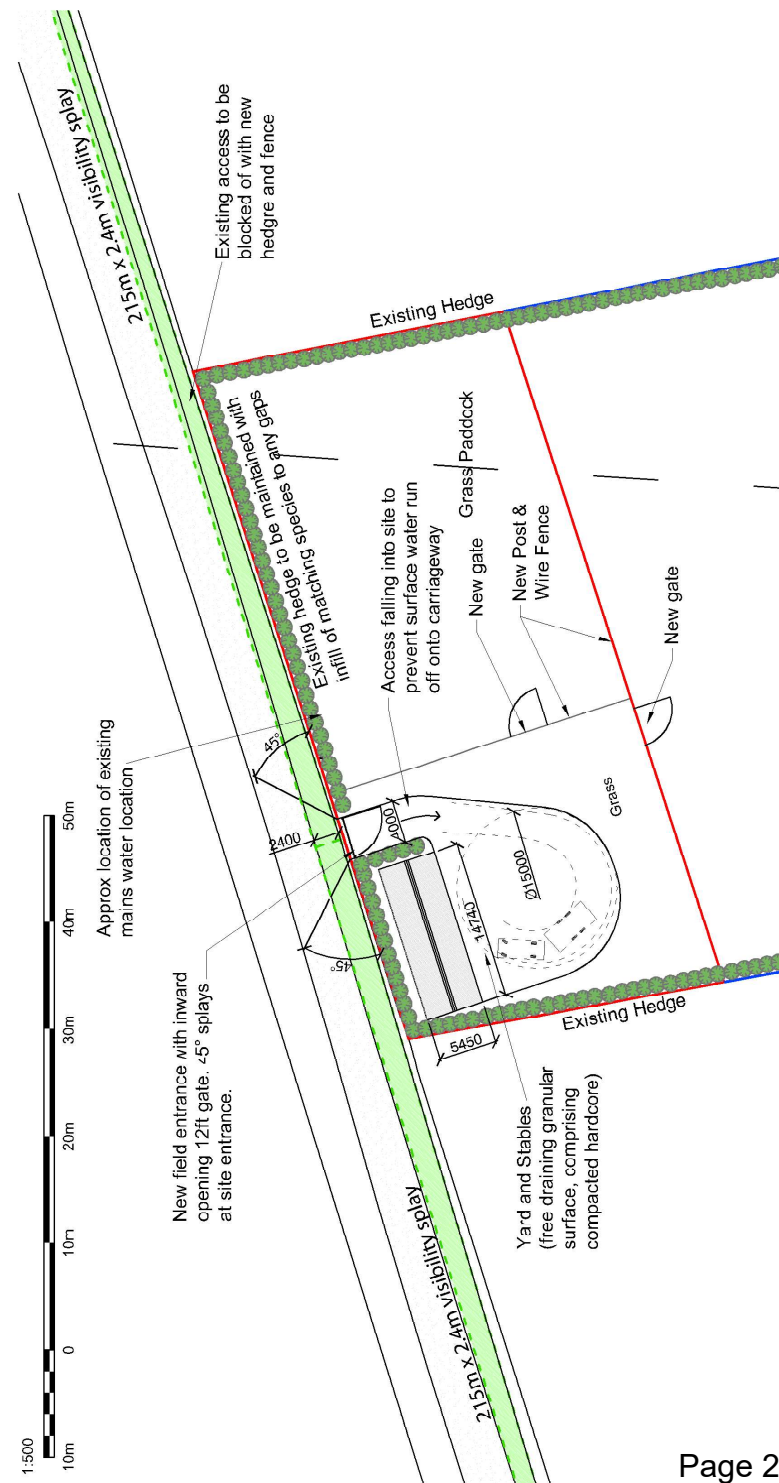
**Project:** New Stables, Westlington, Carlisle

## Block and Location Plan

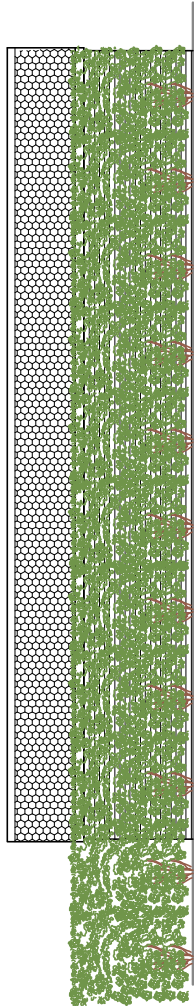
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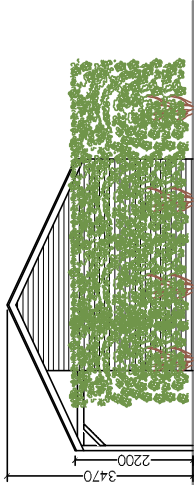
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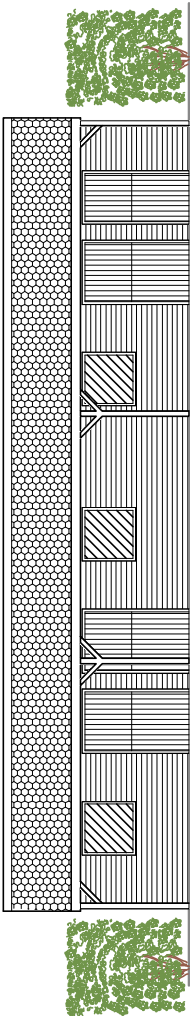
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				PM	24.08.19



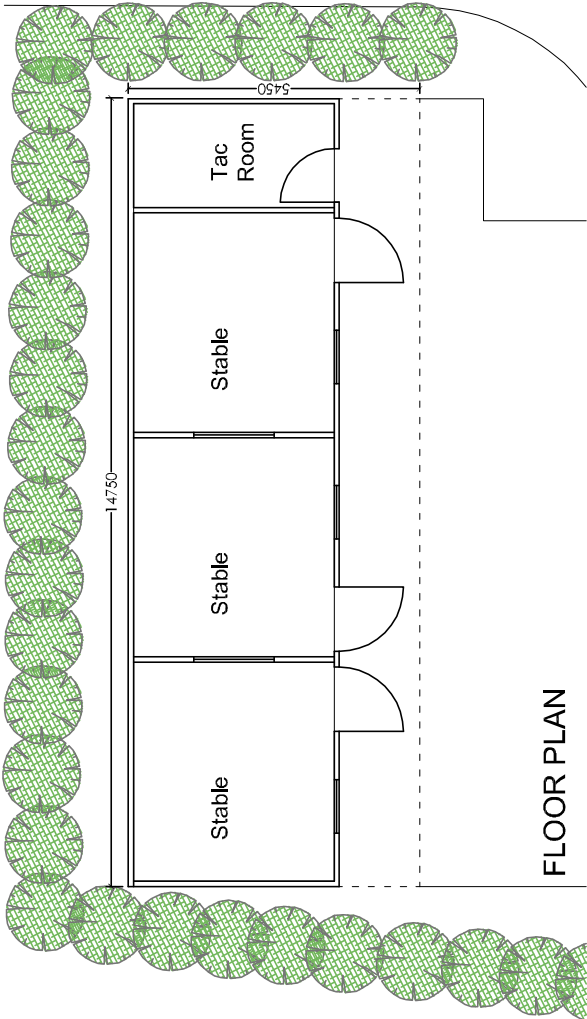
REAR ELEVATION



SIDE ELEVATION



FRONT ELEVATION



FLOOR PLAN



Solway House Business Centre, Parkhouse Road, Carlisle, Cumbria, CA6 4BY  
t 01228 510616 e admin@ashwoodesign.co.uk  
f 01228 520861 w www.ashwoodesign.co.uk

Purpose:

Planning

Client:

-

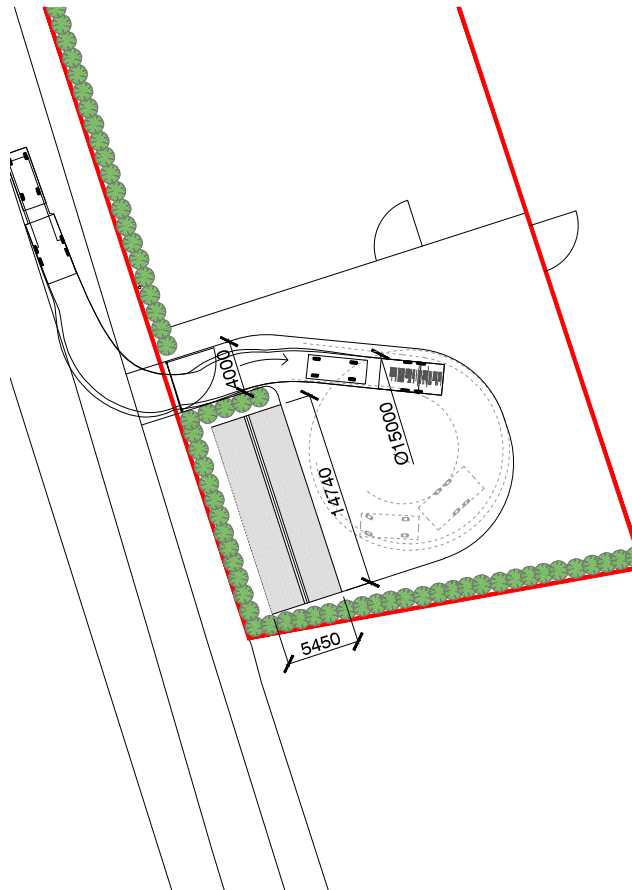
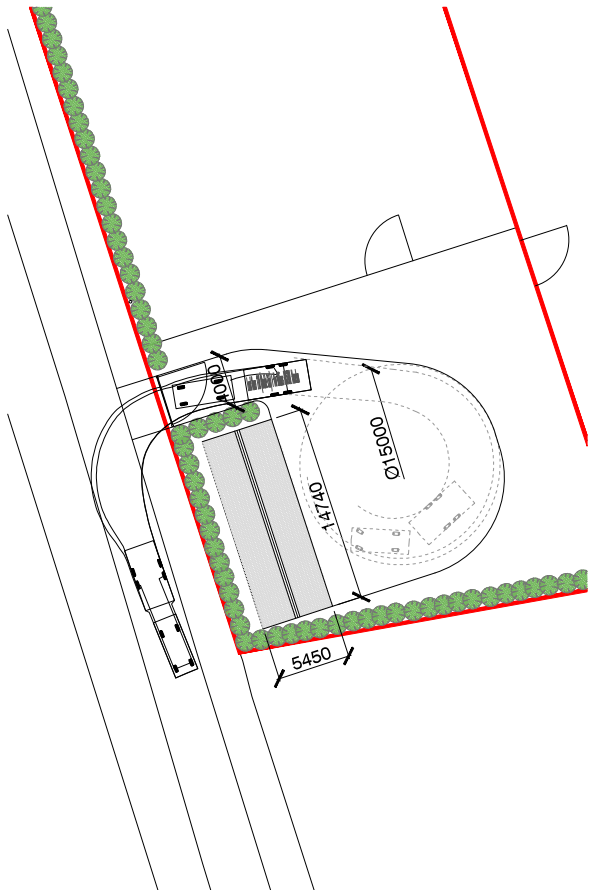
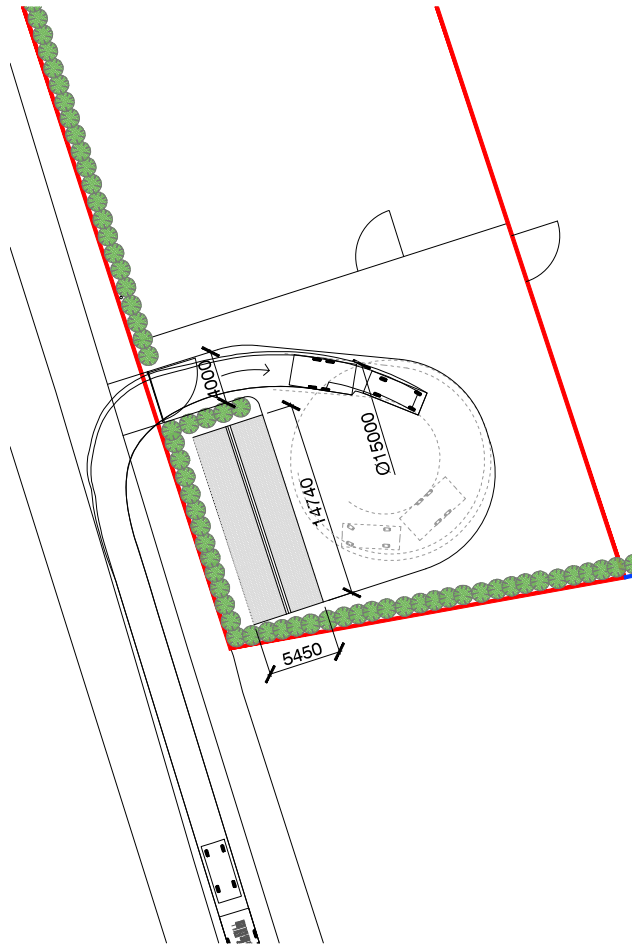
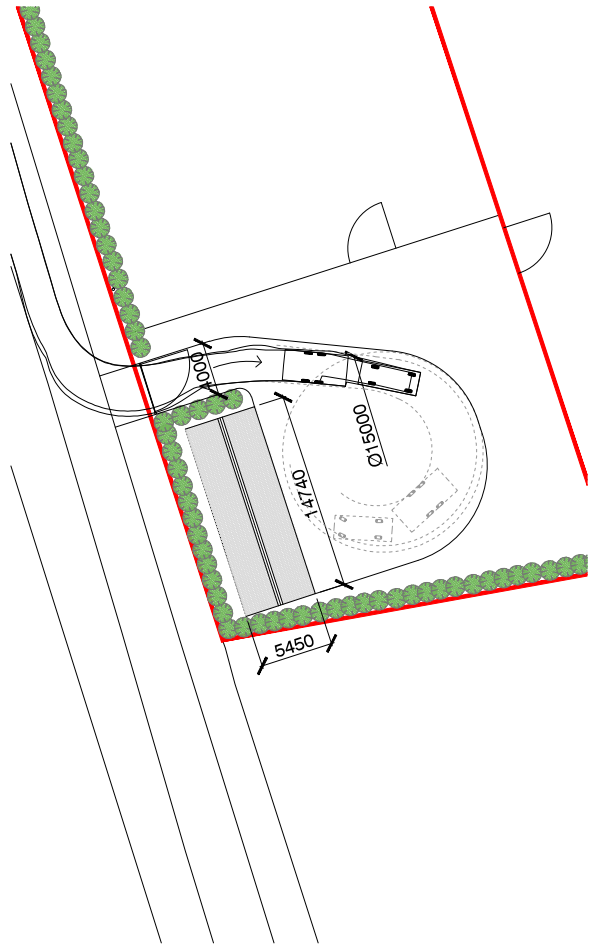
Project:

New Stables, Westlington, Carlisle

Title:

Proposed Stables

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Project No:	Drawing No:	Revision:	
1835	010	B	





## SCHEDULE A: Applications with Recommendation

19/0503

Item No: 09

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0503

**Applicant:**  
HACW Ltd

**Parish:**  
Stanwix Rural

**Agent:**  
Haydon Environmental  
Consultants

**Ward:**  
Stanwix & Houghton

**Location:** Houghton Hall Garden Centre, Houghton, Carlisle, CA6 4JB

**Proposal:** Siting Of Hand Car Wash And Valet Facility Including Canopy And Portable Office Store Building (Revised Application)

**Date of Receipt:**  
24/06/2019 13:00:47

**Statutory Expiry Date**  
19/08/2019 13:00:47

**26 Week Determination**  
30/11/2019

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Principle of development
- 2.2 Proposed method of drainage
- 2.3 Design and impact of the proposal on the character and appearance of the area
- 2.4 Impact of the proposal on the character and setting of the Grade II Listed Building
- 2.5 Impact of the proposal on the Buffer Zone of Hadrian's Wall World Heritage Site
- 2.6 Impact of the proposal on biodiversity
- 2.7 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.8 Impact of the proposal on highway safety
- 2.9 Other matters

#### 3. Application Details



## The Site

- 3.1 Houghton Hall Garden Centre is an established garden centre located adjacent to the A689 county highway north east of St John's Church, Houghton. Spread over three levels, the main level is home to gardening products, external plant areas, aquatic shop, gift shop, clothing, coffee shop, food hall/butchers and fruit and vegetable store. A mezzanine floor displays garden furniture and outdoor living products whilst a basement level houses 'The World in Miniature Museum'.

## The Proposal

- 3.2 The proposal seeks full planning permission for the siting of a hand car wash and valet facility including a canopy and portable office/store located in the northern section of the car park. A 1.8 metre wooden fence would be erected along the northern and part of the eastern boundaries of the application.

## 4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of the occupiers of two neighbouring properties and the posting of site and press notices. No verbal or written representations have been made during the consultation period.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the applicant outlines that the average usage of the site will be 376 vehicles per week. This equates to 54 vehicles per day or approximately 7 vehicles per hour. A large proportion of these users would already be intending to visit the garden centre, therefore, can be considered "pass by" traffic. Accordingly, the "new" traffic generation of this proposal would be minimal. Cumbria County Council, as Lead Local Flood Authority, also notes the proposed drainage system. In overall terms, raise no objections to the proposed development;

**Stanwix Rural Parish Council:** - raise objections to the originally submitted documents. In summary, the objections centre on:

- a car wash is a wholly inappropriate activity on this site
- use of water soluble detergents to be discharged by the package wastewater recycling system.
- the documents state that the units is capable of recycling up to 95% of used water. The destination of the remaining 5% of used is not specified and may discharge directly to surface water drainage
- potential impact on groundwater
- would a maintenance programme be implemented
- questions if an environmental permit would be required
- storage of chemicals within the site

- potential impact on landscaping and boundary wall

At the time of preparing the report, no further comments have been received in respect of the additional information received;

**Environment Agency:** - if there is no discharge to the surface water drains or to the package treatment plant that serves Houghton Hall Garden Centre then there are no objections to the proposal. An Environmental Permit would not be required;

**United Utilities:** - no objections subject to the imposition of conditions requiring: that the works shall be undertaken in accordance with the submitted Supporting Drainage Statement; and foul and surface water are drained on separate systems;

**Historic England - North West Office:** - do not wish to offer any comments.

## 6. Officer's Report

### Assessment

- 6.1 Section 70(2) 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 indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies of SP2, SP6, EC11, IP2, IP3, IP6, CC5, CM5, HE1, HE3 and GI3 of the Carlisle District Local Plan 2015-2030. Section 66 of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 is also a material planning consideration. A further material consideration is Historic England's document entitled 'The Setting of Heritage Assets -Historic Environment Good Practice Advice in Planning: 3 (Second Edition).
- 6.3 The proposal raises the following planning issues.

#### 1. Principle Of Development

- 6.4 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:  
  
*“The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.”*
- 6.5 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives: economic, social and environmental. Paragraph 10 states *“so that sustainable development is pursued in a positive*

*way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)."*

- 6.6 To support a prosperous rural economy, paragraph 83 of the NPPF states that:

*"Planning policies and decisions should enable:*

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship."*

- 6.7 The Framework expands in paragraph 84 by outlining that:

*"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist".*

- 6.8 A such, there is clear guidance that the needs of businesses may extend beyond settlement boundaries provided that the development is sensitive to its surroundings, does not impact on the local road network and encourages the use of previously developed land.

- 6.9 The location of this type of operation in the rural area must also be justified. Policy SP2 of the local plan requires that development proposals will be assessed against their ability to promote sustainable development. Outside of the specified settlements, development proposals will be assessed against the need to be in the location specified.

- 6.10 This proposal requires the development of part of the car park to form a hand car wash facility. Policy EC11 of the local plan states that any new buildings within the rural area should be well related to an existing group of buildings to minimise their impact and ensure they blend satisfactorily into the landscape through suitable materials, design and siting and these matters are considered in the following paragraphs of this report.

- 6.11 The parish council contends in its original response that: *"a car wash is a wholly inappropriate activity on the site"*. The car wash would be small in

scale compared to the existing use and would complement the garden centre use where visitors spend a reasonable amount of time thus allowing the vehicles to be left and cleaned. Furthermore, the inclusion of car washes within the curtilage of garden centres is commonplace. Members will also be aware that in 2016 they granted permission for another complementary facility within the site for the retail of fruit and vegetables (application 16/0485). As such, it has been proven that complementary facilities encourages linked trips to the site, thereby, improving the economic benefits of the site.

- 6.12 The proposal is a commercial enterprise, located in a rural location. The proposal would offer limited social benefits by virtue of a service which is utilised by the local community, whilst job creation would also occur, an economic benefit. The stated number of jobs that would be created is two full time and six part time roles. In this regard, the proposal is considered to be of benefit to the rural economy and can be supported in principle in respect of the NPPF and Policy EC11 of the local plan.

## **2. Proposed Method of Drainage**

- 6.13 Paragraph 170(e) of the NPPF states that:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;”*

- 6.14 In Paragraph: 016 Reference ID: 34-016-20140306 of the Waste Supply, Wastewater And Water Quality section of the PPG, it advises on assessing impacts on water quality and states:

*“Where water quality has the potential to be a significant planning concern an applicant should be able to explain how the proposed development would affect a relevant water body in a river basin management plan or designated sites of importance for biodiversity, and how they propose to mitigate the impacts.*

*Where it is likely a proposal would have a significant adverse impact on water quality then a more detailed assessment will be required. The assessment should form part of the environmental statement, if one is required because of a likely significant effect on water.*

*When a detailed assessment is needed, the components are likely to include:*

- the likely impacts of the proposed development (including physical modifications) on water quantity and flow, river continuity and groundwater connectivity, and biological elements (flora and fauna).*

- *how the proposed development will affect measures in the river basin management plan to achieve good status in water bodies to ensure local authorities discharge their duty to have regard to river basin management plans when exercising their duties, including making planning decisions*
  - *how it is intended the development will comply with other relevant regulatory requirements relating to the water environment (such as those relating to bathing waters, shellfish waters, freshwater fish and drinking water, internationally and nationally designated sites of importance for biodiversity) bearing in mind compliance will be secured through the Environment Agency's permitting responsibilities."*
- 6.15 Policies IP6 and CC5 of the local plan also requires that appropriate foul and surface drainage measures are incorporated within any development. As such, information has been requested in respect of the operating procedures and drainage system to serve the proposed car wash.
- 6.16 The Supporting Drainage Statement outlines that: "*... the it is intended to treat and recycle the wash water from the proposed hand wash by installing a 'Bywater Oasis T2' package re-cycling system, thereby, considerably reducing the water requirement and negating the need to discharge wash water to the surface water system*". Further information supplied by the manufacturer outlines that their system works "*on a figure of 95% recycling ... in theory the system will recycle 100% but there will be some losses from evaporation, overspray and whatever leaves the system on the cars. The system will recycle 100% of the water that in collected in the interceptor. Any losses are replenished from the mains water supply*".
- 6.17 The submitted drawings illustrate that cars would enter the car wash area and be parked in the 'wash pad' area enclosed by below ground 600mm diameter 'Aco Drainlock Gratings' which due to the natural fall of the site would channel excess water from the car wash into a silt trap prior to entering the 'Bywater T2' water reclamation vehicle wash system. The Supporting Drainage Statement and manufacturer's email outlines that Aluminium Sulphate, at a low dosage rate, would be added to the waste water to help coagulate the dirt which would generally settle in the interceptor with the sludge. The manufacturer highlighting that Aluminium Sulphate is used as a coagulant in water companies sewage treatment plants which eventually enters watercourses. The treated water from the water reclamation vehicle wash system would be re-used in the car wash.
- 6.18 The 'Bywater T2' car wash system would be housed within the glass-reinforced plastic (GRP) housing unit located to the east of the car wash area. The Methods of Working Statement further expands by highlighting the proposed working practices to be operated within the site. These details include the use of a dilution meter, storage of chemicals and procedures to follow in case of accidental spillage. A condition is recommended that would ensure strict compliance with the methods of working statement unless otherwise agreed in writing by the local planning authority.
- 6.19 Surface water run-off from the remainder of the site would again enter a

separate 'Aco Drainlock Grating' located to the north of the wash pad and be directed into the existing surface water drainage system.

- 6.20 The parish council in its original consultation response objects to the application which in respect of drainage issues appear to centre on: proposed method for the disposal of surface water; use of chemicals in the car wash; method for the storage of chemicals; and requirement for maintenance programme. At the time of preparing the report, no further response has been received from the parish council.
- 6.21 The majority of the concerns raised by the parish council have been addressed in the preceding paragraphs. Members should also be aware that the Environment Agency does not raise any objections and advise that an environmental permit would not be required as there would be no discharge from the car wash to either the surface water drains or to the package treatment plant.
- 6.22 In respect of a maintenance programme for the car wash system this issue has been raised with the Agent. The Agent has advised that this is a contractual issue dependent upon the granting of planning permission and a lease entered into with the sites' owners.
- 6.23 In overall terms, the proposed car wash would not be connected to the existing surface water drainage system nor enter the package treatment plant serving the garden centre. Accordingly, the proposal would not have a detrimental impact on grounds waters and would not require a permit under Environment Agency legislation. Furthermore, the proposed method of washing the cars through its reduction in water usage and recycling method will make a contribution towards adapting to climate change.

### **3. Design And Impact Of The Proposal On The Character And Appearance Of The Area**

- 6.24 Adopted policies require that development is appropriate, in terms of quality, to that of the surrounding area. Proposals should, therefore, incorporate high standards of design including care in relation to siting, scale, use of materials and landscaping that respects and, where possible, enhances the distinctive character of townscape and landscape. This is reflected in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.
- 6.25 The development would be within the context of the site and the structures would be well-related to the existing buildings. The scale, design and use of materials of the proposals are considered to be appropriate in the context of the site, its surroundings and overall character of the area and is acceptable in this regard.

### **4. Impact Of The Development On The Character And Setting Of The Grade II Listed Building**



- 6.26 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".*

- 6.27 Members, therefore, must give considerable importance and weight to the desirability of preserving the adjacent listed buildings and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.28 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.29 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.30 Houghton Hall, located approximately 130 metres to the west of the application site, was listed as a Grade II Listed Building by Historic England in 1983. The listing details for Houghton Hall is as follows:
- "House. Early C19. Stucco walls, stone dressings, slate roof with lead hips, stucco chimney stacks. 2 storeys, 5 bays. Entrance portico has square and cylindrical fluted Greek Doric columns with triglyphs and moulded cornice, moulded entrance surround, 6-panel door with glazed fanlight. Windows have moulded surround, 2-pane sashes, wooden shaped pelmets over cases. Scrolled double modillions to projecting eaves. Out-buildings excluded".*
- 6.31 Houghton Hall is a substantial dwelling, the setting of which has evolved over the years with the construction of a garden centre to the west.
- ii) the effect of the proposed development on the setting of the Grade II listed building

- 6.32 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.
- 6.33 The TSHA document details the definition of the setting of a heritage asset as that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking.
- 6.34 When considering potential impacts of a proposed developments on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 193 of NPPF). Paragraph 194 of the NPPF outlining that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification ..."*. Where a proposed development would lead to substantial harm or less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (paragraphs 195 and 196 of the NPPF).
- 6.35 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.36 The application site would be separated from the heritage asset by distance and the intervening garden centre. As such, it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent heritage asset.

## **5. Impact Of The Proposal On the Buffer Zone Of Hadrian's Wall World Heritage Site**

- 6.37 Although not part of the Hadrian's Wall Vallum, the site is within the buffer zone of Hadrian's Wall Military Zone World Heritage Site where policies require that proposals for development which would have an unacceptable

impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.

- 6.38 On the basis of the details submitted, neither Historic England or the Historic Environment Officer at Cumbria County Council have raised any objections.

## **6. Impact Of The Proposal On Biodiversity**

- 6.39 Planning Authorities in exercising their planning and other functions must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat.

- 6.40 The Councils GIS Layer has identified that the site has the potential for protected species to be present on or in the vicinity of the site. As the proposed development would be located adjacent to existing buildings, situated over an area of hardstanding, it is not considered that the development would harm a protected species or their habitat. An Informative would be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

## **7. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Property**

- 6.41 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.42 Two Hands lies approximately 80 metres to the south of the application site, with the curtilage boundary adjoining the site. The hours of use proposed are listed as 0900 hours to 1800 Mondays to Saturdays, and 1030 hours to 1630 Sundays and Bank Holidays and these hours would be conditioned as part of any approval granted.
- 6.43 Given the existing use of the site, the physical relationship of the neighbouring properties together with the proximity to the A689 and the buffer created by the proposed erection of a 1.8 metre high fence, the occupiers of the neighbouring property would not suffer from an unreasonable loss of

daylight or sunlight and due to the siting, scale and design of the property the development would not be over-dominant. Moreover, the operation of the site would not result in significant levels of noise or disturbance.

## **8. Impact Of The Proposal On Highway Safety**

- 6.44 Planning policies generally require that development proposals do not lead to an increase in traffic levels beyond the capacity of the surrounding local highway and provide adequate parking facilities.
- 6.45 Cumbria County Council as the Highway Authority has assessed the application and confirmed that the use of the existing access and relationship with the car park is acceptable and therefore raise no objection. On this basis the proposal does not raise any highway issues and is acceptable.

## **9. Other Matters**

- 6.46 The parish council makes reference to the proposed loss of landscaping and a stone wall. The loss of such a small area of soft landscaping is not considered significant in the context of the garden centre as a whole with the semi-mature tree located to the east of the car wash unaffected. In respect of the stone wall which forms the boundary of the access yard this would remain unaffected by the proposal.

## **Conclusion**

- 6.47 It is considered that the principle of development is acceptable in this location and would provide limited social benefits by virtue of a service which is utilised by the local community, as well as wider job creation, an economic benefit. The proposal would not have a detrimental impact on the character or appearance of the area or the nearby listed building.
- 6.48 The site is detached from the nearby residential property and through its use and subject to the imposition of conditions, the development would not result in a nuisance to the occupiers of this property.
- 6.49 The proposal would not raise any biodiversity or highway issues and in all aspects, the proposal is acceptable in terms of the NPPF, PPG, Section 66 of The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant local plan policies.
- 6.50 The application is, therefore, recommended for approval.

## **7. Planning History**

- 7.1 Prior to the submission of the original application for the Garden Centre in 2003, there had been no previous comparable application in relation to the application site as a whole. However, in March 2003 Outline Planning Consent was refused for the erection of a single dwelling within the walled

garden associated with Houghton Hall for the following reason:

*"The proposed site lies in a location outside the established and defined limits of any settlement or focus of significant residential development and, if permitted, would detract from planning policies aimed at concentrating new residential development in the rural area within those settlements that fulfil a rural service role. Approval of the proposed development would thus conflict with the provisions of Policy H5 of the Carlisle District Local Plan and the associated Interim Housing Policy Statement (2002)."*

- 7.2 In 2003, full planning permission was granted for the garden centre with related visitor attraction, car parking etc (application reference 03/1024).
- 7.3 In 2005, full planning permission was granted for a revised application for the above garden centre (application reference 05/0477).
- 7.4 In 2006, full planning permission was granted for the extension of retail floor space by the installation of 650 square metres mezzanine floor (application reference 06/0247).
- 7.5 Also in 2006, advertisement consent was granted for the display of illuminated and non-illuminated signage (application reference 06/0782).
- 7.6 Again in 2006, an application for the variation of planning condition no.12, ref no 05/0477 to allow the display of garden buildings, greenhouses, gazebos, summer houses together with sales office outwith the areas identified within the planning permission was withdrawn (application reference 06/1193).
- 7.7 This application was subsequently re-submitted and refused under planning reference 07/0231.
- 7.8 Also in 2007, full planning permission was granted for the temporary siting of a marquee over external seating area (application reference 07/0925).
- 7.9 In 2011, advertisement consent was granted for replacement of existing signage at the entrance to garden centre (application reference 11/0777).
- 7.10 In 2016, full planning permission was granted for erection of timber building adjacent to entrance of garden centre for the sale of fruit and vegetables (application reference 16/0485).
- 7.11 Also 2016, an application for the creation of a hand car wash with package recycling system was withdrawn (application reference 16/0486).
- 7.12 Again in 2016, an application to discharge condition 3 (materials) attached to planning approval 16/0485 was granted (application reference 16/0896).
- 7.13 In 2018, an application for siting of hand car wash and valet facility including canopy and portable office store building was withdrawn (application reference 18/0363).

- 7.14 A further application for the display of 1no. non illuminated menu board sign and 1no. free standing direction sign was also withdrawn (application 18/0364).
- 7.15 Again in 2018, an application for siting of hand car wash and valet facility including canopy and portable office store building (revised application) was refused (application reference 18/0891).
- 7.16 A further application for the display of 1no. non illuminated menu board sign and 1no. free standing direction sign (revised application) was withdrawn (application reference 18/0892).
- 7.17 There is an associated application for advertisement consent for the display of non-illuminated menu board and 1no. free standing directional sign (revised application) (application reference 19/0504) pending a decision.

## 8. Recommendation: Grant Permission

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.  
  
**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 ( as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 23rd October 2019;
  2. the location plan received 24th June 2019 (Drawing No. 400);
  3. the block plan received 1st October 2019 (Drawing No. 100);
  4. the Background Planning Statement received 24th June 2019;
  5. the Supporting Drainage Statement received 24th June 2019;
  6. the Methods of Working received 1st October 2019;
  7. the email from Bywater Services dated 5th August 2019;
  8. the manufacturers specification for Bywater Oasis T2 vehicle & equipment facilities received 24th June 2019;
  9. the nw and se elevations for the GRP housing received 1st October 2019;
  10. the ne and sw elevations for the GRP housing received 1st October 2019;
  11. the T2 - GRP1 layout received 1st October 2019 (Drawing No. BY2329 Issue No. 3);
  12. the elevations for office/store building received 24th June 2019;
  13. the floor plans for office/store building received 24th June 2019;
  14. the manufacturers specifications for Aco Drainage system received 1st October 2019;
  15. the cantilever canopy received 24th June 2019 (Drawing No. GA1012);
  16. the Notice of Decision; and
  17. any such variation as may subsequently be approved in writing by the



Local Planning Authority.

Reason: To define the permission.

3. The operation of the car wash hereby permitted shall not commence before 0900 hours or remain in operation after 1800 hours on Mondays to Saturdays and 1030 hours to 1630 hours Sundays and statutory holidays.

**Reason:** To prevent disturbance to the occupiers of neighbouring residential properties in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. No construction work associated with the development hereby approved shall be carried out before 0900 hours or after 1800 hours Monday to Saturdays and 1030 hours and 1630 hours on Sundays.

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

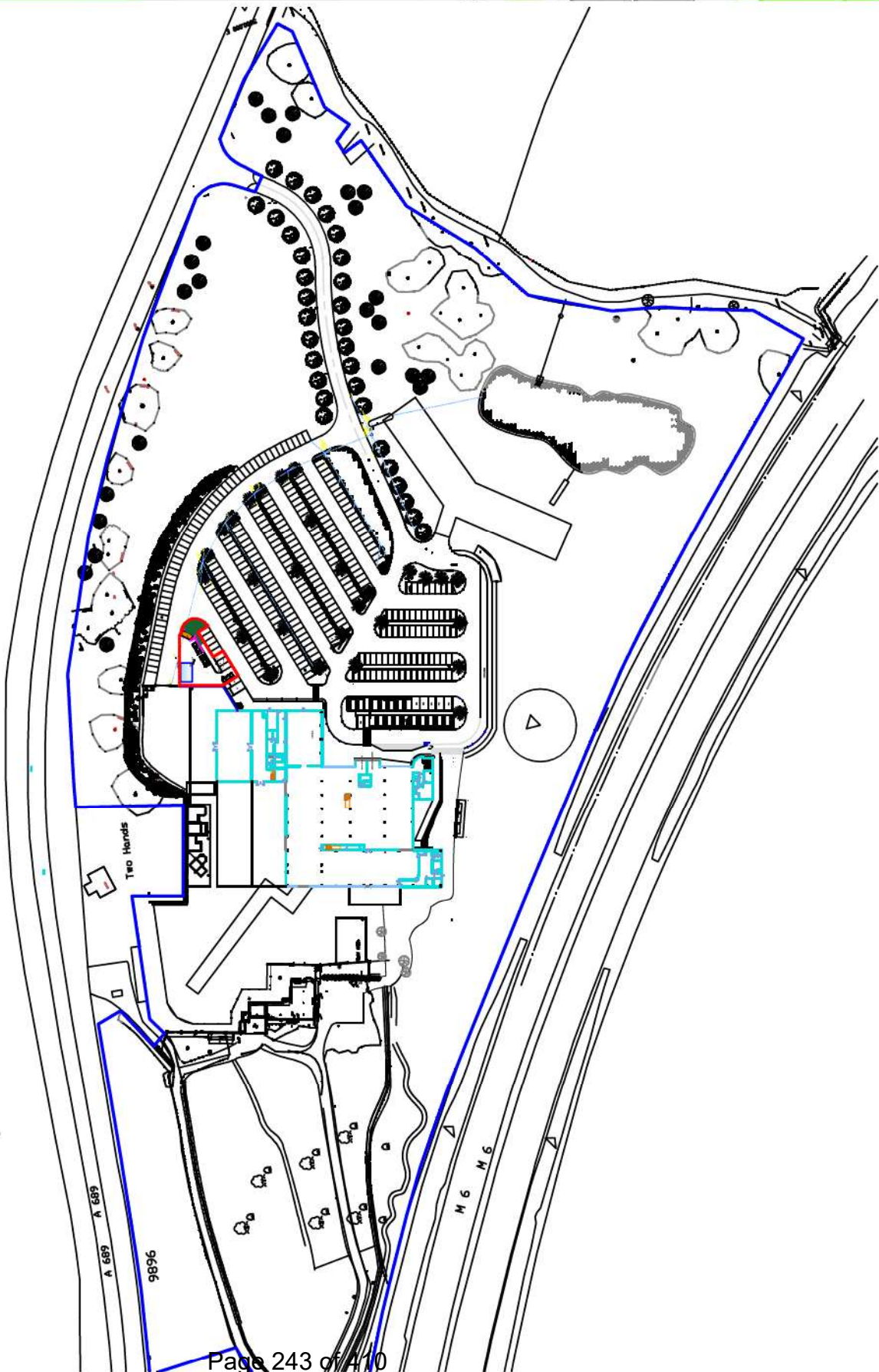
5. No music or other amplified sound generated on the premises shall be audible at the boundary of any adjacent residential building such as to constitute a statutory nuisance.

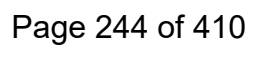
**Reason:** To ensure that noise which may emanate from the development is compatible with the existing noise levels in the area and does not lead to undue disturbance to adjoining occupiers in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

6. The car wash shall operate in strict compliance with the submitted Handy Andy Methods of Working statement received 1st October 2019 unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a satisfactory form of development and to protect nearby water courses in accordance with the National Planning Policy Framework, National Planning Practice Guidance and Policy IP6 of the Carlisle District Local Plan 2015-2030.

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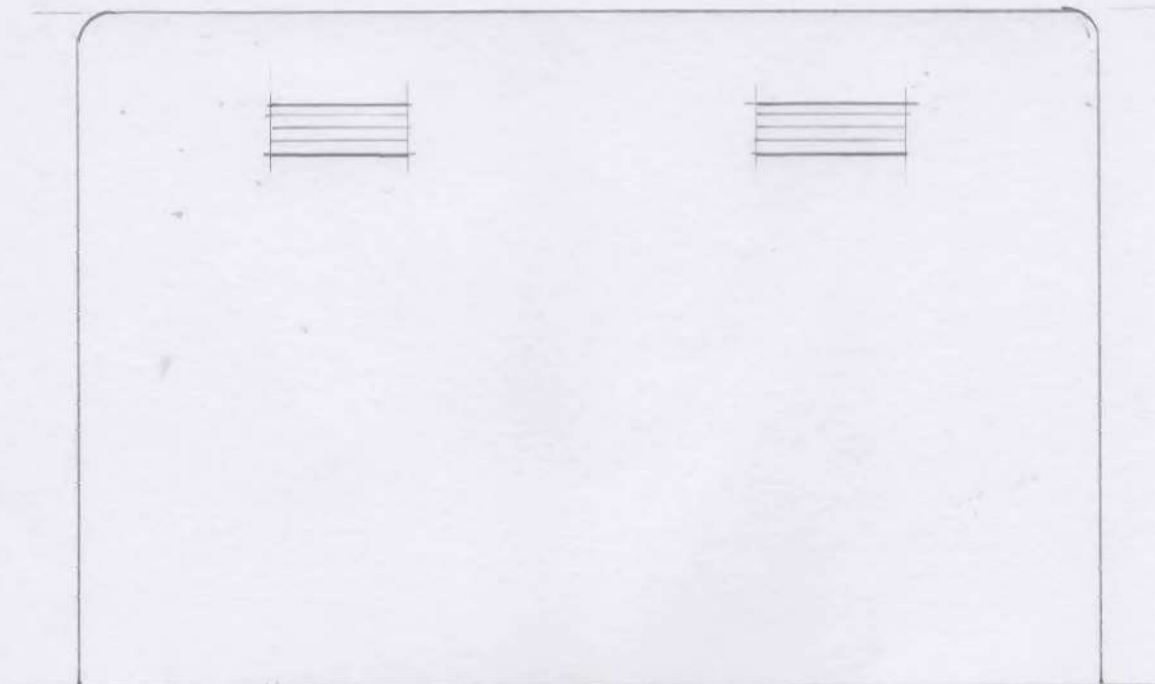
Proposed Car Wash Houghton Hall Garden Centre Carlisle

Proposed GRP Housing for Waste water recycling unit

Elevations

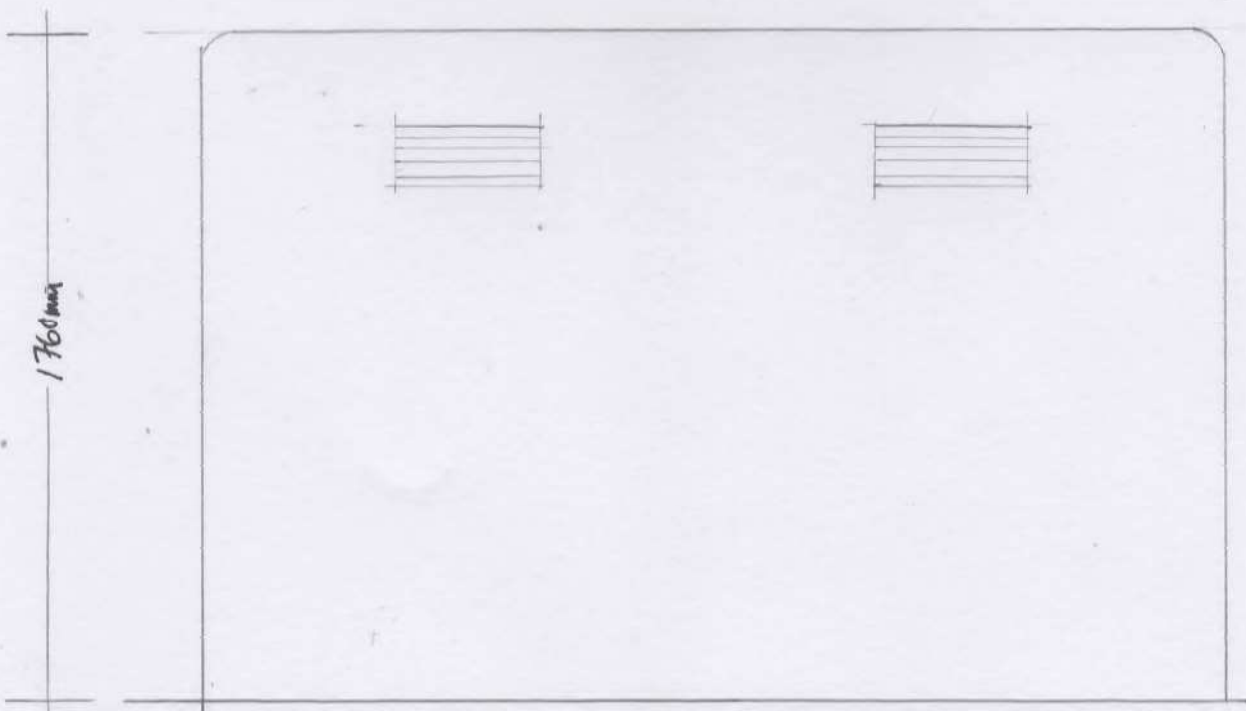
Scale 1:20

September 2019.



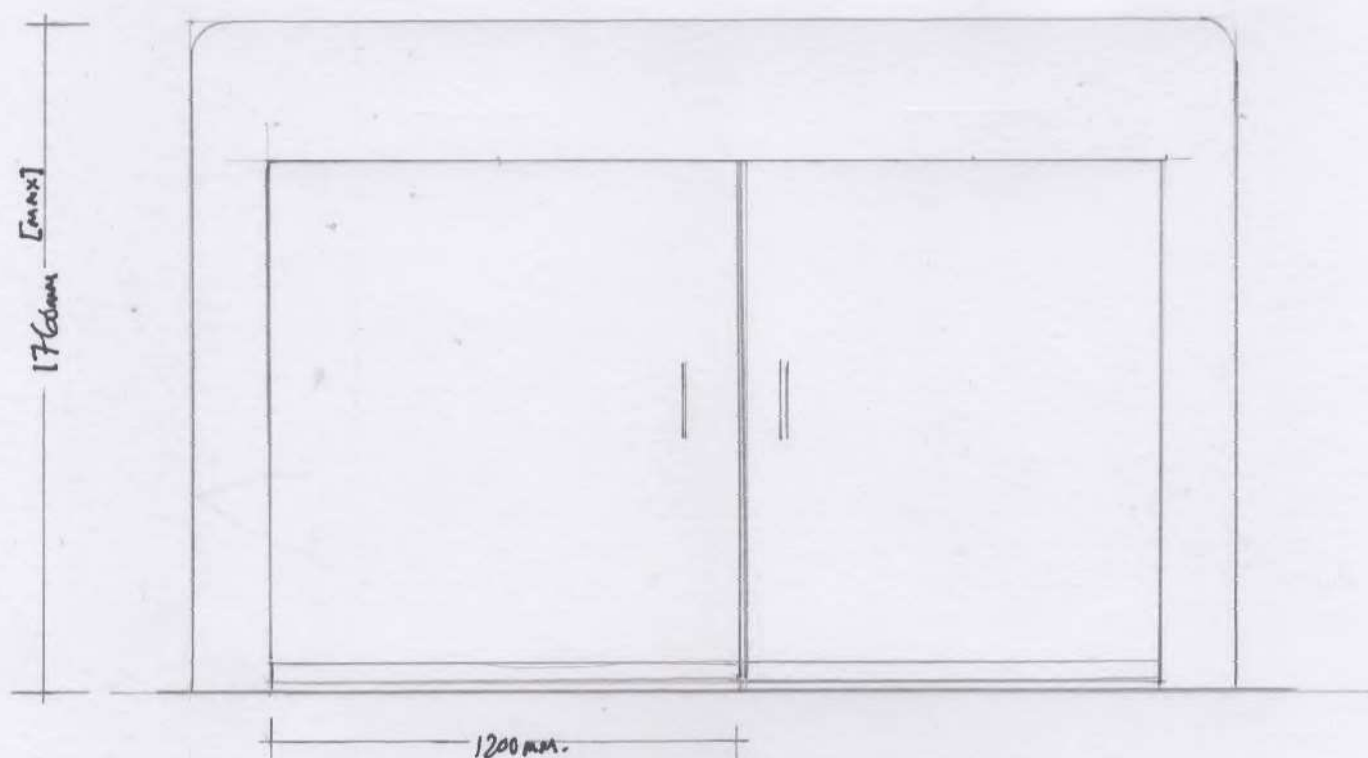
North West Elevation

2700 mm.

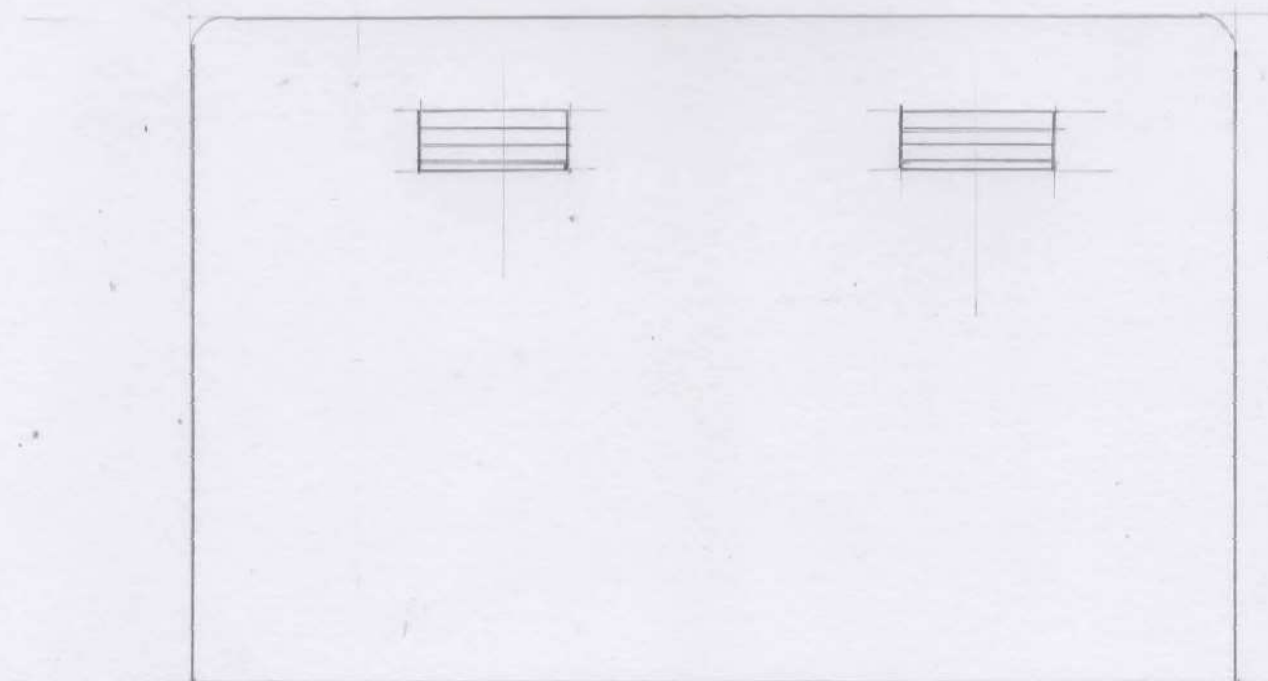
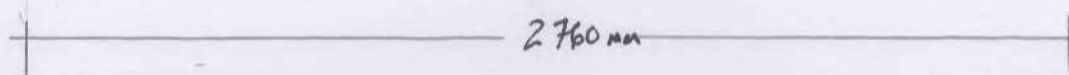


South East Elevation

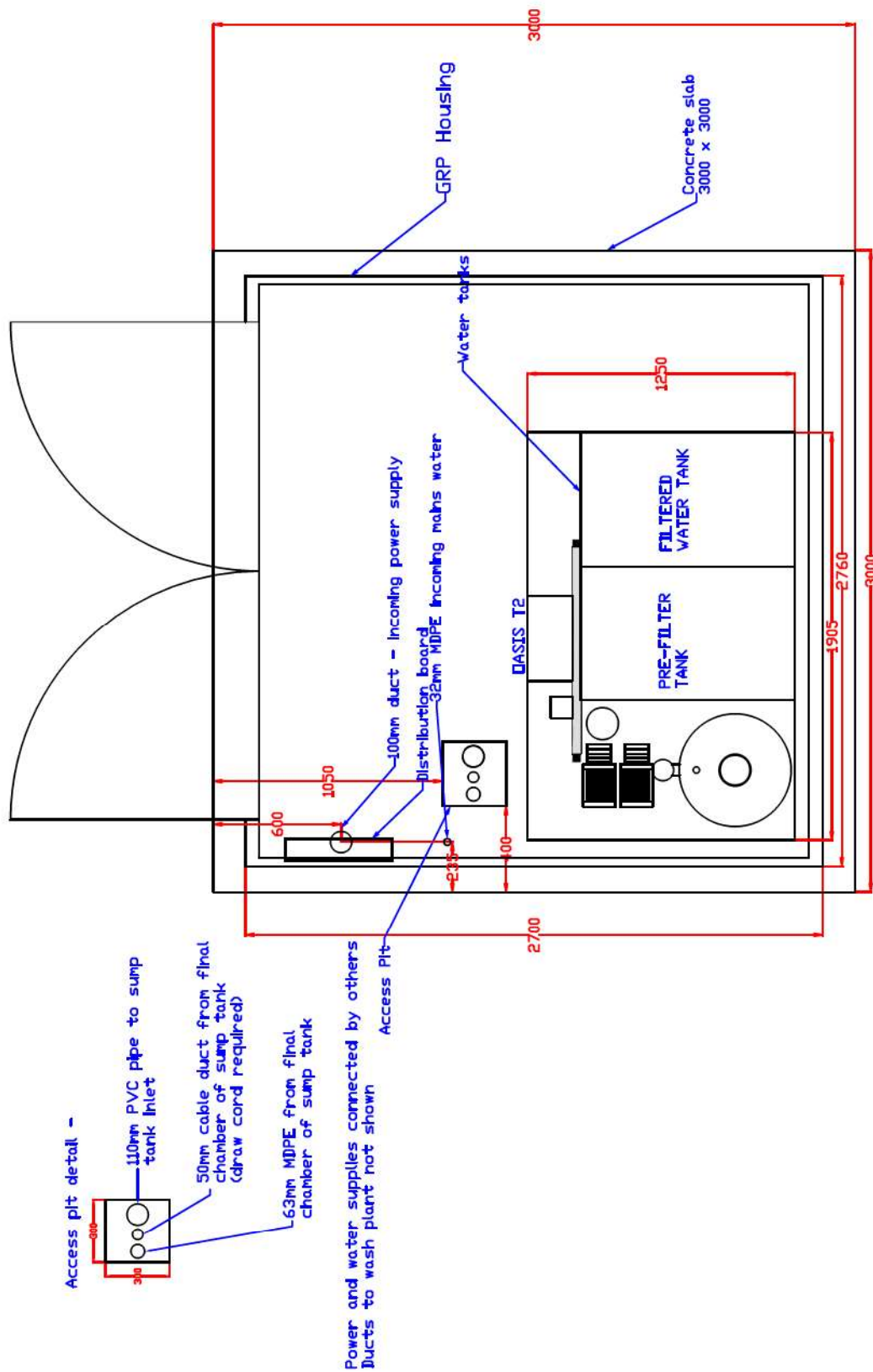





North East Elevation



South West Elevation



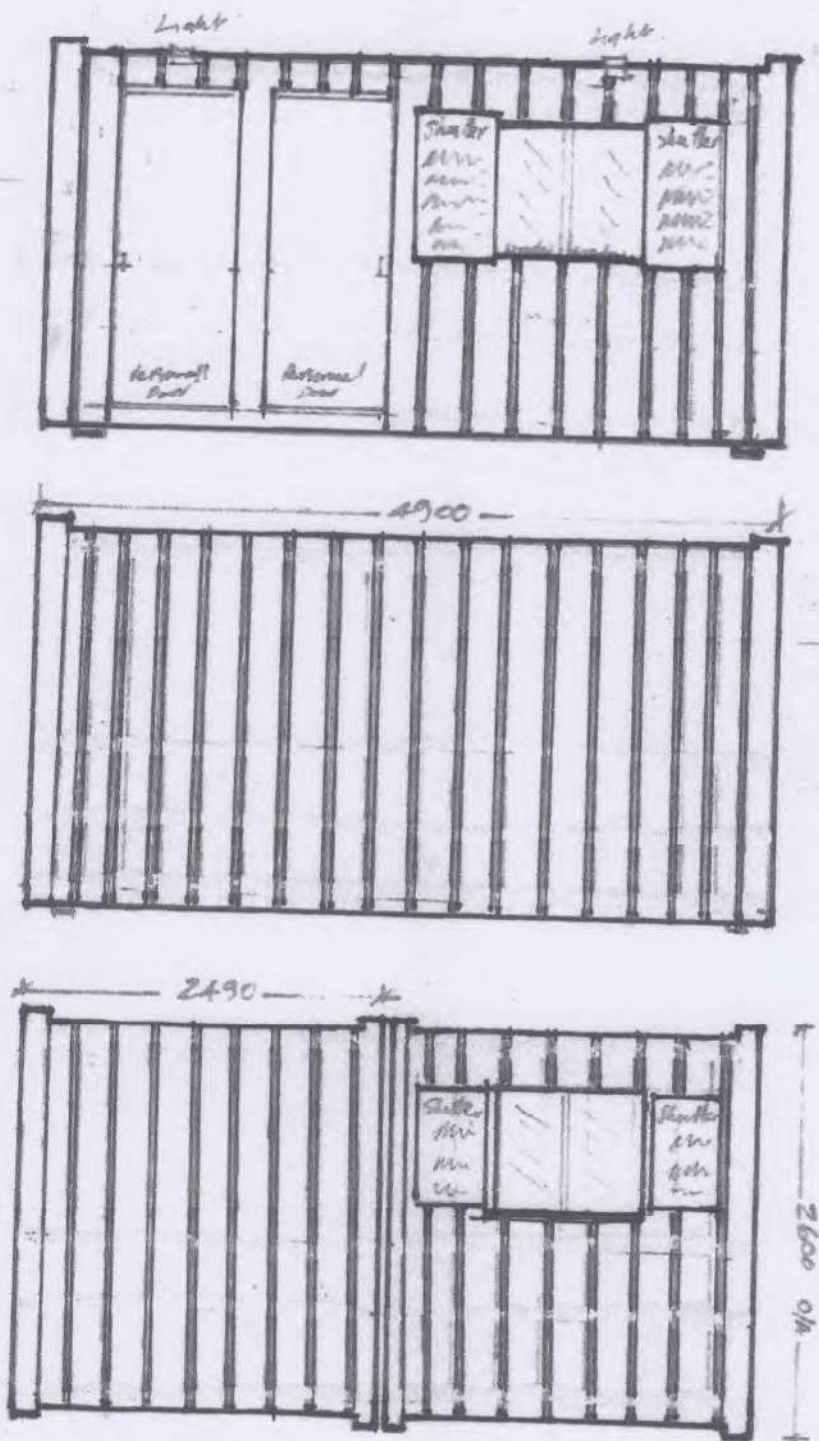
<div>ByWater Services Ltd Unit 7 Telford Way Stephenson Ind Est Coalville, Leics LE67 3HE t: 01530 833469 f: 01530 810795 e: sales@bywaterservices.co.uk</div>	Title: T2 - GRP1 layout	<div>Dimensions in: Millimetres NOT TO SCALE</div>		<div>Drawing No: BY2329 Drawn by: NB Original Date: 12/12/08 Revised by: NB Date: 23/09/09 Approved: NB Date: 23/09/09</div>	Issue No: 3	REVISIONS		
						2	Amend & replace	
	3	Revised title block						
ByWater Services Ltd reserve the right to change specification without notice								



Proposed Handy Andy Car Wash

Office/Store Building

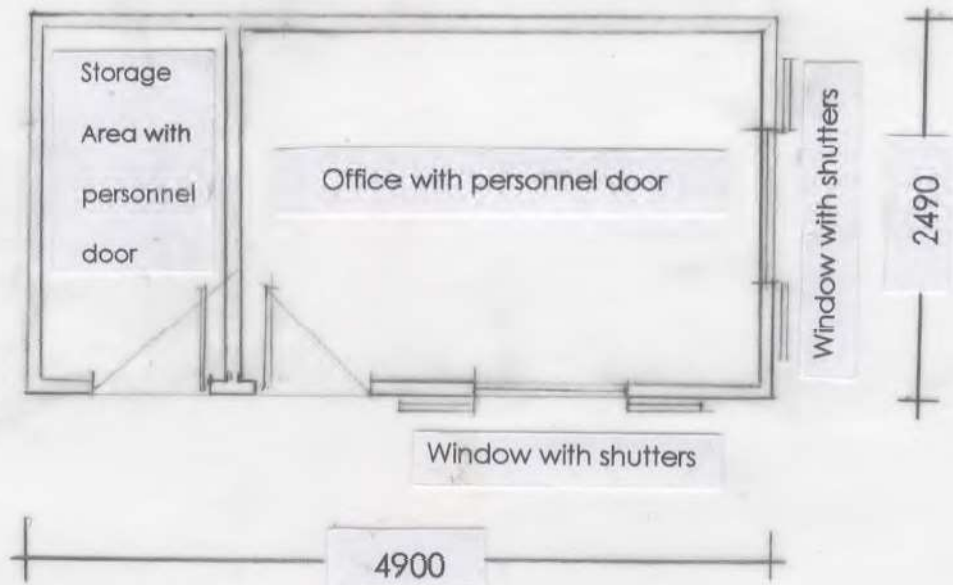
Elevations. Scale 1:50



Scale 1:50

MER/1510/18.01.16. V2

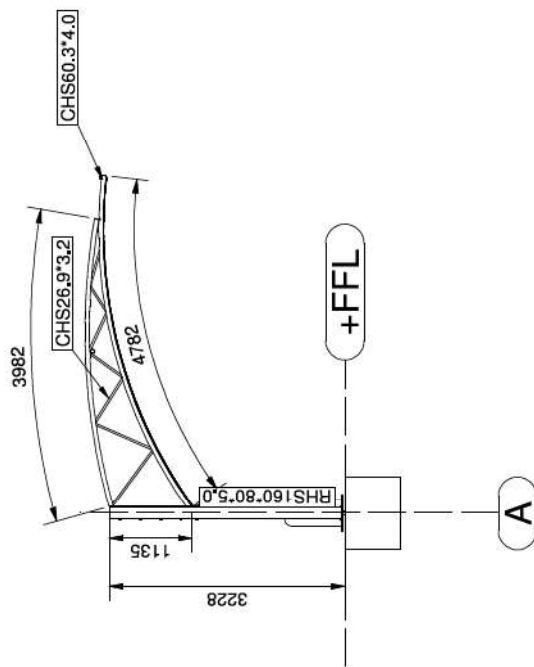
# Handy Andy Car wash



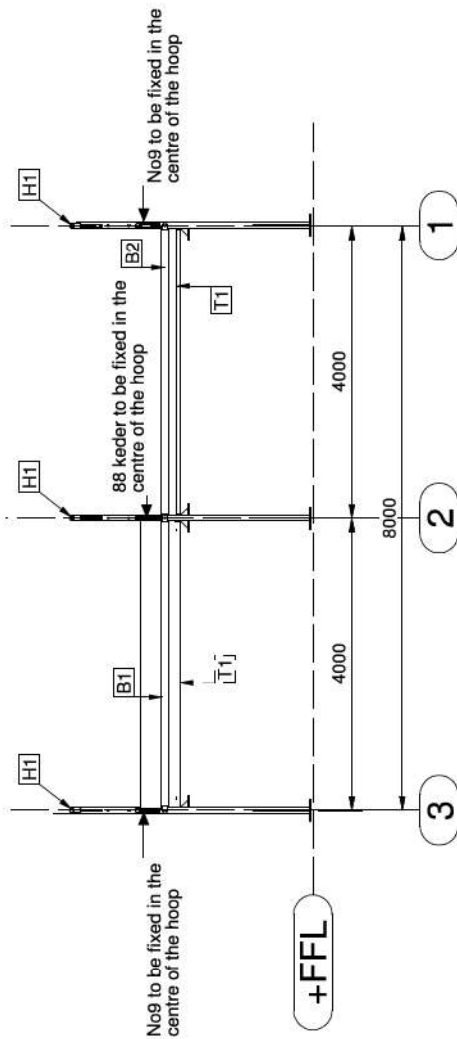
Floor Plan for Office/Store

Scale 1:50

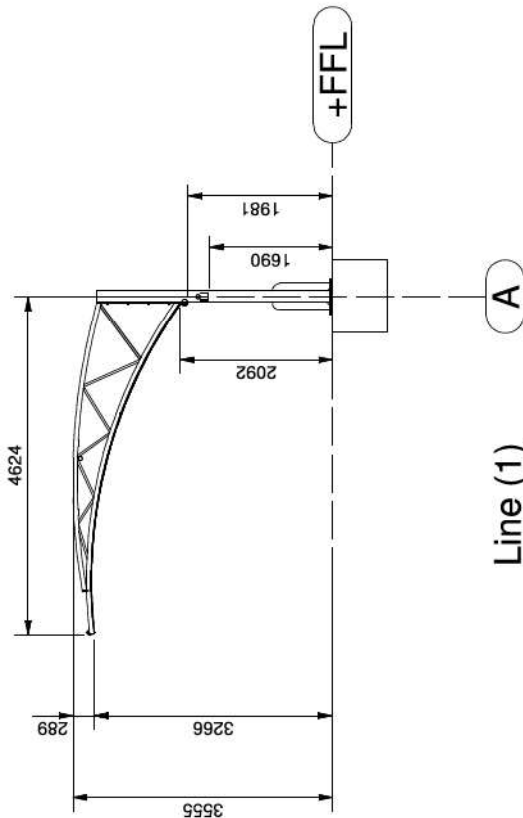
01.04.2013 v 2.



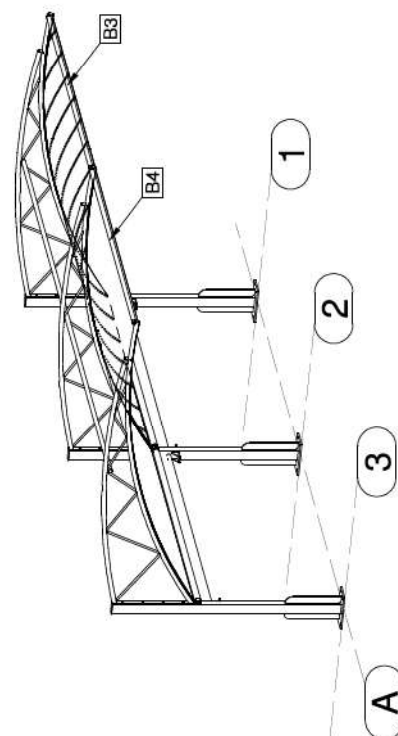
Line (3)




Line (A)



Line (1)



REV	MARK	REVISION DESCRIPTION	REVISION DATE
<div>  <p><b>NATIONAL STRUCTURES</b> 4 CABLE COURT PITTMAN WAY PRESTON PR2 9YJ TEL: 01772 799200 FAX: 01772 799250</p> </div>			
<div> <p>Client: Handy Andy Car Wash</p> <p>PROJECT: Cantilever Canopy</p> <p>TITLE: General Arrangement</p> <p>SCALE: 1:75</p> <p>DRAWN: WS</p> <p>DATE DRAWN: 16.07.2013</p> <p>CHECKED: DATE CHECKED:</p> <p>Job No: 5240</p> <p>DRG. No: GA1012</p> </div>			

total wash water recycling systems



# Oasis T2

total water reclamation for vehicle & equipment washing facilities



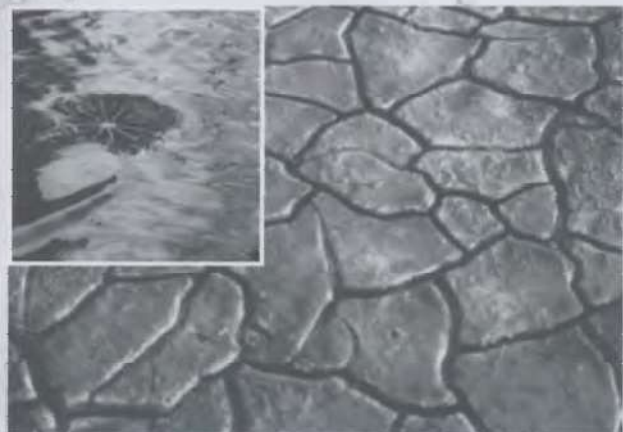
Designed and built in the UK



Commercial vehicle wash water recycling



Train wash water recycling



Washing throughout drought conditions

The Oasis T2 range qualifies for enhanced capital allowance through the Defra ECA scheme. This entitles purchasers to 100% tax relief on the cost of the recycling project in the year of purchase.





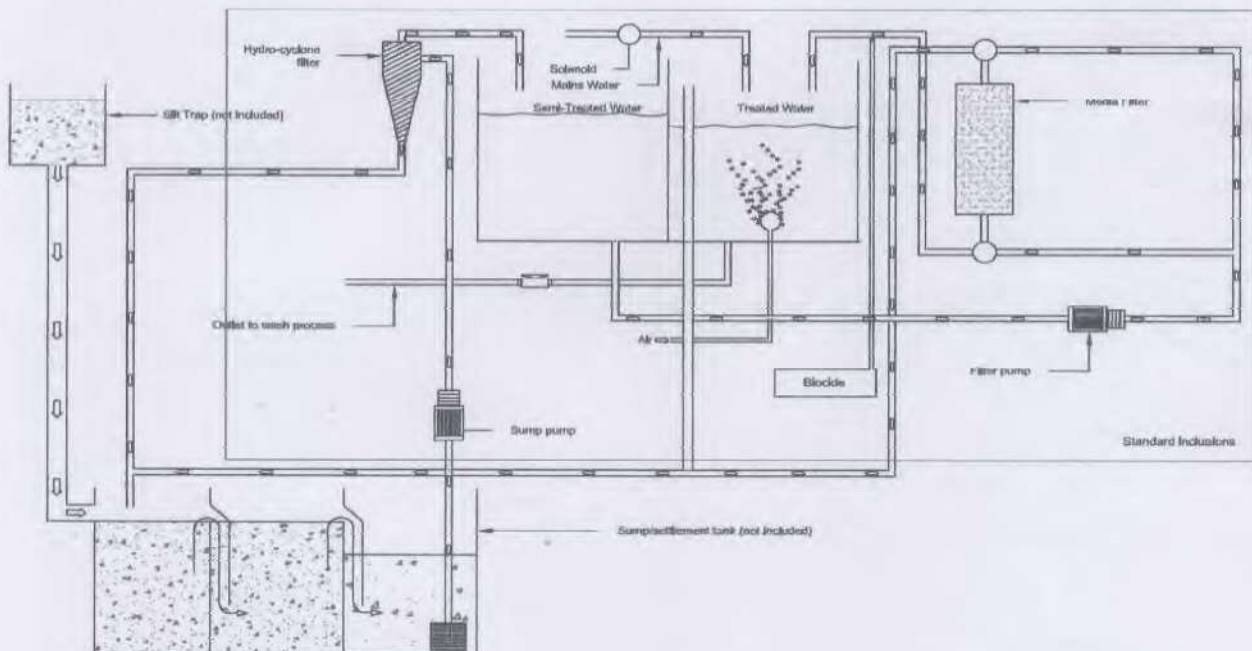
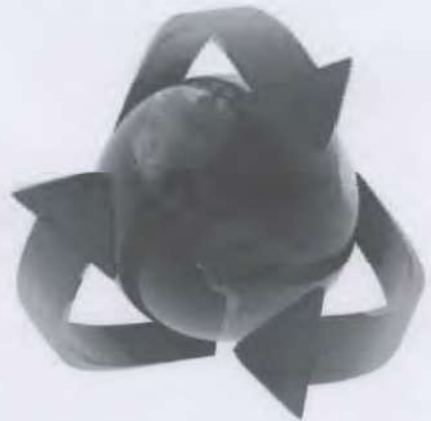
# Oasis T2

The washing of commercial vehicles, plant and machinery requires the use of large quantities of water. This usually results in substantial costs to business in the way of water and effluent charges. In addition to this, the environmental impact of the water usage and effluent discharge are also of concern to most modern day businesses.

The Oasis T2 is designed to negate the need for excessive amounts of mains water to be used in the process of commercial washing. This leads to significant savings in water and effluent costs.

## The features & benefits:

- Up to 95% of used water recycled
- Includes storage tanks
- Electronically controlled mains water intake
- Small foot print
- Automatic refilling after gulping
- Automatic biocide dosing
- Fully skid mounted
- Backed by our Nationwide service team



Model	ltr/min	LxWxHt (mtrs)	wash tank capacity	Delivery weight
T2-100	150	1.25 x 1.9 x 1.5	600ltr	250kg
T2-200	230	1.25 x 1.9 x 1.5	600ltr	275kg
T2-300	350	1.25 x 1.9 x 1.5	600ltr	300kg

contact our friendly sales team for more information  
 tel: 01530 833469 e: [sales@bywaterservices.co.uk](mailto:sales@bywaterservices.co.uk)  
 web: [www.bywaterservices.co.uk](http://www.bywaterservices.co.uk)



ByWater Services Limited, Unit 7 Telford Way, Stephenson Ind Est, Leics LE67 3HE

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web: [www.bywaterservices.co.uk](http://www.bywaterservices.co.uk)

# OFFICIAL QUOTATION

Our Ref: B10919Q

Dated: 5<sup>th</sup> April 2019

ITEM	DESCRIPTION	QTY	PRICE
	<b>To supply a wash water recycling system to include the following items</b>	<b>1</b>	
1.	To supply an <b>Oasis T2-100</b> total reclaim system c/w Skid size 1250mm x 1900mm 650 litre Polypropylene storage tanks Stainless steel 600mm activated carbon filter with intelligent back washing Skid mounted pumps and controls Aluminium Sulphate dosing Turbidity filter 1" Filter backwash valve Biocide dosing system 10 litres reclaim odour control Adjustable aeration system c/w air pump Automatic sump tank refill (after sludge handling) Water circulation facility Electronically controlled mains water top up 50lpm booster pump to feed taps for filling buckets 100lpm booster pump to feed the jet wash header tanks and turbidity filter backwash 20", 20 micron BB cartridge filter	<b>1</b>	
2a.	To supply an <b>Oasis 6KS</b> 3 stage interceptor (4.53m x 1.44m dia. x 1.9m high) Reinforced full retention baffles 6000litre capacity Three stage sludge settlement Dip pipes - PVC Inlet and outlet manifold 110mm outlet Sump tank conversion kit	<b>1</b>	
2b.	To supply an <b>Oasis 6KSAG</b> 3 stage interceptor Above ground configuration <b>Collection chamber c/w submersible transfer pump</b>	<b>1</b>	
3.	<b>Delivery to site</b>	<b>1</b>	
4.	<b>Installation to a prepared site</b>	<b>1</b>	

All prices shown are exclusive of VAT which will be charged at the applicable rate





## **Methods of Working**

All Chemicals used at the car wash can only be supplied by AutoSmart. No other chemicals are authorised or allowed on site.

All Chemicals are delivered in 5 litre or 25 litre containers. All containers are stored in the metal storage container.

The chemicals are diluted using an official AutoSmart Dilution Meter. AutoSmart install and configure the units. Please see attached picture. The dilution meter is setup to dilute the chemicals to the correct mixtures. The dilution mixer adds water to the chemicals. All your workers have to do is place the hose into the spray bottle and push the button on the mixer unit until the spray bottle is full.



If the chemical container is accidentally knocked over, the spillage kit within the cabin must be used immediately to prevent the chemicals from entering the water recycling system.



## 1. Preparing the Car

The car must be parked on the designated wash pad before starting.

Take the "Tango 7" (see picture) which is filled and labelled as "Prestige TFR". Pump the unit up and down several times to pressurise the container.



Starting at the bottom of the car and keeping the spray nozzle approximately 80mm off the vehicle spray the vehicle in a back and forth motion until you reach half way up the door.

Move around to the back of the vehicle and apply it to the back of the vehicle from the bottom to the same height as on the doors.

Move around to the other side of the vehicle and apply the TFR as on the previous side.

Move to the front of the car and apply the TFR from the bottom of the bumper to the top of the bumper.

Leave the chemical to dwell on the vehicle for 5 minutes.

Take the hose. At a distance of no closer than 200mm, in a downward direction spray the vehicle to remove the TFR off the vehicle on all 4 sides.

Once the TFR is removed, high pressure the rest of the vehicle that is still dry, again no closer than 200mm off the vehicle.

## **2. Preparing the Wheels**

Take the "Tango 7" (see picture) which is filled and labelled as "Smart Wheels". Pump the unit up and down several times to pressurise the container.

Starting at the bottom of the wheel and keeping the spray nozzle approximately 80mm off the vehicle spray the wheel in a back and forth motion until you reach the top of the wheel.

Repeat the same step until all 4 wheels have been sprayed.

Leave the chemical to dwell on the vehicle for 5 minutes.

Take the hose. At a distance of no closer than 200mm, in a downward direction spray the wheels to remove the wheel cleaner chemical off the vehicle on all 4 sides.

Roll the car forward and re-apply chemicals on any parts of the wheels that are still dirty.

## **3. Washing Vehicle**

Soap mixture within the water trough should be replaced a minimum of 6 times a day. On emptying the mixture ensure the grit guard is cleaned out before refilling it with soap.

Select a wash mitt from the wash trough. Start at the top of the car on the roof. Followed by the windows. Drop the mitt into the wash trough and select a fresh mitt to clean the bonnet followed by the back of the car. Select a new mitt from the trough to clean both sides of the car.

## **4. Rinse the Vehicle**

Take a bucket of water and throw it over the roof of the car. This will remove the excess soap suds. Take the hose. At a distance of no closer than 200mm, in a downward direction spray the vehicle from the bottom of the car working up to the top of the vehicle.

## **5. Drying the Vehicle**

Take a clean micro fibre from the box and start drying the vehicle from the roof. Move down the vehicle from top to bottom. Place the dirty microfibre into the dirty basket. Take a second clean microfibre to go around the vehicle to remove any water remaining. Put the microfibre into the dirty basket.

## **6. Hoover and Valets**

Move the vehicle from the wash pad to under the canopy.

Take the glass spray and green microfibre cloth to clean each glass panel inside and out. Put the microfibre in the dirty basket.

Take the interior cleaner spray and a clean microfibre. Spray the cleaner onto the cloth and wipe the dashboard down. Apply more spray to the cloth and wipe down the central gear selector section.

Move onto the door cards and respray the microfibre before wiping down each door card. Put the microfibre into the dirty basket.

Remove the floor mats from the car and start hoovering the seats and carpets. Ensure the front seats are pushed forward and back so nothing is missed. Move around to the boot and hoover the boot.

Fit an air freshener around the rear-view mirror.

Apply tyre shine to all 4 tyres using the paint brush to minimise waste.

## **7. Final Stage**

Walk around the outside of the car to check for anything that might have been missed.

Open each door and the boot to check to ensure nothing has been missed.

Check to ensure that the air freshener has been applied to the rear-view mirror.

Move the car into the car park and secure the car keys into the key box within the office.





## SCHEDULE A: Applications with Recommendation

19/0398

Item No: 10

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0398

**Applicant:**  
Hayton Agriculture Ltd

**Parish:**  
Westlinton

**Agent:**  
A L Daines & Partners LLP

**Ward:**  
Longtown & the Border

**Location:** The Hill, Blackford, Carlisle, CA6 4DZ

**Proposal:** Construction Of New Vehicular Access Onto A7 Between The Hill And Elm House

**Date of Receipt:**  
21/05/2019

**Statutory Expiry Date**  
16/07/2019

**26 Week Determination**  
25/11/2019

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### REPORT

**Case Officer:** Barbara Percival

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impact of the proposal on highway safety
- 2.2 Impact of the proposal on the existing hedgerow
- 2.3 Impact of the proposal on an unscheduled archaeological site
- 2.4 Impact of the proposal on biodiversity
- 2.5 Other matters

#### 3. Application Details

##### The Site

- 3.1 The application site is located approximately 130 metres south of Elm House, Blackford.

##### The Proposal

- 3.2 The application seeks full planning permission for the construction of a new



vehicular access onto the A7 Carlisle to Longtown county highway. The proposed access would serve the development at The Hill and Elm Bank Farm. The access would be 6 metres in width with a large bellmouth immediately adjoining the county highway providing visibility splays of 160 metres in either direction. The existing roadside hedgerows within the visibility splays would be translocated with decorative railings and a feature walls either side of the proposed access.

- 3.3 The supporting letter accompanying the application outlining that: *" the existing access track to The Hill, staff cottage and bungalow would be closed, and all their traffic would transfer to the proposed access. The existing access would only be used by The Alpines and Hill Farm ... Similarly, the proposal would mean that all Elm Bank Farm traffic would transfer to the new access and the existing track would be closed. The existing access would only be used by Elm House. The proposed access will result in the transfer of traffic movements, including HGVs, from access junctions with poor or very poor visibility to a new junction which has visibility suitable for the speed limit of 50mph. The improvement to the visibility achieved by the proposed new access will be a significant highway benefit. In conclusion the proposed access meets the appropriate standards and would reduce traffic movements at sub-standard junctions and would be a highway benefit".*

#### **4. Summary of Representations**

- 4.1 This application has been advertised by the direct notification of three neighbouring properties and the posting of a site notice. In response, two representations of objection have been received.
- 4.2 The representations identify the following issues:
1. object to the new access of safety grounds;
  2. there has been many accidents and fatalities on this stretch of road;
  3. residents sought 40mph speed limit; however, highway authority imposed 50mph speed limit;
  4. there has been an increase in number of lorries using road, especially wood lorries;
  5. statement supplied from post office employee reiterating highway safety concerns'
  6. loss of a hedgerow;
  7. increase potential for stock escape.
- 4.3 Following receipt of a Road Safety Audit Stage 1 two representations of objection have been received.
- 4.4 The representations identify the following issues:
1. scheme identical to previous submission as there is no refuge for traffic;
  2. there has been two accidents since previous objections;
  3. suggest speed limit should be lowered to 40mph.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - the Road Safety Report and the Stage 1 Road Safety Audit and Designers Response Details provided are satisfactory. The access is acceptable as it is considered to increase visibility at the new access. However, the existing access to The Hill should be closed off permanently. Accordingly, the Local Highway Authority and the Lead Local Flood Authority raise no objections to this application subject to the imposition of conditions and informatives. The suggested conditions are: formation of visibility splays and radius kerbs prior to commencement of use; use of approved access only; and construction of access to highway authority specification.

**Westlinton Parish Council:** - cannot currently lend their support to the application. The parish council are in no way opposed to the project underway to renovate and develop the Mansion House at the Hill, as a shooting lodge. Indeed, the parish welcome the improvements that have already been made to the old building and the benefits that will no doubt result for the parish of Westlinton and the local economy. The detail in the application however does not provide any certainty that road safety will be improved.

The proposed entrance is accessed from a stretch of the A7 which has a long history of fatal, and many more minor unrecorded, accidents. The parish council lobbied over a period of more than 15 years to have a speed limit introduced. The parish council were finally successful in persuading the County Council to introduce a 50 mph limit, 6 years ago. Since then the parish council have had concerns about the speed limit having had any positive impact on road safety. Indeed, the applicant refers to a more recent accident.

The parish council have previously approached Cumbria Police about enforcing the speed limit. They have declined to do so citing concerns about the safety of any suitable vantage point from which to do so, on the same stretch of the A7 where this proposed entrance would be located.

One of the parish councillors is a builder who is regularly involved in the design of developments such as this. He was not present at the site meeting; however, has suggested that the application itself is lacking in detail and the distances quoted within the documentation are insufficient to guarantee safe run off the road for large vehicles.

The clerk received notification a few weeks ago that permission for the removal of hedges adjacent to the application site has not been granted. Presumably this means the proposed development cannot go ahead in its present form?

The parish council would ask that the applicant is required to review his plans to take account of the facts outlined above and give consideration to carrying out a speed survey before re-submitting the application. This should give everyone concerned the ability to judge whether the proposed entrance is a) appropriate from a safety perspective in the proposed location and b) suitable

in its design.

The revised plans show no significant changes to the dimensions and shape of the new access. It is not safe enough for large vehicles to get off the A7 and leaves vehicles waiting to turn in from the north. All of the original safety concerns expressed by this council remain. Is a second safety audit needed?

In the last 5 weeks there have been two serious accidents with half a mile of this proposed new access. The speed limit of 50mph is not enforced and this increases the risks.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 70(2) 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 indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, IP2, CC5, CM5, HE2, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents (SPD) adopted by the City Council, in particular 'Trees and Development'.
- 6.3 The proposals raise the following planning issues:

#### **1. Impact Of The Proposal On Highway Safety**

- 6.4 Policy IP2 of the local plan seeks to ensure that all new development is assessed against its impact upon the transport network. Development that will cause severe issues that cannot be mitigated will be resisted.
- 6.5 The proposal seeks full planning permission for the formation of a new vehicular access onto the A7 Carlisle to Longtown county highway. The proposed new access to serve both The Hill and Elm Bank Farm would be located approximately 130 metres south of the existing access serving Elm Bank Farm and Elm Bank. The proposed access would have a width of 6 metres with a large bellmouth immediately adjacent to the A7 county highway providing 160 metres visibility in both directions.
- 6.6 Cumbria County Council, as Highway Authority, has been consulted and requested the submission of a Stage 1 Road Safety Audit (RSA). The RSA outlining that: *"the access is intended to cater for the majority of vehicle movements to and from two existing properties, The Hill and Elm Bank Farm which have accesses to the south and north respectively. Both of the existing accesses have substandard visibility splays with the A7 and the proposed access would be located approximately mid-way between the two".*

- 6.7 The RSA expands by detailing that: *"the existing access to The Hill currently serves a house, staff cottage and bungalow, and The Alpines. Immediately to the south is an additional access and track which serves Hill Farm. The Hill is currently being converted to provide accommodation for shooting parties and is expected to generate 10 to 12 vehicle movements per day, mostly by light vehicles with occasional use by delivery and refuse vehicles. The proposed access would accommodate all traffic other than that associated with The Alpines and Hill Farm. The access to Elm Bank Farm serves Elm House, which is residential, and Elm Bank Farm, which is a game bird hatchery. The farm generates about 10 to 12 vehicular movements per day, mostly by delivery vehicles. The proposed access would accommodate all traffic other than that associated with Elm House".*
- 6.8 Cumbria County Council, as Highway Authority, has confirmed that the RSA details provided are satisfactory. The proposed access is acceptable as it would increase visibility at the new access; however, the existing access to The Hill should be closed off. Accordingly, the Highway Authority, raise no objections subject to the imposition of conditions. These conditions require: the provision of the visibility splays and radius kerbs prior to the use of the access; use of approved access only; and construction of the access to the specification of the highway authority.
- 6.9 The parish council and third parties have raised concerns in respect of highway safety and these concerns have been brought to the attention of Cumbria County Council, as Highway Authority. Given that the Highway Authority raise no objections, subject to the imposition of conditions, it would be difficult to substantiate a refusal of the application on highway safety grounds.

## **2. Impact Of The Proposal On The Existing Hedgerows**

- 6.10 Policy GI6 of the local plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees and hedges. This aim is further reiterated in Policy SP6 of the local plan which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing landscaping.
- 6.11 The City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.12 The submitted drawings illustrate the retention of the existing roadside

hedgerow except for the access point. A Hedgerow Translocation Method Statement has been submitted which details how the hedgerows either side of the access and within the visibility splays would be translocated to ensure they do not impede visibility. These details are acceptable; however, a condition is recommended ensuring strict compliance with the method statement.

- 6.13 The parish council also cites the refusal of an application for prior approval application for the removal of hedgerows (application 19/0001/HDG). The prior notification application differs from the application before Members as it included the loss of four large sections of ancient hedgerows. The application does involve the loss of a small section of hedgerow to form the access; however, the hedgerow within the visibility splays would be translocated as opposed to lost.

### **3. Impact Of The Proposal On The Unscheduled Archaeological Site**

- 6.14 The A7 county highway is designated as an unscheduled archaeological site. Given the level of works to form the access the proposal is unlikely to have a detrimental impact on archaeology.

### **4. Impact Of The Proposal On Biodiversity**

- 6.15 The Council's GIS system has identified that the site is located in an area with the potential for several key species to be present in the vicinity. As the proposed development seeks consent for the formation of an access into an agricultural field, it is unlikely that the development would have an appreciable impact on any protected species or their habitats. However, to ensure this is the case, informatives are recommended drawing the applicants attention to their obligations under the wildlife legislation and that works to the hedgerows are undertaken outwith the bird nesting season.

### **5. Other Matters**

- 6.16 A further issue raised by the parish council is the reduction in the speed limit along this stretch of road together with its enforcement. These issues are outwith the planning system.

### **Conclusion**

- 6.17 Subject to the imposition of conditions, the proposal would not have a significant impact on highway safety to substantiate a refusal on highway safety ground. The proposal would not have a detrimental impact on the hedgerows, archaeology or biodiversity. In all aspects the proposal is compliant with the objectives of the NPPF, PPG, relevant adopted local plan policies and SPD.
- 6.18 Accordingly, the application is recommended for approval.

## **7. Planning History**

- 7.1 Earlier this year, a Hedgerow Removal Notice for the removal of various hedges was refused (application reference 19/0001/HDG).
- 7.2 Also in 2019, an application for prior approval was granted for the construction of replacement track and associated bridge to serve an existing agricultural enterprise; section of existing track and bridge to be removed and reinstated to field (application reference 19/0047/AGD).
- 7.3 There is a long and varied planning history for development at The Hill which is located approximately 520 metres to the south west of the proposed access.

## 8. **Recommendation: Grant Permission**

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 16th May 2019;
  2. the supporting letter dated 16th May 2019 (Reference A113150);
  3. the Stage 1 Road Safety Audit received 6th September 2019 (Report No. A113150/RSA1);
  4. the Stage 1 Road Safety Audit and Designer's Response received 6th September 2019;
  5. the Hedgerow Translocation Method Statement received 1st November 2019;
  6. the proposed property access received 6th September 2019 (Drawing No. 17-C-14886/07 Rev F);
  7. the location plan received 16th May 2019 (Drawing No. 17-C-14886/08 Rev B);
  8. the block plan received 16th May 2019 (Drawing No. 17-C-14886/09 Rev B);
  9. the Notice of Decision; and
  10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

3. Particulars of the heights and materials of the feature walls and decorative fences as illustrated on drawing number 147-C-14886/07 Rev J shall be submitted to and approved by the local planning authority prior to the commencement of the development hereby permitted.



**Reason:** To ensure that the visual appearance of the area is protected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The translocation of the existing hedgerows within the visibility splays as illustrated on drawing number 17-C-14886/07 Revision J shall be undertaken in strict accordance with the Hedgerow Translocation Method Statement received 1st November 2019. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting and seeding seasons following the use of the access 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 the retention of the hedgerow in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

5. Upon completion of the access hereby approved, the existing accesses serving the development of The Hill (as defined under application reference numbers 06/0946, 06/0947, 06/0948, 12/0007/AGD, 16/0866, 18/0750 and 19/0047/AGD) and Elm Bank shall remain closed and locked as illustrated on drawing number 17-C-14886/07 Rev J and should only be used as an emergency route or for the management of the existing vegetation unless otherwise approved in writing by the local planning authority.

**Reason:** In the interests of highway danger and for the avoidance of doubt. To support Local Transport Plan Policies: LD5, LD7, LD8.

6. The use of the access shall not commence until visibility splays providing clear visibility as illustrated on Drawing No. 17-C-14886/07 Rev J has been achieved. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

7. The use of the access shall not be commence until the access has been formed with 15 metre radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 15 metres into the site from the existing highway has been constructed to the specification of

the highway authority.

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

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GRID REF:  
339667,561861

RED LINE OUTLINE FOR  
ACCESS APPLICATION  
ONLY, SHOWS EXTENTS  
OF INTERFACE WITH  
HIGHWAY

EXISTING  
FIELD GATE

REV B RED LINE AMENDED  
REV A AMENDMENT TO RED LINE FOR APPLICATION

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CLIENT  
EQUORIUM PROPERTY

TITLE  
THE HILL  
BLOCK PLAN

DRAWN A.J. DATE JAN 2019 SCALE 1:500 @A4

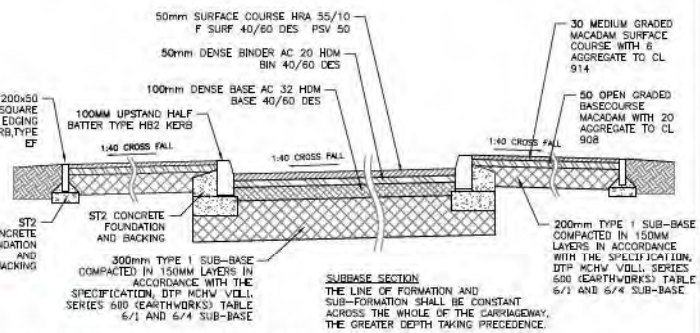
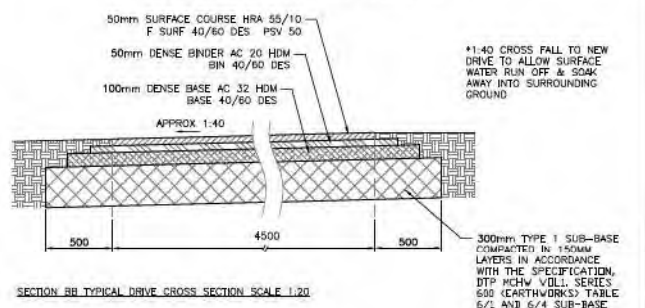
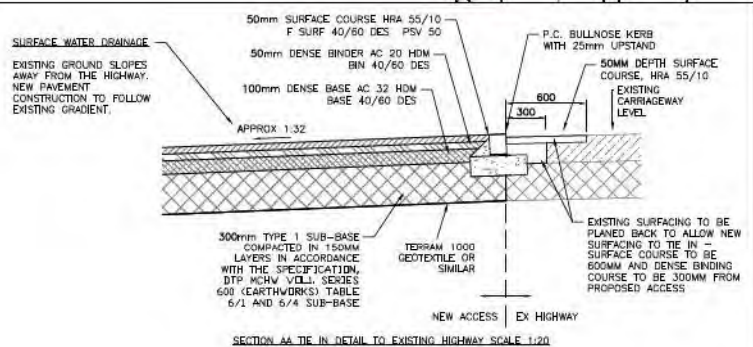
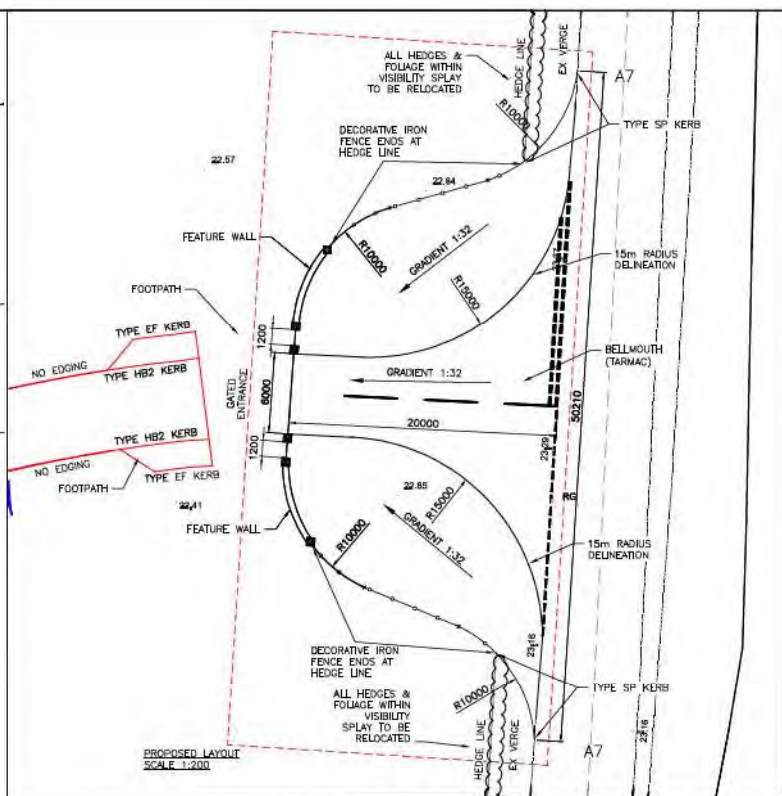
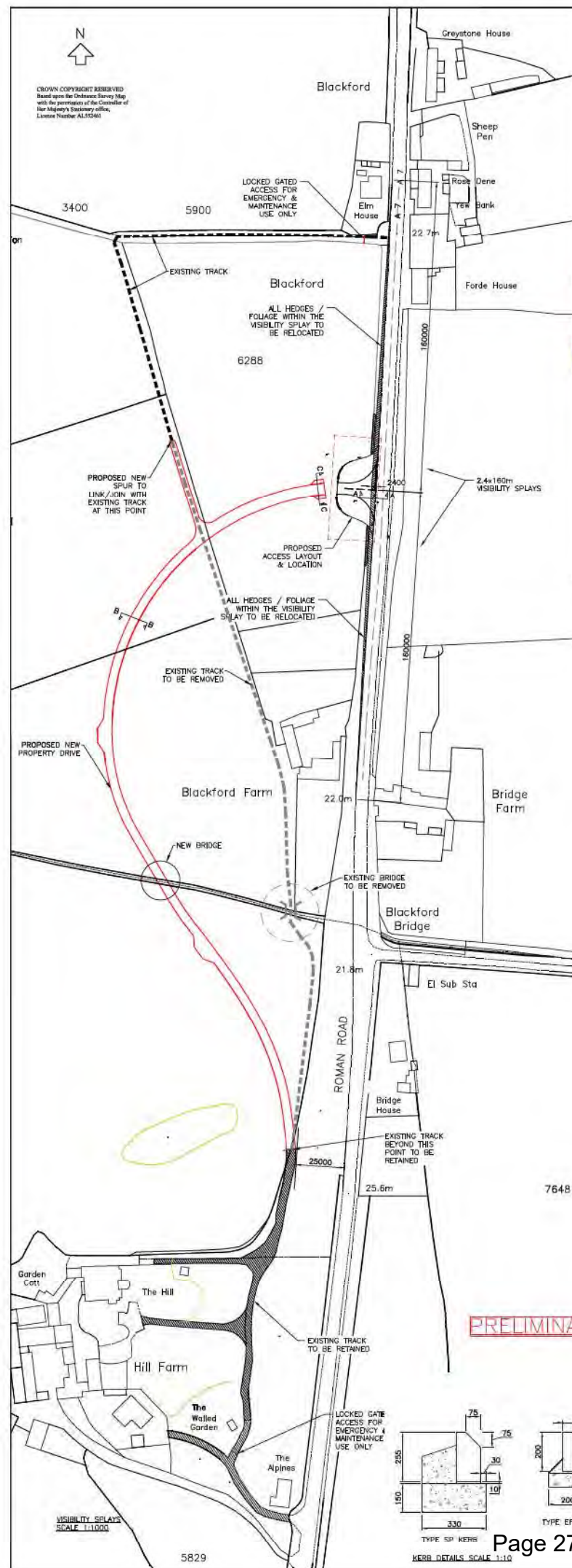
DRAWING NO. 17-C-14886/09

B





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REV J DRAINAGE DETAIL, GATED ACCESS & KERB DETAIL ADDED  
REV I DETAILS ADDED  
REV H EXISTING TRACK ADDED TO DRAWING  
REV G CHANGE TO PROPOSED PATH LOCATION & LENGTH  
REV F CHANGE TO ANNOTATION  
REV E GIVE WAY LINES AMENDED  
REV D NEW 15m RADIUS SHOWN, FENCE & HEDGE LINES IDENTIFIED  
REV C SHOWN LOCATION OF NEW BRIDGE, ADDITIONAL NOTES ADDED, GIVE WAY LINES EXTENDED  
REV B INCREASED SIZE TO BELLMOUTH  
REV A ACCESS AMENDED, RED LINE FOR APPLICATION SHOWN

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CLIENT: EQUORIUM PROPERTY  
TITLE: THE HILL PROPOSED PROPERTY ACCESS  
DRAWN: A.J. DATE: JAN 2019 SCALE: AS SHOWN (A1)  
DRAWING NO: 17-C-14886/07

## SCHEDULE A: Applications with Recommendation

19/0692

Item No: 11

Date of Committee: 22/11/2019

**Appn Ref No:**  
19/0692

**Applicant:**  
Genesis Homes

**Parish:**  
Burgh-by-Sands

**Agent:**  
Genesis Homes

**Ward:**  
Dalston & Burgh

**Location:** Land Adjacent To King Edwards Fauld, Burgh By Sands, Carlisle, CA5 6AR

**Proposal:** Display Of 2no. Non Illuminated Post Mounted Signage Panels And 2no. Flag Poles (Retrospective)

**Date of Receipt:**  
12/09/2019

**Statutory Expiry Date**  
07/11/2019

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

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

#### 2. Main Issues

- 2.1 Impact On Amenity  
2.2 Impact On Public Safety

#### 3. Application Details

##### The Site

- 3.1 The site which covers an area of approximately 1 hectare is located on the edge of Burgh-by-Sands, immediately adjacent to the residential development of King Edwards Fauld and directly to the west of dwellings on Amberfield. Burgh-by-Sands Primary School lies approximately 40m to the south-east of the application site.
- 3.2 The site is allocated for housing in the adopted Local Plan. The site lies within the Hadrian's Wall World Heritage Site Buffer Zone and lies adjacent



to the Burgh-by-Sands Conservation Area.

- 3.3 In June 2019, planning permission was granted for the erection of 24 dwellings and associated infrastructure on this site (18/1088). These dwellings are currently under construction.

## **The Proposal**

- 3.4 This proposal is seeking advertisement consent (retrospective) to display two non-illuminated post mounted signs and two flag poles whilst the dwellings are under construction. The signs and flag poles would be located in the front garden of Plot 22, adjacent to Amberfield. One sign and flag pole would be located at the northern end of the front garden with another sign and flag pole being located at the southern end, adjacent to the new access into the site.
- 3.5 The signs would measure 3.95m in height by 1.2m in width, with the bottom of the sign being 0.5m above ground level. The signs, which would be double sided, would contain details of: the developer including a logo; the proposed development including photomontages of the dwellings; opening times; and a contact phone number. The signs would be digitally printed aluminium composite panels with the background being predominately grey and green and the lettering being predominantly white and green.
- 3.6 The flag poles would measure 6m in height. The flags, which would be double sided, would measure 2.5m in height by 0.84m in width, with the bottom of the flag being 3.5m above ground level. The flags would display details of the developer, including a logo and would be predominantly grey and green, with the lettering being mainly white and green. The flag poles would be aluminium, with the flags being a synthetic material.

## **4. Summary of Representations**

- 4.1 This application has been advertised by means of a site notice and notification letters sent to three neighbouring properties. No verbal or written representations have been made during the consultation period.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections;

**Burgh-by-Sands Parish Council:** - object to flag poles as they would not enhance the appearance of the area or protect the amenity of existing housing. The signage should be sufficient for a limited period of time and would request a discontinuance notice;

**Historic England - North West Office:** - does not wish to comment.

## **6. Officer's Report**

## Assessment

- 6.1 Section 70(2) 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 indicate otherwise.
- 6.2 The relevant local planning policies against which the application is required to be assessed is Policy SP6 of the Carlisle District Local Plan (2015-2030). The National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and the Town and Country Planning (Control of Advertisements) (England) Regulations are also material considerations in the determination of this application.
- 6.3 Applications for advertisement consent are assessed on grounds of 'amenity' and 'public safety'.
1. Impact Upon Amenity
- 6.4 Paragraph 132 of the NPPF requires that advertisement proposals are appropriate to the character of the surrounding area and that the amenity of the surrounding area is protected. Whilst "amenity" is not defined exhaustively in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, according to the Planning Practice Guidance, "amenity" is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement or site for the display of advertisements, where residents or passers-by will be aware of the advertisement.
- 6.5 The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 also requires the local planning authority to take into account the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest, and to consider whether the proposed advertisement is in scale and in keeping with the local features, when determining an application for consent for the display of advertisements.
- 6.6 The flag poles and free standing signs would be located within the front garden of Plot 22, in close proximity to Amberfield. The proposed signage would be located in an appropriate location so that it is visible from the adjacent highway.
- 6.7 Burgh-by-Sands Parish Council has objected to the flag poles which they consider would not enhance the appearance of the area or protect the amenity of existing housing. It considers that the signage should be sufficient for a limited period of time. However, the provision of flag poles and free standing signs to advertise a new housing development is standard practice amongst house builders and the provision of two sign and two flags is considered to be reasonable. The scale and design of the signage and

flag poles, which are only temporary whilst the dwellings are under construction and for sale, is considered to be acceptable. The signs and flags would be removed after five years or once the last dwelling is sold and this would be ensured by condition.

- 6.8 In light of the above, the proposed signs and flags are considered to be acceptable and would not have an adverse impact upon the amenity of the surrounding area.

## 2. Impact On Public Safety

- 6.9 The proposed advertisements would be visible from the adjacent public highway (Amberfield) and are likely to attract the attention of drivers travelling along the road. However, given the scale and physical relationship with the highway, it is unlikely that the signage would cause sufficient distraction that could adversely affect highway safety.
- 6.10 The proposal has been subject to an assessment by the Highway Authority to consider any highway safety implications with Highway Officers offering no objection to the proposal. Accordingly, the proposals are not considered to give rise to any issues that would jeopardise highway safety.

## Conclusion

- 6.11 In overall terms, the proposed signs and flags are considered to be acceptable and public safety and the visual character of the area would not be adversely affected as a result of this proposal. In all aspects, the proposed signs and flags would be in compliance with the objectives of the relevant policies.

## 7. Planning History

- 7.1 In June 2016, outline planning permission was approved for residential development on this site (15/0617).
- 7.2 In June 2019, planning permission was granted for the erection of 24 dwellings and associated infrastructure (18/1088).

## 8. Recommendation: Grant Permission

1. The signage shall be removed within 21 days of the sale of the last property within the development or by the 22nd November 2024 whichever is the sooner.

**Reason:** The consent relates solely to the display of the signage during construction and marketing of the housing development to which it relates and when that development is completed and all dwellings are sold, the local planning authority requires that all the advertisements are removed in the interests of the visual

amenity of the area to support the objectives of paragraph 132 of the National Planning Policy Framework and Policy SP6 of the Carlisle District Local Plan 2015-2030.

2. The development shall be undertaken in strict accordance with the approved documents for this Advertisement Consent which comprise:

1. Submitted Planning Application Form, received 12th September 2019;
2. Site Location Plan (Dwg No. P(100)001) received 5th September 2019;
3. Proposed Site Plan (Dwg No. P(100)001 Rev G) received 5th September 2019;
4. Details of post mounted signage, received 8th October 2019;
5. Details of flag poles and flags, received 8th October 2019;
6. the Notice of Decision.

**Reason:** To define the permission.

3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

**Reason:** To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

**Reason:** To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**Reason:** To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

6. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

**Reason:** To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

7. No advertisement shall be sited or displayed so as to –  
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);  
(b) obscure, or hinder the ready interpretation of, any traffic sign railway signal or aid to navigation

by water or air; or  
(c) hinder the operation of any device used for the purpose of security or surveillance or for  
measuring the speed of any vehicle.

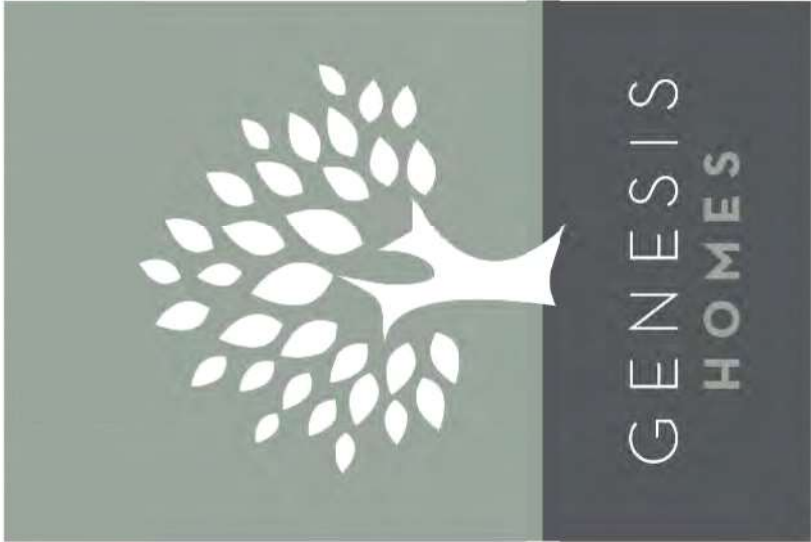
**Reason:** To accord with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

---









**Contact:** Catherine Watson  
**Dispatch Details:** Fitted  
**Site Contact:**  
**Address:** Genesis Homes, Cumwhinton

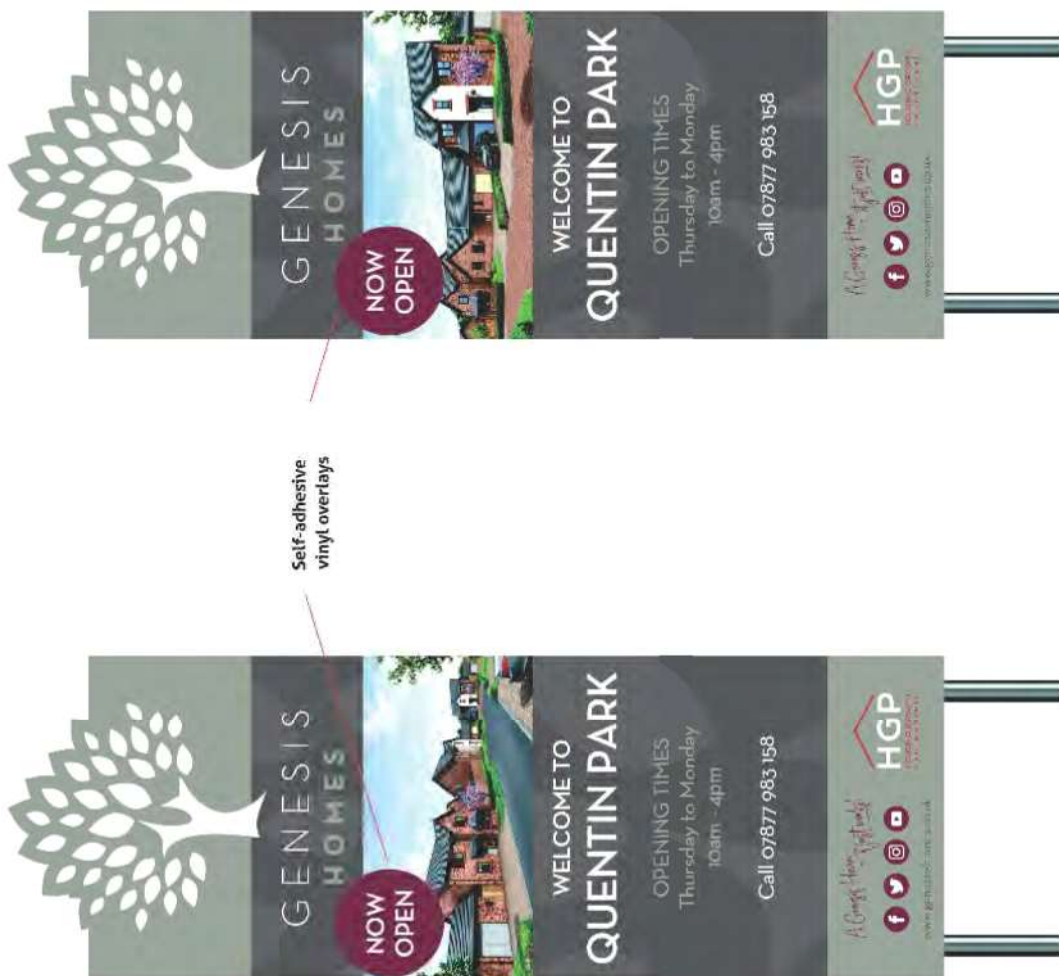


**Tel:** 01228 541456  
**Email:** [design@grafixsigns.co.uk](mailto:design@grafixsigns.co.uk)

Draft	Date	Drawn by
1	21.02.19	Kirsty Vickers
2	21.02.19	Kirsty Vickers
3	21.02.19	Kirsty Vickers
4	03.04.19	Dylan Sewell
5	23.04.19	Kirsty Vickers
6	23.05.19	Kirsty Vickers
7	05.06.19	Dylan Sewell
8	02.08.19	Dylan Sewell
9	29.08.19	Dylan Sewell
10	30.08.19	Dylan Sewell
11	30.08.19	Dylan Sewell
12	30.08.19	Dylan Sewell



Nothing shown for visual purposes only, the colours shown on this sheet are not a true representation of the finished product, please refer to the colour references above.  
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Self-adhesive  
vinyl overlays

2 No. 1210mm(w) x 3500mm(h) Digitally printed, shaped Aluminium composite panels, post mounted and complete with clear protective over-laminate and 2 No. Digitally printed vinyl overlays. Scale drawing 1:20 @ A3.

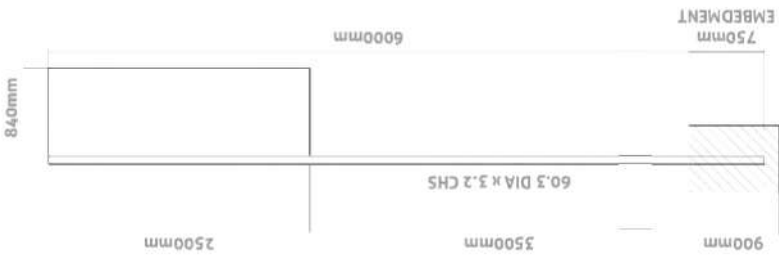
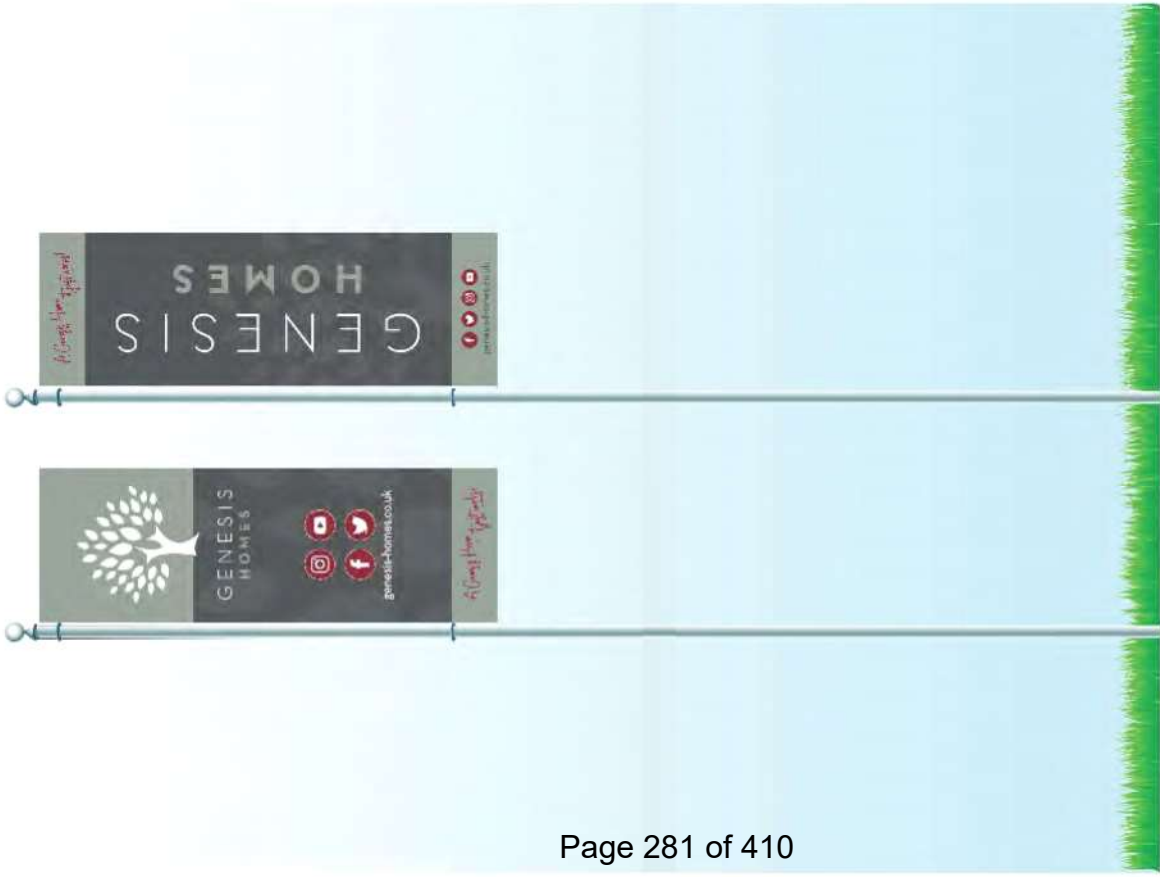


Tel: 01228 541456  
Email: design@grafixsigns.co.uk

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Client: Genesis Homes  
Job No.: 54951  
Date: 30.08.19  
Item: 1  
Draft: 12





2 No. 6 Metre flag poles to hold 840mm(w) x 2500mm(h) Digitally printed flags.



Tel: 01228 541456  
Email: [design@grafixsigns.co.uk](mailto:design@grafixsigns.co.uk)

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Actual signage construction (materials and technique) may differ to those shown and are subject to final site conditions.  
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Colour references

5635 +50%	425 +25%	R-166 G-29 B-60
--------------	-------------	-----------------------

Client	Job No.	Date	Item	Draft
Genesis Homes	54951	30.08.19	2	12



# SCHEDULE B

# SCHEDULE B



## SCHEDULE B: Applications Determined by Other Authorities

---

**Item No: 12**

Between 27/09/2019 and 07/11/2019

**Appn Ref No:**

19/9009

**Applicant:**

Thompsons Of Prudhoe

**Parish:**

Farlam

**Date of Receipt:**

13/08/2019

**Agent:**

Cumbria County Council -  
Economy & Planning

**Ward:**

Brampton & Fellside

**Location:**

Silvertop Quarry, Hallbankgate, Brampton, CA8 2PE

**Grid Reference:**

358980 561042

**Proposal:** Change Of Use To Allow Imported Inert (Construction, Demolition And Excavation Waste) To Be Screened And Processed At Silvertop Quarry For The Life Of Silvertop Quarry

**Amendment:**

### REPORT

**Case Officer:** Alanzon Chan

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 27/08/2019

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 06/11/2019

A copy of the Notice of the decision of the Determining Authority is printed following the report.

---



## **The Town and Country Planning Act 1990**

### **NOTICE OF PLANNING PERMISSION**

To: Thompsons of Prudhoe Ltd  
Thompsons House  
Princess Way  
Prudhoe  
Northumberland  
NE42 6PL

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/drawings attached thereto received on 12 August 2019.

**viz: Change of use to allow imported inert (construction, demolition and excavation waste) to be screened and processed at Silvertop Quarry for the life of Silvertop Quarry.**

**Silvertop Quarry, Hallbankgate, Brampton, Cumbria**

Subject to due compliance with the following conditions:

#### **Conditions**

##### **Time Limit for Implementation of Permission**

1. This permission shall be for a limited period only expiring on 21 February 2042, by which date the operations hereby permitted shall have ceased, unless a further application has been submitted.

*Reason To comply with Section 91 of the Town and Country Planning Act 1990.*

:

##### **Approved Scheme**

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
  - a. The submitted Application Form – dated 31 July 2019
  - b. Supporting letter – dated 26 July 2019
  - c. Plans numbered and named:
    - i) Location of recycled area – NT12629-017
    - ii) Recycling Area Detail – NT12629-018
  - d. The details or schemes approved in accordance with the conditions attached to this permission.

*Reason To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

#### **Operating Hours**

3. No operation hereby permitted by this permission, shall take place outside the following hours:

07:00 to 17:30 hours Monday to Fridays  
07:00 to 12:30 hours on Saturday

And not at any time on Sundays, Bank or Public Holidays.

However this condition shall not operate so as to prevent carrying out outside of these hours of essential maintenance of plant and machinery used on the site for this development.

*Reason : To protect the amenities of local residents in accordance with Policy DC2 of Cumbria Minerals and Waste Local Plan 2015-2030.*

### **Traffic and Transport**

4. The access road from the wheel wash to the public highway shall be maintained with a tarmacadam or concrete surface free of potholes and debris for the duration of the development hereby permitted.

*Reason :- To ensure that broken road surface material or other detritus is not carried onto the public highway in accordance with policy DC1 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

5. No laden HGVs shall be permitted to enter or leave the site unsheeted.

*Reason : To prevent any incident of dust emissions adversely affecting the amenities of nearby residential property in accordance with Policy DC1 and DC2 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

6. No vehicles plant and machinery operated on the site in connection with the development hereby permitted shall be used unless fitted with effective silencers and maintained in accordance with the manufacturers or suppliers specification.

*Reason : To minimise any potential for disturbance to local residents in accordance with Policy DC2 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

7. The operator shall provide, implement and maintain such suppression measures as may be agreed by the Waste Planning Authority to minimise the emission of dust from the development hereby permitted.

*Reason : To safeguard the amenity of local residents by ensuring that dust does not constitute a nuisance outside the site boundary, in accordance with Policy DC2 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

8. The total numbers of laden heavy goods vehicles leaving the site, including HGV's from Silvertop Quarry shall not exceed a combined total of 150 on any weekday and 75 on Saturdays. A record of all laden heavy goods vehicles leaving the site each day shall be maintained by the operator and access to this record shall be afforded to the local planning authority on request.

*Reason : To keep acceptable levels of impact of lorry traffic on the amenity of local residents and other road users, in accordance with Policy DC1 of the*

*Cumbria Minerals and Waste Local Plan 2015-2030.*

**Mobile Lighting**

9. Temporary lighting shall not be used (with the exception of extraordinary activities and emergency works or similar activities) on the site outside the hours of:

18:00 to 06:45 Monday to Fridays (Except Public Holidays)

13:00 to 06:45 Saturday (Except Public Holidays)

No temporary construction lighting shall be used (with the exception of extraordinary activities and emergency works or similar activities) on Sundays or Public Holidays.

*Reason: To ensure the residential amenities of local residents are protected from light pollution, in accordance with Policy DC2 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

**Control of Noise**

10. All plant, machinery and vehicles used on site shall be effectively silenced at all times and maintained in accordance with the manufacturers recommendations.

*Reason: To safeguard the amenity of local residents by ensuring that the noise generated in their operation is minimised and so does not constitute a nuisance outside the boundaries of the site and to conform with Policy DC3 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

11. The rating levels for cumulative noise from all plant and machinery during the operational life of the site shall not exceed 5dB above the existing LA90 background levels and 10 dB above the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014).

*Reason: To protect the amenities of local residents from noise pollution and to conform with Policy DC3 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

**Control of Dust**

12. All equipment shall be fitted with effective dust suppression measures and maintained in accordance with the manufacturers instructions.

*Reason: To safeguard the amenities of local residents by ensuring that dust does not constitute a nuisance outside the boundary of the site, to confirm with Policy DC5 of the Cumbria Minerals and Waste Local Plan 2015-2030.*

Dated 6 November 2019

Signed: Angela Jones  
Acting Executive Director - Economy and Infrastructure  
on behalf of Cumbria County Council.

## NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
  - The policies and reasons for the approval of this planning application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/19/9009>
  - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
  - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
- 

## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.

5. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed "Notes in respect of Appeals to The Secretary of State").



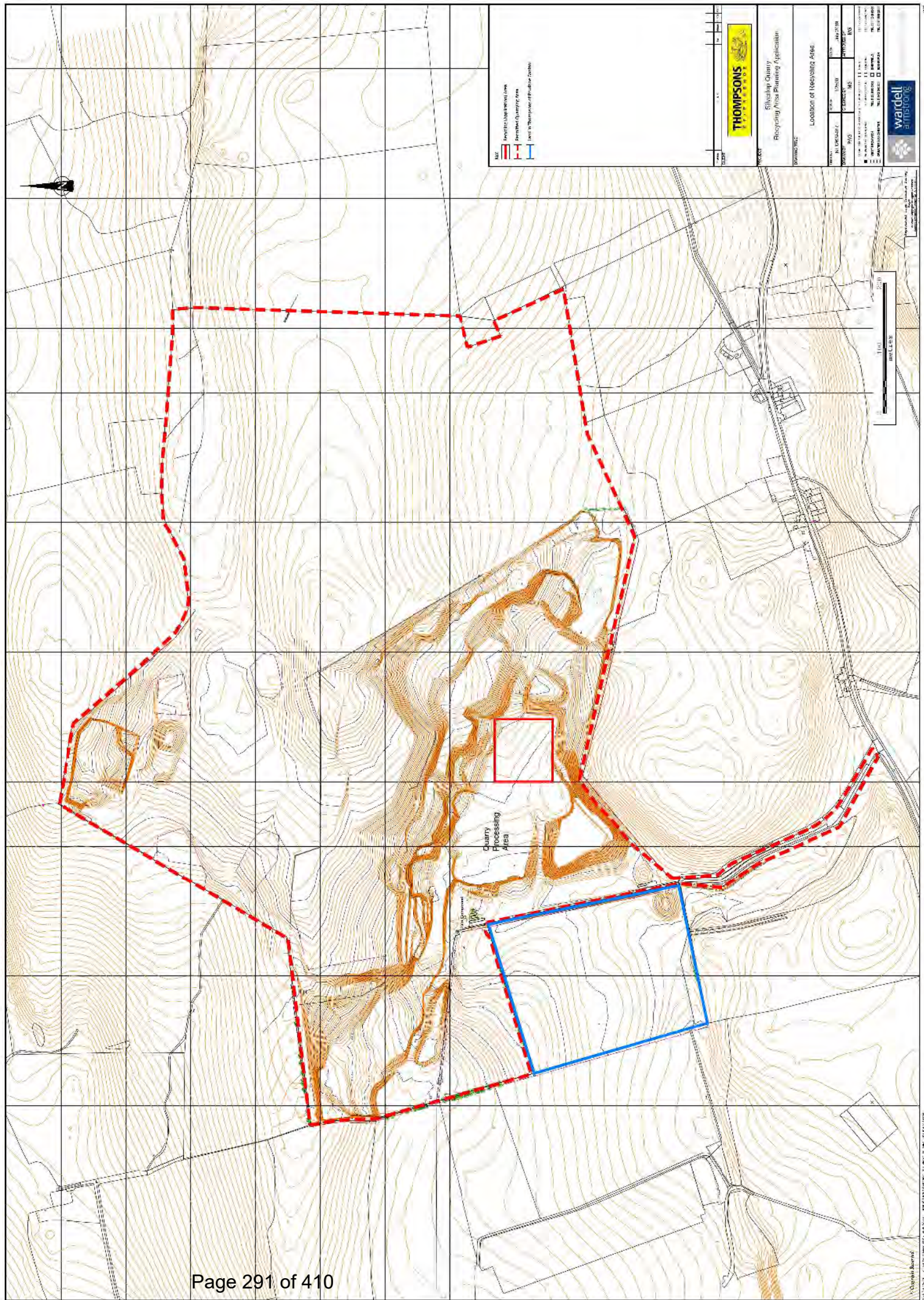
## NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pes](https://www.planningportal.gov.uk/pes)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

## Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.









# Report to Development Control Committee

Agenda  
Item:  
**A2**

Meeting Date: 22<sup>nd</sup> November 2019  
Portfolio: Economy, Enterprise and Housing  
Key Decision: Not Applicable:  
Within Policy and Budget Framework  
Public / Private Public

Title: TPO 305 WOOD COTTAGE/MAYA HOUSE, ST LAWRENCE LANE, BURGH BY SANDS  
Report of: CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT  
Report Number: ED.37/19

## Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 305 within the grounds of Wood Cottage on the eastern boundary of Maya House, St Lawrence Lane, Burgh by Sands.

## Recommendations:

That Tree Preservation Order 305 is confirmed (with modifications)

## Tracking

Executive:	
Scrutiny:	
Council:	

## 1. BACKGROUND

- 1.1 In June 2019 a Section 211 Notice (19/0034) was received for the removal of 1no. 'Birch' Tree outside of the boundary fence at Maya House, Burgh by Sands. The reason stated for removal was due to the tree 'causing shading close to the house and drains'.
- 1.2 Publicity was in the form of direct notification to the Parish Council and Ward Councillors. No representations were received during the 21 day consultation period.
- 1.3 The purpose of a S211 notice of The Town and Country Planning Act 1990, for which there is no prescribed format, must describe the work proposed to a tree that is within a conservation area, along with enough details to identify the tree. It is to give the council an opportunity to consider whether a Tree Preservation Order (TPO) should be made in respect of the tree if the proposed work is excessive. The local planning authority cannot refuse consent or impose conditions such as a replacement tree if removal is acceptable. This is because a S211 notice is not, and should not be treated as, an application for consent under a TPO.
- 1.4 The local planning authority can deal with a S211 notice in one of three ways, namely:
- (i) Make a TPO, if justified, in the interests of amenity. The proposal would then have to be the subject of a formal application for a TPO. This would occur when;
    - The notice details the removal of a tree which is of sufficient amenity value to warrant the making of a TPO; or
    - The notice details work (other than removal) which fall outside of what would be good arboricultural practice, and that the tree concerned would otherwise be of sufficient amenity value as to warrant the making of a TPO.
  - (ii) Decide not to make a TPO and allow the six-week period to expire, at which point the works may go ahead if it is carried out within two years from the date of the notice; or
  - (iii) Decide not to make a TPO and inform the applicant the work can go ahead.
- 1.5 Burgh-by-Sands is within a conservation area and in considering this application, a site visit was made to assess the tree, which was identified as a young native hardwood **Alder** Tree, (part of the Birch family).
- 1.6 A TEMPO (Tree Evaluation Method for Preservation Orders) score of 14 was recorded, which is an approved assessment method taking certain factors into account such as:
- Amenity assessment
  - Retention span
  - Relative public visibility and suitability

- 1.7 Taking the assessment into account, it was considered that the tree had enough amenity value to warrant protection and permission to fell were refused on 30<sup>th</sup> July 2019. **Appendix A** shows photos of the site and tree.

## 2. CONSULTATION

- 2.1 A Tree Preservation Order was placed on the tree on 30<sup>th</sup> July 2019 with a consultation period to 26<sup>th</sup> August 2019. A copy of the plan, order and statement of reasons are shown in **Appendix B**
- 2.2 The Parish Council, owners of affected properties, and all those who were known to have an interest in the land were consulted on the Tree Preservation Order in accordance with the requirements of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.3 One letter of objection was received from the original applicant, Mr Wilson of Maya House and can be seen as **Appendix C**. Reasons for his objections were:
- The tree roots could affect the drains which are nearby (this was confirmed by a landscaper)
  - Trees have been blown down during previous storms in this area and fear this could happen again which would cause considerable damage to their house.

## 3. ASSESSMENT

- 3.1 No evidence was provided to support root damage into the drains. It is normal that tree roots will only enter drains which are already damaged and leaking. Given that Maya house is less than 10 years old, this is unlikely to be the case. Several proven methods to remove tree roots from drains are available should this be the case.
- 3.2 A perceived threat that a tree may fall in high winds is not good reason for removal. Each tree must be assessed on its own merits and in this case, the tree is in good health.
- 3.3 It is accepted that the tree is isolated on the site, which adds weight to its importance, given that several poor grade trees have been removed within the copse of Wood Cottage to accommodate permission to build 2 dwellings (18/1083).
- 3.4 Indeed, as part of the application, the Tree Management Plan listed the Alder tree for retention describing it as '*in a sound and healthy condition with no outward signs of any significant defects or decay*'. The tree shows good form and has yet to reach maturity with a life span of 60+ years.



#### **4. CONCLUSION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Taking the TEMPO score into account and having considered the reasons for removal along with the amenity value and health of the tree, it is considered appropriate to confirm Tree Preservation Order 305 (with modifications of its description).

#### **5. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES**

- 5.1 The value of trees to humans, wildlife and the environment is well recognised and includes many benefits such as reducing noise and pollution, creating essential wildlife habitats and increasing bio-diversity. Trees are essential to ecosystems and provide shelter from wind, sun and rain, and increase 'visual amenity'. Justification of removing a tree must be considered if the tree is diseased, dangerous, in decline or causing a public safety issue.

**Contact Officer: Sue Stashkiw**

**Ext: 7175**

**Appendices**  
**attached to report:**      **Appendix A - Photos**  
                                     **Appendix B - Tree Preservation Order 305**  
                                     **Appendix C - Objection**

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers:**

- **None**

#### **CORPORATE IMPLICATIONS:**

**LEGAL** - The validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

This tree preservation order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third party, who has made representations, has the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land

and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the tree preservation order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**FINANCE – n/a**

**EQUALITY – n/a**

**INFORMATION GOVERNANCE – n/a**



APP. A

Appendix A

08/07/2019 15:25





APP. A

08/07/2019 15:23

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)  
REGULATIONS 2012**

**Town and Country Planning Act 1990**

**The City Council of Carlisle**

**Wood Cottage / Maya House, St Lawrence Lane, Burgh by Sands, Carlisle, CA5  
6BT – Tree Preservation Order 2019 (No.305)**

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as Wood Cottage / Maya House, St. Lawrence Lane, Burgh by Sands, Carlisle, CA5 6BT – Tree Preservation Order 2019 (No.305).

**Interpretation**

2.— (1) In this Order “the authority” means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197







### **VARIATION OF ORDER**

This Order was varied by The City Council of Carlisle on the  
variation order under reference number

day of by a  
a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....

Authorised by the Council to sign in that behalf

### **REVOCATION OF ORDER**

This Order was revoked by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....

Authorised by the Council to sign in that behalf

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[T1]	Birch	332024 558932

#### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

#### Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>

#### Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

## STATEMENT OF REASONS

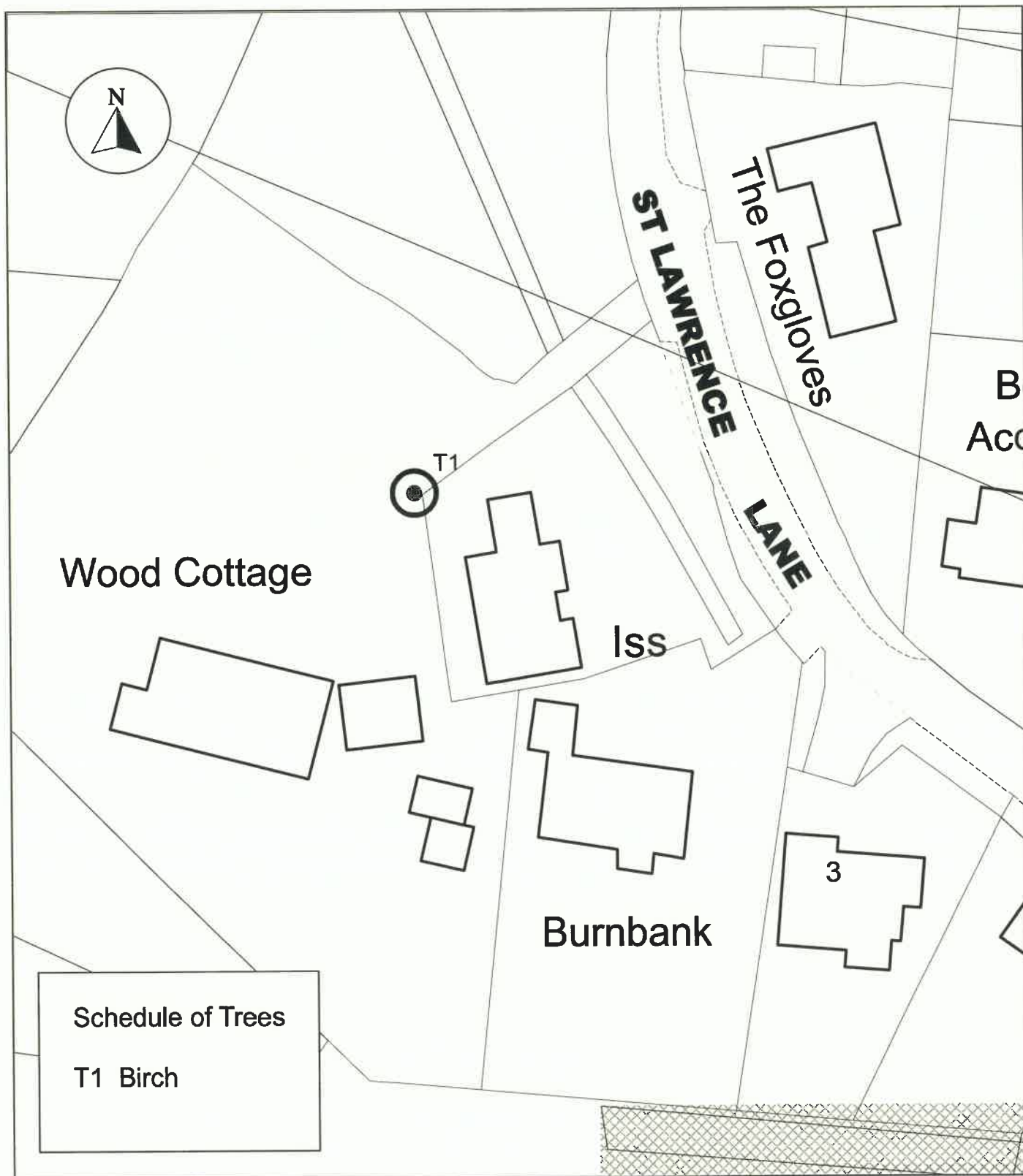
### TREE PRESERVATION ORDER NO. 305

#### WOOD COTTAGE/MAYA HOUSE, ST LAWRENCE LANE, BURGH BY SANDS, CARLISLE CA5 6BT

Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, whenever it is appropriate, adequate provision is made for the preservation of trees. The Local Authority may make a Tree Preservation Order where it appears to the authority that it is expedient in the interests of amenity.

The Birch tree shows good health and is likely to reach normal longevity. The canopy can be seen from the public realm and provides positive amenity value that will contribute to the area for many years.

It is considered that the most appropriate way to protect this tree for the future is by means of a Tree Preservation Order.



Act 1990 Section 198(1)

**Tree Preservation Order Number 305**  
**Wood Cottage/Maya House, St Lawrence Lane,**  
**Burgh By Sands, Carlisle, CA5 6BT**

Scale: 1 : 500

Date: July 2019

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 ordnance survey LA100024459

Economic Development, Civic Centre, Carlisle, CA3 8QG

Page 305 of 410



YOR REF  
SJS/DC/19/0034 S24

PLANNING SERVICES	
REF:	
20 AUG 2019	
RECORDED	
SCANNED	
PASSED TO	
ACTION	

19/8/19

BURSH-BY-SANDS  
CARLISLE

DEAR SIRS

I WOULD LIKE TO APPEAL YOUR REFUSAL TO  
CUT DOWN THE TREE.  
THE REASONS BEING THAT  
BOTH WHEN WE HAD THE HOUSE SURVEYED  
WE WERE ADVISED THAT  
THIS TREE'S ROOTS COULD AFFECT THE DRAINS  
WHICH ARE NEAR BY, THIS WAS CONFIRMED  
RECENTLY BY THE LANDSCAPER WHO LAID A  
PATIO ON THE AREA BESIDE THE DRAINS  
AND ADVISED ABOUT THE TREE ROOTS, IT WILL  
ONLY GET WORSE THROUGH TIME.

IN LAST YEARS STORMS SEVERAL TREES WERE  
BLOWN DOWN IN OUR AREA AND COULD HAPPEN  
TO THIS TREE CAUSING CONSIDERABLE DAMAGE  
SINCE

LAST YEAR WE HAVE PLANTED THREE TREES  
IN A SAFE PLANTING AREA, CAN YOU PLEASE  
ALLOW US TO CUT DOWN THIS TREE FOR OUR  
PEACE OF MIND AND SAFETY.

YOURS FAITHFULLY

# Report to Development Control Committee

Agenda  
Item:  
**A.3**

Meeting Date: 22<sup>nd</sup> November 2019  
Portfolio: Economy, Enterprise and Housing  
Key Decision: Not Applicable:  
Within Policy and Budget Framework  
Public / Private Public

Title: REVIEW OF TREE PRESERVATION ORDERS 148 & 247 AND  
THE MAKING OF TREE PRESERVATION ORDERS 307 & 308,  
GARLANDS, CARLISLE  
Report of: CORPORATE DIRECTOR OF ECONOMIC DEVELOPMENT  
Report Number: ED.38/19

## Purpose / Summary:

This report updates members of the committee on matters raised following a review that has been undertaken on protected trees around the Garlands Estate, Carlisle.

## Recommendations:

To confirm both new Orders TPO 307 and TPO 308 (with modifications) and revoke Orders 148 and 247.

## Tracking

Executive:	
Scrutiny:	
Council:	



## 1. BACKGROUND

- 1.1 In March 2014, the Government published guidance on Tree Preservation Orders and Trees in Conservation areas. The Ministry of Housing, Communities and Local Government state that authorities are advised to keep their Orders under review. Indeed, the PPG in Paragraph: 051 Reference ID: 36-051-20140306 (Revision Date 06/03/2014) states:
- “Reassessing Orders helps to ensure that protection is still merited and Orders contain appropriate classifications. Authorities are advised to keep their Orders under review. For example, authorities should consider reviewing Orders protecting trees and woodlands affected by development or other change in land use since the Order was made. In addition, authorities may wish to set up a programme to review Orders that include the area classification.”*
- 1.1 TPO 148 ‘Land at the Garlands Hospital’ was confirmed in September 1999, in order to protect established trees prior to development commencing in 2001. TPO 247 ‘the Former Garlands Hospital’ was later confirmed in September 2009. Both orders and ‘statement of reasons’ are attached to this report as **Appendix A**.
- 1.2 Since making these orders, development has resulted in the original maps now bearing little resemblance to what is actually on the ground, which is the primary reason for reviewing the Orders.
- 1.3 There have been many applications to carry out tree works over the years, as well as trees failing, (the most recent being a large Beech Tree falling onto Grade II Listed Building ‘Worthington Place’).
- 1.4 A review was undertaken earlier this year on our behalf, by Amey Construction who are experienced Arboriculturalists. The exercise carried out a visual tree assessment from ground level using the Forbes-Laird Tree Evaluation Method for Preservation Orders (TEMPO). Their report was received and can be seen as **Appendix B**.
- 1.5 A summary of findings can be found on page 3 of the report. The main points to note are:
- i) 252 features (trees and tree groups) were assessed, of which, 68 were missing, 155 warranted protection, with 29 no longer worthy of protection.
  - ii) Approximate position of inspected trees was plotted on a Location Plan.
  - iii) No detailed inspection of individual trees was undertaken on private property

- iv) Any garden trees that merit protection were scored mainly on their amenity value, retention span and visibility score.
- v) In general, the site appeared to have been well managed over the past 20 years.

1.6 New Orders were drawn up to reflect the report (TPO307 and TPO308) including a recommendation to add a group of trees (G14 on TPO307) behind The Coppice NHS Building, along with 3 new trees that merit protection T56, T71A and T112A in TPO308.

1.7 A consultation period of one month, ending 14<sup>th</sup> October 2019. **Appendix C.** Representations were received from residents of Pennine View and also a tree consultant who has carries out regular work on the sites over the past 20 years.

#### **Appendix D**

The main points to note from their objections are:

- i) There are many mature trees situated in small gardens. These trees have now outgrown their position and are causing a great deal of concern to residents during high winds and storms.
- ii) The report has failed to undertake a thorough assessment of these trees and have mainly been assessed on amenity value from the kerbside.
- iii) 'other factors' such as defects, weak unions, possible disease of these garden trees have not been considered, which could be a potential safety issue.
- iv) The retention span of these trees has scored highly and could be questioned given that they are middle aged and in an exposed location.

## **2. PROPOSALS**

2.1 Taking the above observations into account, the main area of concern is around Pennine View and Worthington Place, where some mature trees are situated in close proximity to properties and in small elevated gardens.

2.2 Further advise has been sought from Forbes-Laird Arboricultural Consultancy following individual site visits and assessments that were undertaken last month by ourselves. This has resulted in identifying 12 mature trees (7 Sycamore, 3 Beech, 1 Lime and 1 Horse Chestnut) that qualify under their TEMPO scoring model (either under Part 1b 'Amenity assessment', or d) 'other factors') as being unsuitable to be included in the Order. Reasons for this being:

- Future growth potential
- Habitat
- Crown density

- Effect on living conditions (including restrictive light into properties)
- Future management of these mature trees is becoming difficult given their close proximity to buildings

2.3 New scorings have been recorded on the following trees, resulting in them failing to achieve suitability.

- 131,132,138,142,144,146,147,171,179,180,191,192 **Appendix E**

This could result in the land owners doing works to trees or removing the trees if they so wish without consent needed from the local planning authority or having to plant a replacement tree.

2.4 As a result of these trees not qualifying for protection the draft TPO 308 would have to be confirmed with modification to exclude the 12 trees referred to above  
**Appendix F**

### **3. CONCLUSION AND REASON FOR RECOMMENDATIONS**

3.1 Taking the objection reasons into account along with new scorings of the 12 trees, it would be appropriate to recommend confirming TPO 308 (with modification to exclude 12 trees), confirm TPO 307 and revoke Orders 148 and 247.

<b>Appendices attached to report:</b>	<b>Appendix A – Tree Preservation Orders 148 and 247</b>
	<b>Appendix B – Amey Construction report</b>
	<b>Appendix C – Tree Preservation Orders 307 and 308</b>
	<b>Appendix D – Objections</b>
	<b>Appendix E – TEMPO scorings</b>
	<b>Appendix F – Proposed TPO 308 as modified</b>

**Note: in compliance with section 100d of the Local Government Act 1972 the report has been prepared in part from the following papers: TPO 148 and TPO 247**

### **CORPORATE IMPLICATIONS:**

**LEGAL** - The validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

This tree preservation order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third party, who has made representations, has the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the tree preservation order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

**FINANCE – n/a**

**EQUALITY – n/a**

**INFORMATION GOVERNANCE – n/a**

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Carlisle City Council**INTERNAL MEMORANDUM**

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<b>From:</b>	City Solicitor and Secretary	<b>Please ask for:</b>	Mr S Halstead
<b>To:</b>	Director of Environment and Development	<b>Extension:</b>	7035
<b>Fao:</b>	Jillian Hale, Local Plans Section	<b>E-mail:</b>	
		<b>Your ref:</b>	
		<b>Our ref:</b>	SH/DS/PG.3/71
			20 December 1999

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**RE: CONFIRMATION OF TREE PRESERVATION ORDER NO. 148  
LAND AT GARLANDS HOSPITAL, CARLISLE**

I refer to your recent telephone call and confirm that I have today written to interested parties informing them that the above Tree Preservation Order has been **confirmed** with modifications. A copy of the amended Order is enclosed for your records.

City Solicitor and Secretary

TPO 148	
21 DEC 1999	
RECORDED	21 12 99
EXAMINED	100
PASSED TO	JCH
ACTION	N/A

## Town and Country Planning Act 1990

*Insert title  
of Order  
(including  
year)*

The City of Carlisle (Garlands Hospital)

### TREE PRESERVATION ORDER, 1999 (No 148)

*Insert name  
of Council*

The Council of the City of Carlisle  
in exercise of the powers conferred on them by sections 198 [, 201<sup>(a)</sup>] [and] 203 [~~and 200~~] of the Town and  
Country Planning Act 1990<sup>(b)</sup>, [~~and with the consent of the~~]

*Insert name  
of  
appropriate  
authority*

hereby make the following Order:—

#### Citation

*Insert title  
of Order  
(including  
year)*

1. This Order may be cited as The City of Carlisle (Garlands Hospital)  
Tree Preservation Order 1999 (No 148)

#### Interpretation

*Name of  
Council  
making the  
Order*

2. In this Order "the authority" means the Council of the City of Carlisle  
and unless the context otherwise requires, any reference in this Order to a numbered section is a reference  
to the section so numbered in the Town and Country Planning Act 1990.

#### [Application of section 201

*Insert date*

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this  
Order and, accordingly, this Order shall take effect provisionally on 10 September 1999

#### Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders)<sup>(c)</sup>  
[or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and  
subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful  
destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so  
specified, except with the consent of the authority and, where such consent is given subject to conditions,  
in accordance with those conditions.

#### Exemptions

5. (1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory  
undertaker, where the land on which the tree is situated is operational land<sup>(d)</sup> of the statutory  
undertaker and the work is necessary—

- (a) Under section 199(1), tree preservation orders generally do not take effect until confirmed, but a direction may be given under section 201  
for an order to take provisional effect immediately.
- (b) Where the Order is to be made under the sections cited and section 300 of the Town and Country Planning Act 1990, all those provisions  
should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the consent of the Forestry  
Commission is required (and should be cited) see section 200(1) of that Act.
- (c) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping of  
trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or  
under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Subsection (7) of that section  
makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 (c.63) (saving for effect of section 2(4) of the Opencast  
Coal Act 1958 on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c.10) (licences  
under that Act to fell trees comprised in a tree preservation order).
- (d) See section 263 of the Town and Country Planning Act 1990.
- (e) S.I. 1995/418.



- (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995<sup>(a)</sup>;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991<sup>(b)</sup>; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989<sup>(b)</sup>.

(2) In paragraph (1), "statutory undertaker" means any of the following –

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986)<sup>(c)</sup>,
- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984<sup>(d)</sup> to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

#### Applications for consent under the Order

6. An application for consent for the cutting down, topping, lopping or uprooting of any tree in respect of which his Order is for the time being in force shall be made in writing to the authority and shall–

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

#### Application of provisions of the Town and Country Planning Act 1990

7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2)

(a) 1991 c.59, see section 72.

(b) 1989 c.29.

(c) 1986 c.31.

(d) 1984 c.12.

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

#### Directions as to replanting

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

#### Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person —

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by section 34 of the Forestry Act 1967.

**[Application to trees to be planted pursuant to a condition]**

10. ~~In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]~~

**[Orders made by virtue of section 300]**

11. ~~This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown land).]~~

Dated this 10th day of September 1999 (month and year)

(if the Council's Standing Orders require the sealing of such documents:)

[The Common Seal of the (name of Council) The Council of the  
was hereunto affixed in the presence of- City of Carlisle

John M. Egan  
City Solicitor and Secretary

(if the Council's Standing Orders do not require the sealing of such documents:)

[Signed on behalf of the (name of Council)]

~~Authorised by the Council to sign in that behalf]~~

**[CONFIRMATION OF ORDER]**

[This Order was confirmed by the (name of Council)  
without modification on the day of (month and year)] OR

[This Order was confirmed by the (name of Council)  
subject to the modifications indicated by (state how indicated)

on the day of (month and year)]

~~Authorised by the Council to sign in that behalf]~~

**[DECISION NOT TO CONFIRM ORDER]**

A decision not to confirm this Order was taken by the (name of Council)  
on the day of (month and year)

~~Authorised by the Council to sign in that behalf]~~

**[VARIATION OF ORDER]**

This Order was varied by the (name of Council)  
on the day of (month and year) under the reference number

~~Authorised by the Council to sign in that behalf]~~

**[REVOCATION OF ORDER]**

This Order was revoked by the (name of Council)  
on the day of (month and year) under the reference number

~~Authorised by the Council to sign in that behalf]~~

**SCHEDULE 1**  
**SPECIFICATION OF TREES**  
**Trees specified individually**  
 (encircled in black on the map)

Article 4

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
T1-T227	See attached sheet	Grid Reference 343230E 553880N

**Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
G1	Mix of holly, cypress, whitebeam and spruce	Grid Reference 343230E 553880N

**Groups of Trees**

(within a broken black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

**Woodlands**

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation*</i>
	None	

\* complete if necessary to specify more precisely the position of the trees



# SCHEDULE 2

Article 7

## PART I

### Provisions of the Town and Country Planning Act 1990 applied with adaptations or modifications

Provisions of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1) –</p> <p>(i) omit –</p> <p>"in such manner as may be prescribed by a development order,"</p> <p>"such" in the second place where it appears, and</p> <p>"as may be so prescribed"; and</p> <p>(ii) substitute "matters relevant to tree preservation orders made by the authority" for "applications for planning permission".</p> <p>(b) In subsection (2) –</p> <p>(i) after "contain" insert ", as regards each such order"; and</p> <p>(ii) for paragraphs (a) and (b) substitute –</p> <p>"(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.".</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1) –</p> <p>(i) substitute –</p> <p>"Subject to subsections (1A) and (1B), where" for "Where";</p> <p>"the authority" for "a local planning authority";</p> <p>"consent under a tree preservation order" for "planning permission" where those words first appear; and "consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p>(ii) after "think fit", insert –</p> <p>"(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (1) insert –</p> <p>"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting)."</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute –</p> <p>(i) "Any" for the words from "Without" to "any";</p> <p>(ii) "consent under a tree preservation order" for "planning permission to develop land";</p> <p>(iii) "the consent" for "the permission"; and</p> <p>(iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions and failure to take such decisions)	<p>(a) In subsection (1) substitute –</p> <p>(i) "the authority" for "a local planning authority";</p> <p>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</p> <p>(iii) "consent under such an order" for "planning permission" in the second place where those words appear;</p> <p>(iv) for paragraph (c) substitute –</p> <p>"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,".</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute –</p> <p>"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served –</p> <p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."</p> <p>(d) For subsection (4), substitute –</p> <p>"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p> <p>(e) For subsection (5), substitute –</p> <p>"(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question."</p>
Section 79 (determination of appeals)*	<p>(a) In subsections (1) and (2), substitute "the authority" for "the local planning authority".</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute –</p> <p>(i) "section 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5";</p> <p>(ii) "consent under a tree preservation order" for "planning permission"; and</p> <p>(iii) "the authority" for "the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71.".</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (9), omit the words after "section 78".</p>

\*Section 79 was amended by the Planning and Compensation Act 1991 (c. 34), section 18 and Schedule 7, paragraph 19.

**PART II**  
**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,**  
**AS ADAPTED AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

.....

**Section 78**

(1) Where the authority—

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

**Section 79**

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),



and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.  
.....

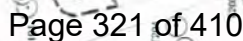
(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.  
.....

(7) Schedule 6 applies to appeals under section 78.



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PLANNING & HOUSING SERVICES	
REF	TPO 247
08 SEP 2009	
RECORDED	CN
SCANNED	
PASSED TO	CB
ACTION	NR

# Carlisle City Council

## INTERNAL MEMORANDUM

**From:** Director of Legal & Democratic Services  
**To:** Head of Planning Services  
**FAO:** Charles Bennett  
 Landscape Architect/Tree Officer

**Please ask for:** Sheila Davison  
**Extension:** 7557  
**E-mail:** Sheilad@carlisle.gov.uk

**Your ref:** CB/ TPO 247  
**Our ref:** PG3/170 TPO 247  
 7 September 2009

### TREE PRESERVATION ORDER 2009 NO.247 GARLANDS HOSPITAL NO 2

I enclose for your information a copy of a Tree Preservation Order, which the Carlisle City Council has confirmed without modifications in respect of trees at Garlands Hospital No 2

Director of Legal & Democratic Services

Enc





**TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**  
**As amended by the Town and Country Planning (Trees)(Amendment)(England)**  
**Regulations 2008**

**Town and Country Planning Act 1990**  
**The Council of the City of Carlisle (Garlands Hospital No2, Carlisle)**  
**Tree Preservation Order 2009 No. 247**

The Council of the City of Carlisle in exercise of the powers conferred on them by sections 198 [201] and 203 of the Town and Country Planning Act 1990 hereby make the following Order—

**Citation**

1. This Order may be cited as the City of Carlisle (Garlands Hospital No 2, Carlisle) Tree Preservation Order 2009 No. 247

**Interpretation**

2. In this Order "the authority" means the Council of the City of Carlisle and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 17 July 2009

**Prohibited acts in relation to trees**

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

**Exemptions**

5.—(1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary—
  - (i) in the interests of the safe operation of the undertaking;

- (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
  - (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
  - (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
  - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
  - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
  - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
  - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose "drainage body" and "drainage" have the same meanings as in the Land Drainage Act 1991; or
  - (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1), "statutory undertaker" means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation,

dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,

- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),
- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

**Applications for consent under the Order**

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall—

- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
- (b) specify the work for which consent is sought; and
- (c) contain a statement of the applicant's reasons for making the application.

**Application of provisions of the Town and Country Planning Act 1990**

7.—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

**Directions as to replanting**

8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—



- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

### **Compensation**

**9.—**(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

"development value" means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

"owner" has the meaning given to it by section 34 of the Forestry Act 1967.

**~~[Application to trees to be planted pursuant to a condition~~**

~~[10.] In relation to the tree[s] identified in the first column of Schedule 1 by the letter "C", being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]~~

Dated this 17<sup>th</sup> day of July 2009

*[if the Council's Standing Orders require the sealing of such documents:]*

The Common Seal of the Council of the City of Carlisle  
was hereunto affixed in the presence of -

*John M. Egan*  
*Director of Legal and Democratic Services*  
*[if the Council's Standing Orders do not require the sealing of such documents:]*

Signed on behalf of the Council of the City of Carlisle

.....  
Authorised by the Council to sign in that behalf

**CONFIRMATION OF ORDER**

This Order was confirmed by the Council of the City of Carlisle without modification  
on the [ 7<sup>th</sup> day of September 2009 ]  
OR

~~This Order was confirmed by the Council of the City of Carlisle, subject to the  
modifications indicated by state how indicated, on the [ ]~~

*John M. Egan* *Director of Legal and Democratic Services*  
.....  
Authorised by the Council to sign in that behalf

**DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by Council of the City of Carlisle on  
the [ ]

Authorised by the Council to sign in that behalf

### VARIATION OF ORDER

This Order was varied by the Council of the City of Carlisle on the [ ]  
under the reference number [ ]

Authorised by the Council to sign in that behalf

### REVOCATION OF ORDER

This Order was revoked by the Council of the City of Carlisle on the [ ]  
under the reference number [ ]

Authorised by the Council to sign in that behalf

# **TREE PRESERVATION ORDER No. TPO 247 GARLANDS HOSPITAL N<sup>o</sup>2**

## **STATEMENT OF REASONS**

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The trees, by virtue of their form and size are prominent in the landscape and form a significant element in the character of the location. They are clearly visible from the road and are considered to be of significant visual amenity and landscape value to the locality. They are potentially under threat of damage, removal and or unnecessary excessive pruning due to development proposals to the detriment of the character of the area and its enjoyment by the public.



## Schedule of Trees

### GROUPS

- G1 1 OAK; 6 SYCAMORE; 1 LIME; 1 BIRCH, 11 PINE;  
1 HORSE CHESTNUT  
G2 29 SYCAMORE; 7 HOLLY; 1 BIRCH; 2 PINE  
G3 20 PINE; 2 BIRCH; 3 HORSE CHESTNUT; 2 BEECH  
G4 1 SWEET CHESTNUT; 3 HORSE CHESTNUT; 3 LIME; 1 LARCH;  
80 PINE; 5 BEECH; 1 HOLLY; 1 NORWAY MAPLE; 1 ELM;  
1 OAK; 1 SYCAMORE  
G5 1 OAK; 1 NORWAY MAPLE; 1 LIME; 3 BIRCH; 1 CYPRESS;  
3 BEECH; 1 POPLAR; 2 SPRUCE  
G6 17 CYPRESS; 1 HOLLY; 2 BIRCH; 1 SYCAMORE; 1 POPLAR;  
14 PINE; 8 LARCH; 1 ASH  
G7 11 PINE; 1 HORSE CHESTNUT; 1 CYPRESS  
G8 2 NORWAY MAPLE; 1 LIME; 5 PINE; 1 HORSE CHESTNUT  
G9 9 SYCAMORE; 10 PINE; 1 HORSE CHESTNUT; 1 LARCH;  
3 BIRCH; 3 LIME; 1 OAK; 1 ELM  
G10 19 LIME; 1 PINE  
G11 11 LIME; 1 SYCAMORE  
G12 7 LIME; 7 SYCAMORE; 4 PINE; 1 OAK; 2 SWEET CHESTNUT  
G13 1 CHERRY; 2 LIME; 1 BIRCH; 1 HORSE CHESTNUT;  
1 PINE; 1 OAK

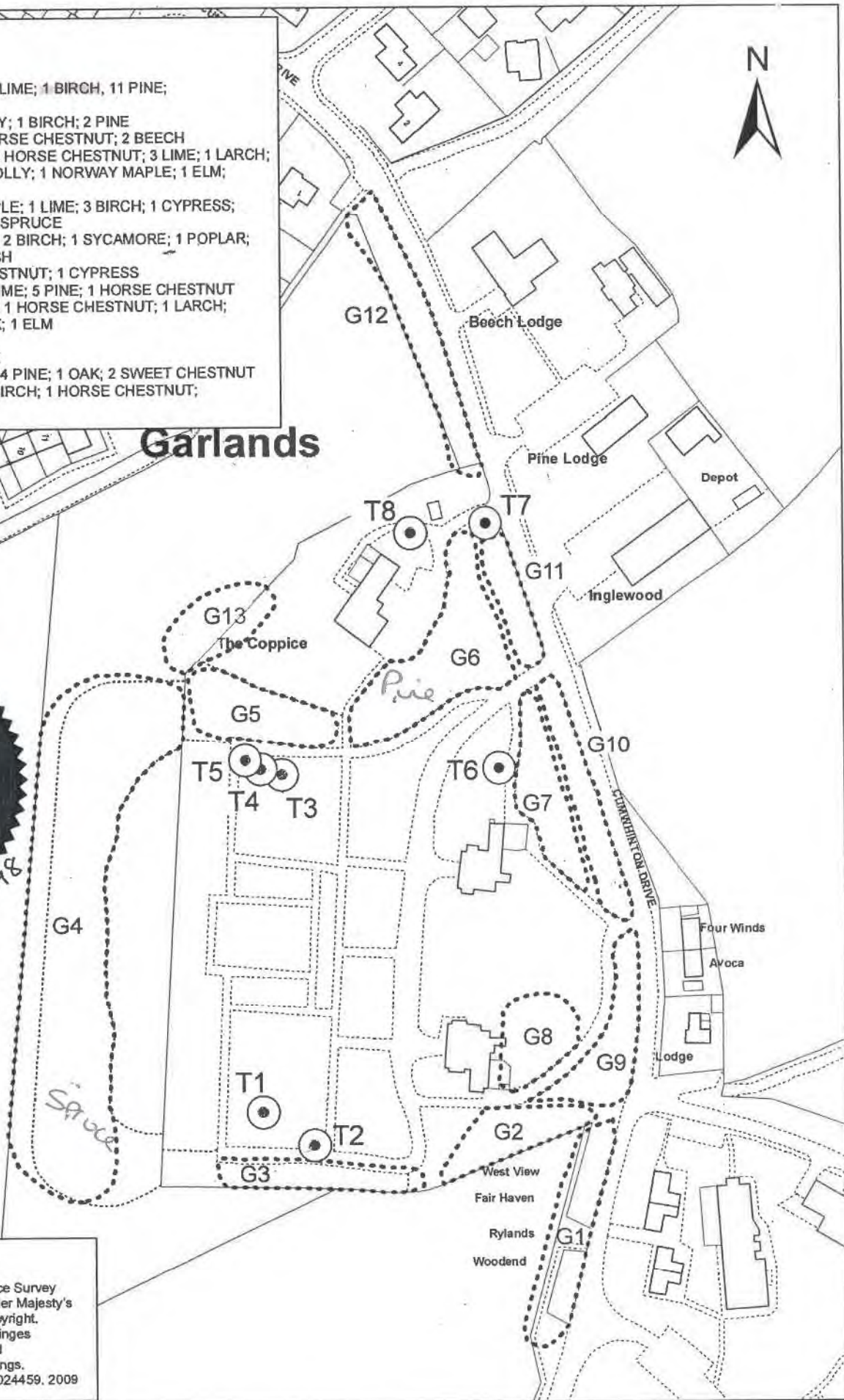
## Schedule of Trees

- T1 Turkey Oak  
T2 Yellow Buckeye  
T3 Horse Chestnut  
T4 Oak  
T5 Lime  
T6 Birch  
T7 Sycamore  
T8 Manna Ash

## Garlands

*John M. Egan  
Director of Legal and  
Cemeteric Services*

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Carlisle City Council LA 010024459. 2009



Town and Country Planning Act 1990 Sections 198(1) and 201

Tree Preservation Order Number 247  
Former Garlands Hospital, Carlisle, Phase 2

Date: July 2009 1:1,250

Planning & Housing Services,  
Civic Centre,  
Carlisle, CA3 8QG

**CARLISLE**  
CITY COUNCIL  
  
www.carlisle.gov.uk

## SCHEDULE 1

### SPECIFICATION OF TREES

#### Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation O.S. Grid Ref
[T1] ✓	Turkey Oak	343351 553535
[T2] ✕	Yellow Buckeye	343368 553524
[T3] ✕	Horse Chestnut	343358 553647
[T4] ✓	Oak	343351 553649
[T5] ✓	Lime	343346 553652
[T6] ✕	Birch	343430 553649
[T7] ✓	Sycamore	343426 553730
[T8] ✓	Manna Ash	343401 553727

#### Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation O.S. Grid Ref
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NONE

#### Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation O.S. Grid Ref
[G1]	1 Oak, 6 Sycamore 1 Lime, 1 Birch, 11 Pine 1, Horse Chestnut	343455 553498
[G2]	29 Sycamore, 7 Holly 1 Birch, 2 Pine	343425 553528
[G3]	20 Pine, 2 Birch, 3 Horse Chestnut, 2 Beech	343366 553514
[G4]	1 Sweet Chestnut 3 Horse Chestnut, 3 Lime 1 Larch, 80 Pine, 5 Beech 1 Holly, 1 Norway Maple 1 Elm, 1 Oak, 1 Sycamore	343282 553605



[G5]	1 Oak, 1 Norway Maple 1 Lime, 3 Birch, 1 Cypress, 3 Beech, 1 Poplar, 2 Spruce	343337 553673
[G6]	17 Cypress, 1 Holly, 2 Birch 1 Sycamore, 1 Oak, 1 Poplar, 15 Pine, 8 Larch, 1 Ash	343424 553690
[G7]	11 Pine, 1 Horse Chestnut 1 Cypress	343450 553643
[G8]	2 Norway Maple, 1 Lime 5 Pine, 1 Horse Chestnut	343445 553561
[G9]	9 Sycamore, 10 Pine 1 Horse Chestnut, 1 Larch 3 Birch, 3 Lime, 1 Oak 1 Elm	343469 553567
[G10]	19 Lime, 1 Pine	343459 553639
[G11]	11 Lime, 1 Sycamore	343435 553711
[G12]	7 Lime, 7 Sycamore, 4 Pine 1 Oak, 2 Sweet Chestnut	343406 553798
[G13]	1 Cherry, 2 Lime, 1 Birch 1 Horse Chestnut, 1 Pine 1 Oak	343332 553689

#### **Woodlands**

(within a continuous black line on the map)

Reference on map	Description	Situation O.S. Grid Ref
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**NONE**

## SCHEDULE 2

### PART I PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) omit—</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be so prescribed”; and</p> <p style="padding-left: 40px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 80px;">(a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and</p> <p style="padding-left: 80px;">(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) substitute—</p> <p style="padding-left: 80px;">“Subject to subsections (1A) and (1B), where” for “Where”;</p>

	<p>"the authority" for "a local planning authority";</p> <p>"consent under a tree preservation order" for "planning permission" where those words first appear; and</p> <p>"consent under the order" for "planning permission" in both of the other places where those words appear;</p> <p>(ii) after "think fit", insert—</p> <p>"(including conditions limiting the duration of the consent or requiring the replacement of trees)"; and</p> <p>(iii) omit "subject to sections 91 and 92,".</p> <p>(b) After subsection (1) insert—</p> <p>"(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).".</p> <p>(c) Omit subsections (2) and (3).</p>
Section 75 (effect of planning permission)	<p>(a) In subsection (1) substitute—</p> <p>(i) "Any" for the words from "Without" to "any";</p> <p>(ii) "consent under a tree preservation order" for "planning permission to develop land";</p> <p>(iii) "the consent" for "the permission"; and</p> <p>(iv) "the land to which the order relates" for "the land".</p> <p>(b) Omit subsections (2) and (3).</p>
Section 78 (right to appeal against planning decisions)	<p>(a) In subsection (1) substitute—</p>

<p>and failure to take such decisions)</p>	<ul style="list-style-type: none"> <li>(i) "the authority" for "a local planning authority";</li> <li>(ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;</li> <li>(iii) "consent under such an order" for "planning permission" in the second place where those words appear;</li> <li>(iv) for paragraph (c) substitute— <ul style="list-style-type: none"> <li>"(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</li> <li>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,".</li> </ul> </li> </ul> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute—</p> <p style="padding-left: 40px;">"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <ul style="list-style-type: none"> <li>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;</li> <li>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."</li> </ul> <p>(d) For subsection (4), substitute—</p> <p style="padding-left: 40px;">"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."</p>
--	--

	<p>(e) For subsection (5), substitute—</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> <li>(i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</li> <li>(ii) “consent under a tree preservation order” for “planning permission”; and</li> <li>(iii) “the authority” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”.</li> </ul> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

**PART II**  
**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,**  
**AS ADAPTED AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**



Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

## **Section 78**

(1) Where the authority—

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

## **Section 79**

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.



# Carlisle Council

Arboricultural report: Garlands Hospital TPO  
review (No.148 & 247)

CCCTPO01/2019

SG/MD01 Revision 0.1

March 2019

ameyconsulting



## Document Control Sheet

<b>Project Name:</b>	Carlisle City Council
<b>Project Number:</b>	CCCTPO01/2019
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## Executive summary

Amey Consulting has been instructed by Carlisle City Council to undertake a Tree Preservation Order (TPO) evaluation of TPO no's 148 and 247. These TPOs encompass the former Garlands Hospital site, Carlisle. The results of the survey have been compiled in this report.

The TPO's were placed in July 1999 and there has been extensive development of the site since then. Therefore, an evaluation of the tree's current suitability for protection has been requested. Many trees have also been removed in this time so the tree schedule requires updating.

The trees were evaluated using TEMPO: Tree Evaluation Method for Preservation Orders. TEMPO has been specifically designed as a means of justifying the validity or not of existing TPOs. Using a five-stage scoring system, the results of which are added together to equate to one of five further categories that judge the qualitative merit of the TPO. The first three of these categories state that the TPO should no longer apply, whilst the latter two justify its current validity.

See Appendix D for the TEMPO decision guide, which details more information on the methodology and development of the system and Appendix E for the TEMPO data sheet used during the survey to calculate TPO scores and validity.

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# **1 Introduction**

## **1.1 Instruction**

- 1.1.1 Amey Consulting has been instructed by Carlisle City Council to undertake a Tree Preservation Order (TPO) evaluation of TPO no's 148 and 247 at the former Garlands Hospital site, Carlisle CA1 3GJ and from 1999 (when the TPOs were raised) there has been extensive development. Therefore, a review was required to update the validity of the order. The findings of the survey are presented in Appendix C TPO Evaluation Results: Garlands Hospital.
- 1.1.2 The purpose of this evaluation is to determine whether the existing trees continue to merit the statutory protection provided by the TPO.

## **1.2 Report limitations**

- 1.2.1 Visual tree assessment has been carried out only to aid the decision-making process with regard to TPO retention and does not constitute a detailed tree condition survey.
- 1.2.2 Trees are living organisms, the health and condition of which can change rapidly. The health, condition and safety of trees should be checked on a regular basis, preferably annually. The conclusions and recommendations in this report are valid for a period of one year from the date of this report. This period of validity may be reduced in the case of any change in conditions of or in proximity to the trees.

## **1.3 Survey methodology**

- 1.3.1 This survey was carried out by arboriculturalists who have significant experience and technical knowledge within the arboricultural industry.
- 1.3.2 The methodology which was used to evaluate the trees was based on the Tree Evaluation Method for Preservation Orders (TEMPO). See Appendix D Tree survey data sheet and decision guide.
- 1.3.3 The approximate position of the trees inspected is indicated in Appendix B: Tree Location Plan.
- 1.3.4 All trees were inspected from ground level and identified as comprising a group or an individual tree. Trees in groups have been referenced by the prefix G on the tree location plan.

- 1.3.5 The findings of this survey have been recorded in tabulated format in Appendix C: TPO Evaluation Results: Garlands Hospital.
- 1.3.6 See Appendix A TEMPO – Key to terminology for an explanation of scoring and evaluation

## 2 Findings

### 2.1 Summary of findings

- 2.1.1 An evaluation of the existing trees at the former Garlands Hospital site which are included as part of TPO numbers 148 and 247 was carried out on the 18<sup>th</sup> & 19<sup>th</sup> February 2019. Recommendations have been provided based on the TEMPO method as to whether these trees still merit protection.
- 2.1.2 These results can be seen in full in appendix C. In summary 252 features (trees & tree groups) were assessed. In 68 instances no trees were found, presumably removed. Of the remaining 184 features TPO protection was considered valid in 155 instances and not valid in the the other 29 instances.
- 2.1.3 The site has a lot of mature tree cover despite historical losses to facilitate the private residential development.



**Photo 1 Rear of Cherry Lane**



**Photo 2 Sycamore Lane**

- 2.1.4 Generally, the site appears well managed and the majority of trees still merit protection. Many trees were removed to facilitate the development of private housing and some mature trees appear to have failed in recent years following adverse weather. The perceived threat from further development is unknown at this time.
- 2.1.5 Recent felling work was noted within G4 and G6 of TPO 247.





**Photo 3 G6 (TPO 247) Photo 4 G2 (TPO 247)**

- 2.1.6 There appears to be some potential for replanting / landscaping to the south west of Twickenham Court following recent tree failures and felling work. See below.



**Photo 5 Twickenham Court**

- 2.1.7 Recommendation: add a group of mature, prominent trees to the rear of The Coppice (NHS building) as they appear to have been omitted from the original TPO. This can be seen as G14 on TPO 247 site plan.



**Photo 6 G14**

2.1.8 Recommendation: adding three individual trees (T56A, T71A & T112A) which are of a significant size and satisfactory condition but were not included in the original TPO.

## Appendix A      TEMPO – Key to terminology

TEMPO: Key to Terminology			
Term	Explanation	Scores	
Amenity Score	Amenity assessment – Condition and suitability for TPO	5 – Good	Highly suitable
		3 – Fair/satisfactory	Suitable
		1 – Poor	Unlikely to be suitable
		0 – Dead/dying/dangerous	Unsuitable
Retention Score	Retention span (in years) & suitability for TPO	100+	Highly suitable
		40-100	Very suitable
		20-40	Suitable
		10-20	Just suitable
		<10	Unsuitable
Visibility Score	Relative public visibility and suitable for TPO	5 - Very large trees with some visibility or prominent large trees	Highly suitable
		4 – Large trees or medium trees clearly visible to the public	Suitable
		3 – Medium trees or large trees with limited view only	Suitable
		2 – Young, small or medium/large trees visible only with difficulty	Barely suitable
		1 – Trees not visible to the public, regardless of size	Probably unsuitable
Other Factors	*Trees must have accrued 7 or more points (with no zero score) to qualify	5 – Principal components of formal arboricultural features, or veteran trees	
		4 – Tree groups, or principal members of groups important for their cohesion	
		3 – Trees with identifiable historic, commemorative or habitat importance	
		2 – Trees of particularly good form, especially if rare or unusual	
		1 – Trees with none of the above additional redeeming features (inc. those of indifferent form)	
		-1 – Trees with poor form or which are generally unsuitable for their location	
Expediency Score	*Trees must have accrued 10 or more points to qualify	5 – Immediate threat to tree including s.211 notice	
		3 – Foreseeable threat to tree	
		2 – Perceived threat to tree	
		1 – Precautionary only	
Decision		Any 0	Do not apply TPO
		1-6	TPO Indefensible
		7-11	Does not merit TPO
		12-15	TPO defensible
		16+	Definitely merits TPO











## Appendix C TPO Evaluation Results: Garlands Hospital

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	1	Oak ( <i>Quercus spp.</i> )	5	5	4	3	1	18	Definitely merits TPO	Good / Highly Suitable	Large, prominent tree
148	2	Lime ( <i>Tilia spp.</i> )	1	2	3	-	-	6	TPO index favorable	Poor / Unlikely to be suitable	Close proximity to residential property. Potential for future conflict
148	3	Oak ( <i>Quercus spp.</i> )	5	4	4	2	1	16	Definitely merits TPO	Good / Highly Suitable	Limited access. Dead wood in crown
148	4	Oak ( <i>Quercus spp.</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Limited access
148	5	Oak ( <i>Quercus spp.</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Limited access
148	6	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Limited access
148	7	Austrian Pine ( <i>Pinus nigra</i> )	5	4	3	1	1	14	TPO defensible	Good / Highly Suitable	Large, prominent evergreen tree
148	8	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Minor dead wood in crown
148	9	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	3	2	3	3	1	12	TPO defensible	Fair/Satisfactory / Suitable	Woodpecker hole on stem
148	10	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Minor dead wood in crown
148	11	N/A						0	No tree		
148	12	N/A						0	No tree		

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	13	Lime ( <i>Tilia spp.</i> )	5	4	3	2	1	15	TPO defensible	Good / Highly Suitable	Good form
148	14	Lime ( <i>Tilia spp.</i> )	5	4	3	1	1	14	TPO defensible	Good / Highly Suitable	Good form
148	15	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Ivy covered stem
148	16	Wellingtonia ( <i>Sequoiadendron giganteum</i> )	5	5	4	4	1	19	Definitely merits TPO	Good / Highly Suitable	Large, unusual species. Relatively prominent
148	17	Wellingtonia ( <i>Sequoiadendron giganteum</i> )	5	5	4	4	1	19	Definitely merits TPO	Good / Highly Suitable	Large, unusual species. Relatively prominent
148	18	N/A						0	No tree		
148	19	N/A						0	No tree		
148	20	N/A						0	No tree		
148	21	N/A						0	No tree		
148	22	N/A						0	No tree		
148	23	Norway Maple ( <i>Acer platanoides</i> )	3	2	3	1	-	9	Does not merit TPO	Unsuitable	Small tree, probably a replacement
148	24	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	5	4	3	1	1	14	TPO defensible	Good / Highly Suitable	Minor bacterial canker present
148	25	Red Horse Chestnut ( <i>Aesculus x carnea</i> )	1	2	3	-	-	6	TPO indefensible	Poor / Unlikely to be suitable	Stem canker / bark necrosis around graft point



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	26	Norway Maple ( <i>Acer platanoides</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Tree forms part of significant linear group
148	27	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Minor dead wood in crown
148	28	N/A						0	No tree		
148	29	Sweet Chestnut ( <i>Castanea sativa</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Large mature tree
148	30	Lime ( <i>Tilia spp.</i> )	4	5	3	1	1	14	TPO defensible	Fair/Satisfactory / Suitable	Minor dead wood in crown
148	31	Beech ( <i>Fagus sylvatica</i> )	3	2	3	1	1	10	Does not merit TPO	Fair/Satisfactory / Suitable	Poor form. Somewhat suppressed
148	32	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Tree forms part of significant linear group
148	33	Lime ( <i>Tilia spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Tree forms part of significant linear group

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	34	Norway Maple ( <i>Acer platanoides</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Tree forms part of significant linear group
148	35	Silver Birch ( <i>Betula pendula</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Tree in communal grassed area
148	36	N/A						0	No tree		
148	37	N/A						0	No tree		
148	38	N/A						0	No tree		
148	39	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	2	1	14	TPO defensible	Fair/Satisfactory / Suitable	Tree in communal grassed area

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	40	Sycamore ( <i>Acer pseudoplatanus</i> )	1	4	3	1	-	9	Does not merit TPO	Poor / Unlikely to be suitable	Tree in communal grassed area
148	41	Red Horse Chestnut ( <i>Aesculus x carnea</i> )	3	4	4	2	1	14	TPO defensible	Fair/Satisfactory / Suitable	Compact form
148	42	N/A						0	No tree		
148	43	N/A						0	No tree		
148	44	N/A						0	No tree		
148	45	N/A						0	No tree		
148	46	N/A						0	No tree		
148	47	N/A						0	No tree		
148	48	Lime ( <i>Tilia spp.</i> )	5	5	4	2	1	17	Definitely merits TPO	Good / Highly Suitable	Tree in communal grassed area
148	49	N/A						0	No tree		Windblown tree



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	50	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Tree in communal grassed area
148	51	Beech ( <i>Fagus sylvatica</i> )	3	2	3	1	-	9	Does not merit TPO	Fair/Satisfactory / Suitable	Fungal bracket @ 3m. Limited safe useful life expectancy
148	52	Sycamore ( <i>Acer pseudoplatanus</i> )	1	2	3	-	-	6	TPO indefensible	Poor / Unlikely to be suitable	Appears in poor vigour - salt bin @ base
148	53	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	2	1	14	TPO defensible	Fair/Satisfactory / Suitable	Tree in communal grassed area
148	54	Aspen ( <i>Populus tremula</i> )	3	2	2	1	-	8	Does not merit TPO	Fair/Satisfactory / Suitable	Dead wood in crown. Previous branch failures
148	55	Lawson Cypress ( <i>Chamaecyparis lawsoniana</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Typical form for species
148	56	Common Fir ( <i>Abies spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Typical form for species
148	56A	Lawson Cypress ( <i>Chamaecyparis lawsoniana</i> )	1	2	3	-	-	6	TPO indefensible	Poor / Unlikely to be suitable	Previous limb failure
148	57	N/A						0	No tree		
148	58	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	2	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Tree in communal grassed area
148	59	Horse chestnut ( <i>Aesculus hippocastanum</i> )	5	4	4	2	1	16	Definitely merits TPO	Good / Highly Suitable	Good form. Large prominent tree
148	60	Holly ( <i>Ilex spp.</i> )	1	5	2	1	-	9	Does not merit TPO	Poor / Unlikely to be suitable	Tree within hedgerow

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	61	Beech ( <i>Fagus sylvatica</i> )	5	5	4	1	1	16	Definitely merits TPO	Good / Highly Suitable	Large prominent tree
148	62	Lime ( <i>Tilia spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Roadside tree
148	63	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Roadside tree
148	64	N/A						0	No tree		
148	65	Oak ( <i>Quercus spp.</i> )	3	5	3	2	1	14	TPO defensible	Fair/Satisfactory / Suitable	Roadside tree
148	66	Beech ( <i>Fagus sylvatica</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Roadside tree
148	67	N/A						0	No tree		
148	68	Lime ( <i>Tilia spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Roadside tree
148	69	N/A						0	No tree		
148	70	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	5	4	3	1	1	14	TPO defensible	Good / Highly Suitable	Roadside tree
148	71	Holly ( <i>Ilex spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Significant size for species
148	71A	Holly ( <i>Ilex spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Significant size for species
148	72	Holly ( <i>Ilex spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Significant size for species
148	73	Whitebeam ( <i>Sorbus aria</i> )	1	4	2	1	-	8	Does not merit TPO	Poor / Unlikely to be suitable	Small/medium tree
148	74	N/A						0	No tree		
148	75	N/A						0	No tree		



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	76	N/A						0	No tree		
148	77	N/A						0	No tree		
148	78	N/A						0	No tree		
148	79	N/A						0	No tree		
148	80	Lime ( <i>Tilia spp.</i> )	3	5	4	1	1	14	TPO defensible	Fair/Satisfactory / Suitable	Prominent tree
148	81	N/A						0	No tree		
148	82	N/A						0	No tree		
148	83	N/A						0	No tree		
148	84	Lime ( <i>Tilia spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Tree forms part of significant linear group
148	85	Sycamore ( <i>Acer pseudoplatanus</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Tree forms part of significant linear group
148	86	Norway Maple ( <i>Acer platanoides</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Tree forms part of significant linear group
148	87	N/A						0	No tree		
148	88	Norway Maple ( <i>Acer platanoides</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Tree forms part of significant linear group
148	89	Lime ( <i>Tilia spp.</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Tree forms part of significant linear group
148	90	N/A						0	No tree		
148	91	N/A						0	No tree		
148	92	N/A						0	No tree		
148	93	N/A						0	No tree		
148	94	N/A						0	No tree		
148	95	Sweet Chestnut ( <i>Castanea sativa</i> )	1	5	2	1	-	9	Does not merit TPO	Unlikely to be suitable	Semi-mature tree in centre of turning circle with residential cul de sac

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	96	N/A						0	No tree		
148	97	N/A						0	No tree		
148	98	N/A						0	No tree		
148	99	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Compact form
148	100	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Compact form
148	101	Lime ( <i>Tilia spp.</i> )	5	5	4	1	1	16	Definitely merits TPO	Good / Highly Suitable	Tall tree
148	102	Oak ( <i>Quercus spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Recent branch failures
148	103	Oak ( <i>Quercus spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Tall trees
148	104	N/A						0	No tree		
148	105	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	2	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	106	Beech ( <i>Fagus sylvatica</i> )	5	5	5	2	1	18	Definitely merits TPO	Good / Highly Suitable	Part of roadside shelterbelt
148	107	Norway Spruce ( <i>Picea abies</i> )	3	4	3	2	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	108	Lime ( <i>Tilia spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Part of roadside shelterbelt
148	109	Sycamore ( <i>Acer pseudoplatanus</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Part of roadside shelterbelt
148	110	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	111	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	112	Lime ( <i>Tilia spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	112A	Yew ( <i>Taxus baccata</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Requires plotting
148	113	N/A						0	No tree		
148	114	N/A						0	No tree		
148	115	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	2	1	14	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	116	Oak ( <i>Quercus spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	117	Lawson Cypress ( <i>Chamaecyparis lawsoniana</i> )	3	4	2	2	1	12	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	118	Cherry Laurel ( <i>Prunus laurocerasus</i> )	1	2	2	-	-	5	TPO indefensible	Poor / Unlikely to be suitable	Small shrub
148	119	Silver Birch ( <i>Betula pendula</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	120	N/A						0	No tree		
148	121	Cherry Laurel ( <i>Prunus laurocerasus</i> )	3	4	2	2	1	12	TPO defensible	Fair/Satisfactory / Suitable	Good form and size for species
148	122	Silver Birch ( <i>Betula pendula</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	123	Holly ( <i>Ilex</i> spp.)	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Ornamental garden tree
148	124	N/A						0	No tree		
148	125	N/A						0	No tree		
148	126	Oak ( <i>Quercus</i> spp.)	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Front garden tree
148	127	Austrian Pine ( <i>Pinus nigra</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Good form for species
148	128	Beech ( <i>Fagus sylvatica</i> )	1	5	2	1	-	9	Does not merit TPO	Poor / Unlikely to be suitable	Poor form
148	129	Oak ( <i>Quercus</i> spp.)	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Front garden tree
148	130	Oak ( <i>Quercus</i> spp.)	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Front garden tree
148	131	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	5	4	3	1	1	14	TPO defensible	Good / Highly Suitable	Corner of churchyard
148	132	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Medium sized tree
148	133	Sycamore ( <i>Acer pseudoplatanus</i> )	1	2	3	-	-	6	TPO indefensible	Poor / Unlikely to be suitable	Medium sized tree
148	134	N/A						0	No tree		
148	135	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	136	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	137	N/A						0	No tree		



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	138	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	139	Sycamore ( <i>Acer pseudoplatanus</i> )	0	0	2	-	-	2	Do not apply TPO	Dead/Dying/Dangerous / Unsuitable	In decline/dead
148	140	N/A						0	No tree		
148	141	N/A						0	No tree		
148	142	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	143	N/A						0	No tree		
148	144	Beech ( <i>Fagus sylvatica</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	145	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	146	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	147	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Rear garden tree
148	148	Scots Pine ( <i>Pinus sylvestris</i> )	5	5	4	2	1	17	Definitely merits TPO	Good / Highly Suitable	Rear garden tree
148	149	N/A						0	No tree		
148	150	N/A						0	No tree		
148	151	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	5	4	4	2	1	16	Definitely merits TPO	Good / Highly Suitable	Roadside shelterbelt tree
148	152	N/A						0	No tree		



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	153	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	3	2	3	1	-	9	Does not merit TPO	Fair/Satisfactory / Suitable	Cavity within stem
148	154	Lime ( <i>Tilia spp.</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Large tree
148	155	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	156	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	3	4	4	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	157	N/A						0	No tree		
148	158	Holly ( <i>Ilex spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	159	N/A						0	No tree		Recently windblown
148	160	Yew ( <i>Taxus baccata</i> )	0	5	3	-	-	8	Do not apply TPO	Unsuitable	Young tree, probably a replacement
148	161	Yew ( <i>Taxus baccata</i> )	1	5	3	1	1	11	TPO defensible	Poor / Unlikely to be suitable	Small tree
148	162	Yew ( <i>Taxus baccata</i> )	1	5	2	1	-	9	Does not merit TPO	Unlikely to be suitable	Small tree
148	163	Yew ( <i>Taxus baccata</i> )	1	5	2	1	-	9	Does not merit TPO	Unlikely to be suitable	Small tree
148	164	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Roadside shelterbelt tree
148	165	Beech ( <i>Fagus sylvatica</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Roadside shelterbelt tree
148	166	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Roadside shelterbelt tree

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	167	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Roadside shelterbelt tree
148	168	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Roadside shelterbelt tree
148	169	Beech ( <i>Fagus sylvatica</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Large prominent mature tree
148	170	Beech ( <i>Fagus sylvatica</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	
148	171	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Co-dominant stems with included bark. Good reaction wood shown
148	172	N/A						0	No tree		
148	173	Beech ( <i>Fagus sylvatica</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Large mature tree to rear of private housing
148	174	Sycamore ( <i>Acer pseudoplatanus</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Large mature tree to rear of private housing
148	175	Beech ( <i>Fagus sylvatica</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Large tree within rear garden of chapel cottage
148	176	Beech ( <i>Fagus sylvatica</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Large tree within rear garden of chapel cottage
148	177	Beech ( <i>Fagus sylvatica</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Large tree to side of chapel cottage
148	178	N/A						0	No tree		
148	179	Sycamore ( <i>Acer pseudoplatanus</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	180	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Large tree



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	181	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	
148	182	Lime ( <i>Tilia spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	
148	183	N/A						0	No tree		
148	184	N/A						0	No tree		
148	185	Yew ( <i>Taxus baccata</i> )	1	4	2	1	-	8	Does not merit TPO	Unlikely to be suitable	Small Irish yew
148	186	Yew ( <i>Taxus baccata</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Typical middle-aged churchyard yew
148	187	Yew ( <i>Taxus baccata</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Typical middle-aged churchyard yew
148	188	N/A						0	No tree		
148	189	Yew ( <i>Taxus baccata</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Typical middle-aged churchyard yew
148	190	Silver Birch ( <i>Betula pendula</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Good upright form
148	191	Beech ( <i>Fagus sylvatica</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Large mature tree to rear of private housing
148	192	Beech ( <i>Fagus sylvatica</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Included bark present
148	193	N/A						0	No tree		
148	194	Beech ( <i>Fagus sylvatica</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Large tree
148	195	Beech ( <i>Fagus sylvatica</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Large tree
148	196	N/A						0	No tree		

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	197	Beech ( <i>Fagus sylvatica</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	198	Beech ( <i>Fagus sylvatica</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	199	Lime ( <i>Tilia spp.</i> )	3	4	4	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	
148	200	Lime ( <i>Tilia spp.</i> )	1	2	3	-	-	6	TPO indefensible	Poor / Unlikely to be suitable	Poor condition
148	201	Lime ( <i>Tilia spp.</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	202	Lime ( <i>Tilia spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Good form for species
148	203	Lime ( <i>Tilia spp.</i> )	3	5	3	2	1	14	TPO defensible	Fair/Satisfactory / Suitable	Large tree
148	204	Lime ( <i>Tilia spp.</i> )	5	5	3	2	1	16	Definitely merits TPO	Good / Highly Suitable	Part of roadside shelterbelt
148	205	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	206	Sycamore ( <i>Acer pseudoplatanus</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Part of roadside shelterbelt
148	207	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	1	4	2	1	-	8	Does not merit TPO	Poor / Unlikely to be suitable	Poor form
148	208	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	209	Sweet Chestnut ( <i>Castanea sativa</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	210	Beech ( <i>Fagus sylvatica</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	211	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	212	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	1	5	3	1	1	11	Does not merit TPO	Poor / Unlikely to be suitable	Poor form
148	213	Lime ( <i>Tilia spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	214	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	2	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	215	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	216	Norway Maple ( <i>Acer platanoides</i> )	1	4	3	1	-	9	Does not merit TPO	Poor / Unlikely to be suitable	Poor form
148	217	Norway Maple ( <i>Acer platanoides</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	218	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Part of roadside shelterbelt
148	219	Sycamore ( <i>Acer pseudoplatanus</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	Tree in grounds of rugby club
148	220	Lime ( <i>Tilia spp.</i> )	3	5	3	2	1	14	TPO defensible	Fair/Satisfactory / Suitable	Tree in grounds of rugby club
148	221	N/A						0	No tree		
148	222	Sycamore ( <i>Acer pseudoplatanus</i> )	1	4	3	1	-	9	Does not merit TPO	Poor / Unlikely to be suitable	Poor form. Rear of rugby club car park
148	223	Sycamore ( <i>Acer pseudoplatanus</i> )	5	5	3	1	1	15	TPO defensible	Good / Highly Suitable	Tree in grounds of rugby club



TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
148	224	N/A						0	No tree		
148	225	N/A						0	No tree		
148	226	N/A						0	No tree		
148	227	N/A						0	No tree		

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
<b>NEW SECTION</b>											
247	G1	Mixed Species	5	4	3	1	1	14	TPO defensible	Good / Highly Suitable	Oak, Sycamore, Birch, Pine, Horse Chestnut
247	G2	Mixed Species	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Sycamore Holly, Birch, Pine
247	T1	Oak ( <i>Quercus spp.</i> )	5	5	1	1	1	13	TPO defensible	Good / Highly Suitable	Large tree
247	G3	Mixed Species	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Pine, Birch, Horse Chestnut, Beech
247	T2	Yellow Buckeye ( <i>Aesculus flava</i> )	3	4	1	1	-	9	Does not merit TPO	Fair	Semi-mature unusual species however, limited visibility
247	G4	Mixed Species	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Sweet Chestnut, Horse Chestnut, Lime, Larch, Pine, Beech, Holly, Norway Maple, Elm, Oak, Sycamore. Land managed for recreation i.e. some trees cleared to create paths
247	T3	Horse Chestnut ( <i>Aesculus hippocastanum</i> )	1	4	3	1	-	9	Does not merit TPO	Poor / Unlikely to be suitable	Suppressed by T4
247	T4	Oak ( <i>Quercus spp.</i> )	5	5	4	4	1	19	Definitely merits TPO	Good / Highly Suitable	Very Large tree
247	T5	Lime ( <i>Tilia spp.</i> )	3	5	3	1	1	13	TPO defensible	Fair/Satisfactory / Suitable	
247	G5	Mixed Species	5	4	3	1	1	14	TPO defensible	Good / Highly Suitable	Oak, Norway Maple, Lime, Birch, Cypress, Pine, Larch, Ash
247	G6	Mixed species	5	4	3	4	3	19	Definitely merits TPO	Good / Highly Suitable	Cypress, Holly, Birch, Sycamore, Poplar, Pine, Larch, Ash.

TPO Ref Number	Tree/Group Number	Species	Amenity Score	Retention Score	Visibility Score	Other Factors	Expediency Score	Total Score	Decision	Condition	Comments
											Recent felling work noted
247	T6	Silver Birch ( <i>Betula pendula</i> )	1	4	3	1	-	9	Does not merit TPO	Poor / Unlikely to be suitable	Medium tree of typical form for species
247	T7	Sycamore ( <i>Acer pseudoplatanus</i> )	5	5	4	1	1	16	Definitely merits TPO	Fair/Satisfactory / Suitable	Roadside tree
247	T8	Manna Ash ( <i>Fraxinus ornus</i> )	3	4	3	3	1	14	TPO defensible	Fair/Satisfactory / Suitable	Grafting of main stem
247	G7	Mixed species	3	5	3	4	1	16	Definitely merits TPO	Fair/Satisfactory / Suitable	Pine, Horse Chestnut, Cypress
247	G8	Mixed species	3	4	3	4	1	15	TPO defensible	Fair/Satisfactory / Suitable	Norway Maple, Lime, Pine, Horse Chestnut
247	G9	Mixed species	5	4	4	4	1	18	Definitely merits TPO	Good / Highly Suitable	Sycamore, Pine, Horse Chestnut, Larch, Birch, Lime, Oak, Elm
247	G10	Mixed species	5	4	4	4	1	18	Definitely merits TPO	Good / Highly Suitable	Lime, Pine
247	G11	Mixed species	5	4	4	4	1	18	Definitely merits TPO	Good / Highly Suitable	Lime, Sycamore
247	G12	Mixed species	5	4	4	4	1	18	Definitely merits TPO	Good / Highly Suitable	Lime, Sycamore, Lime Oak, Sweet Chestnut
247	G13	Mixed species	3	4	3	1	1	12	TPO defensible	Fair/Satisfactory / Suitable	Cherry, Lime, Birch, Horse Chestnut, Pine, Oak
247	*G14	Mixed species	3	5	4	4	1	17	Definitely merits TPO	Fair/Satisfactory / Suitable	Suggested new group to add to existing TPO247. Sycamore, Oak, Beech, Norway maple & Scots pine



## Appendix D      TEMPO: Guidance Note and Decision Guide

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS: TEMPO

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

Part 1 is the Amenity Assessment

Part 2 is the Expediency Assessment

Part 3 is the Decision Guide

These parts are set out and function as follows:

#### Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which are related to suitability for TPO:

- a) Condition
- b) Retention span
- c) Relative public visibility
- d) Other factors

#### Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

### Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO

Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice

- 1-6 TPO indefensible

This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected

- 7-10 Does not merit TPO

This covers trees which *have* qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention

- 11-14 Possibly merits TPO

This applies to trees that have qualified under all sections but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'

- 15+ Definitely merits TPO

Trees scoring 15 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

### Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.



From the consultants' perspective, it is also an effective way of testing the suitability of newly applied TPOs, to see whether they have been misapplied, or it can be used to support a request to make a TPO in respect of trees at risk, for example from adjacent development.

TEMPO does not seek to attach any monetary significance to the derived score: the author recommends the use of the Helliwell System where this is the objective.

## Appendix E Survey Data Sheet

### TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

#### SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>Tree details</b>            TPO Ref (if applicable):            Owner (if known):         </div> <div style="width: 45%;">           Tree/Group No:            Location:         </div> <div style="width: 10%;">           Species:         </div> </div>	

#### REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

##### Part 1: Amenity assessment

###### a) Condition & suitability for TPO

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly suitable         |
| 3) Fair/satisfactory     | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable              |

Score & Notes

\* Relates to existing context and is intended to apply to severe irremediable defects only

###### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

Score & Notes

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

###### c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees  | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable     |
| 1) Trees not visible to the public, regardless of size              | Probably unsuitable |

Score & Notes

###### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                     |
|--|---------------------|
| 5) Principal components of formal arboricultural features, or veteran trees                    | Highly suitable     |
| 4) Tree groups, or principal members of groups important for their cohesion                    | Suitable            |
| 3) Trees with identifiable historic, commemorative or habitat importance                       | Suitable            |
| 2) Trees of particularly good form, especially if rare or unusual                              | Barely suitable     |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | Probably unsuitable |
| -1) Trees with poor form or which are generally unsuitable for their location                  |                     |

Score & Notes

##### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |   |                 |
|---|-----------------|
| 5) Immediate threat to tree inc. s.211 Notice | Highly suitable |
| 3) Foreseeable threat to tree                 | Suitable        |
| 2) Perceived threat to tree                   | Suitable        |
| 1) Precautionary only                         | Barely suitable |

Score & Notes

##### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add Scores for Total:

Decision:

## Appendix F References:

'Amenity Valuation of Trees and Woodlands', DR Helliwell, Arboricultural Association 2003  
[the Helliwell System]

Part VIII of the Town and Country Planning Act 1990

Town and Country Planning (Trees) Regulations 1999

Part VIII of the Town and Country Planning Act 1990 as amended and in the Town and  
Country Planning (Tree Preservation) (England) Regulations 2012

BS3998: 2010 Recommendations for tree work

BS5837: 2012 Trees in Relation to Design, Demolition and Construction.  
Recommendations

TEMPO: Tree Evaluation Method for Preservation Orders 2009

'Tree Management', Leaflet No. 4, Arboricultural Association 1991 Helliwell op. cit.

'Tree Preservation Orders: A Guide to the Law and Good Practice', DETR 2000

'Veteran Trees: A Guide to Good Management', Helen Read, English Nature 2000



## **TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012**

### **Town and Country Planning Act 1990**

#### **The City Council of Carlisle**

#### **Land at Carleton Clinic, Carlisle – Tree Preservation Order 2019 (No.307)**

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

#### **Citation**

1. This Order may be cited as the Land at Carleton Clinic, Carlisle – Tree Preservation Order 2017 (No.307).

#### **Interpretation**

2.— (1) In this Order “the authority” means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### **Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

#### **Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197





### **VARIATION OF ORDER**

This Order was varied by The City Council of Carlisle on the                      day of                      by a  
variation order under reference number                      a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....  
Authorised by the Council to sign in that behalf

### **REVOCATION OF ORDER**

This Order was revoked by The City Council of Carlisle on the                      day of

Signed on behalf of The City Council of Carlisle

.....  
Authorised by the Council to sign in that behalf

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Grid Ref: 343351 553535
T4	Oak	Grid Ref: 343351 553649
T5	Lime	Grid Ref: 343346 553652
T7	Sycamore	Grid Ref: 343426 553730
T8	Manna Ash	Grid Ref: 343401 553727

#### Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
G	None	

#### Groups of trees

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	Oak, Sycamore, Birch, Pine, Horse Chestnut	Grid Ref: 343455 553498
G2	Sycamore, Holly, Birch Pine	Grid Ref: 343425 553528
G3	Pine, Birch, Horse Chestnut, Beech	Grid Ref: 343366 553514
G4	Sweet Chestnut, Horse Chestnut, Lime, Larch, Pine, Beech, Holly, Norway Maple, Elm, Oak, Sycamore	Grid Ref: 343282 553605
G5	Oak, Norway Maple, Lime, Birch, Cypress, Pine, Larch, Ash	Grid Ref: 343337 553673
G6	Cypress, Holly, Birch, Sycamore, Poplar, Pine, Larch, Ash	Grid Ref: 343424 553690
G7	Pine, Horse Chestnut, Cypress	Grid Ref: 343450 553643

G8	Norway Maple, Lime, Pine, Horse Chestnut	Grid Ref: 343445 553561
G9	Sycamore, Pine, Horse Chestnut, Larch, Birch, Lime, Oak, Elm	Grid Ref: 343469 553567
G10	Lime, Pine	Grid Ref: 343459 553639
G11	Lime, Sycamore	Grid Ref: 343435 553711
G12	Lime, Sycamore, Lime Oak, Sweet Chestnut	Grid Ref: 343435 553711
G13	Cherry, Lime, Birch, Horse Chestnut, Pine, Oak	Grid Ref: 343332 553689
G14	Sycamore, Oak, Beech, Norway Maple, Scots Pine	Grid Ref: 343402 553740

---

### Woodlands

(within a continuous black line on the map)

---

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W	None	

---

# **TREE PRESERVATION ORDER No. TPO 307**

## **LAND AT CARLETON CLINIC**

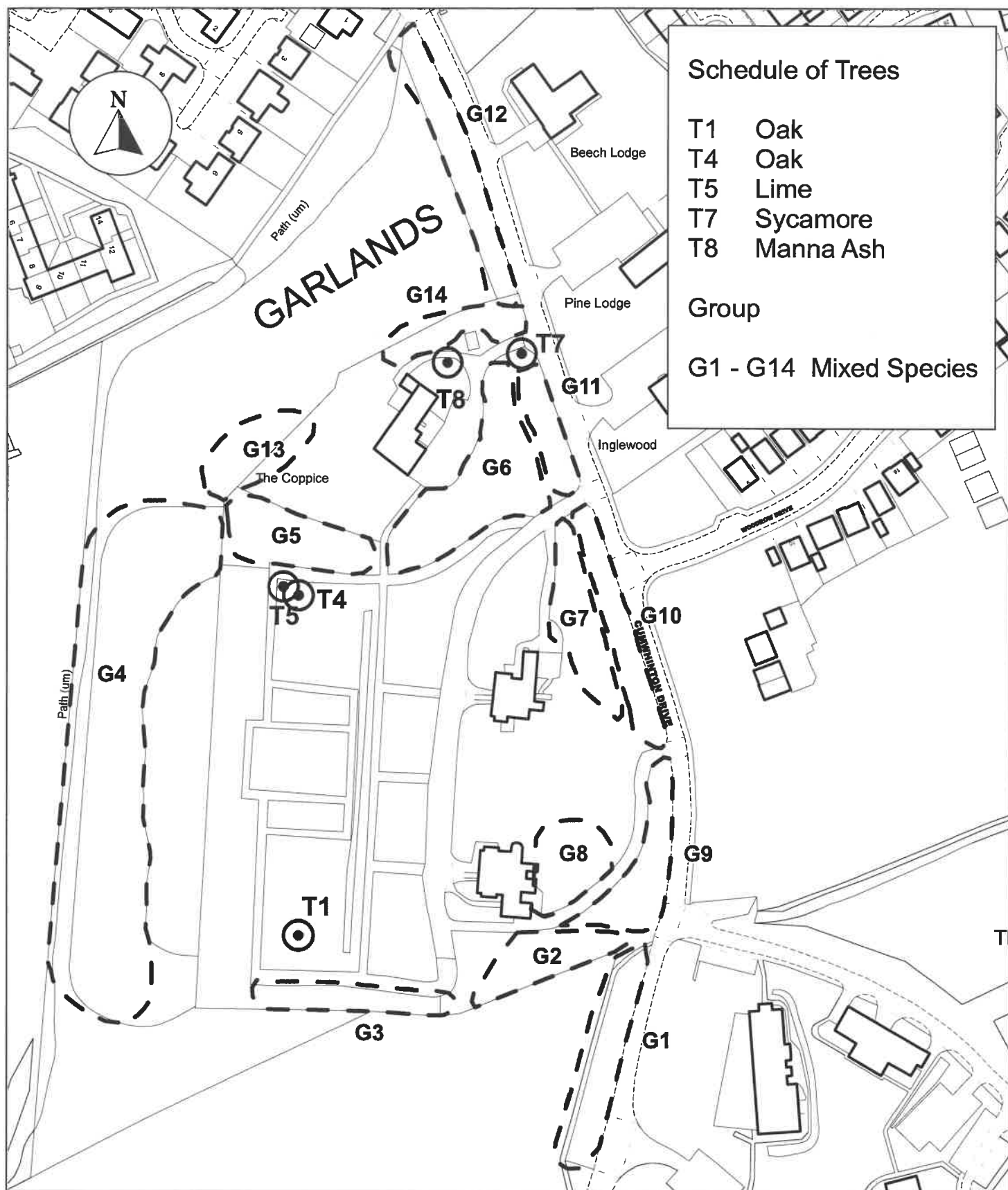
### **STATEMENT OF REASONS**

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The trees, by virtue of their form and size are prominent in the landscape and form a significant element in the character of the location. They are clearly visible from the road and are considered to be of significant visual amenity and landscape value to the locality.





Act 1990 Section 198(1)

**Tree Preservation Order Number 307**  
**Land at Carleton Clinic, to the west of**  
**Cumwhinton Drive, Carlisle**

Scale: 1 : 1750

Date: Sept 2019

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 ordnance survey LA100024459

Economic Development, Civic Centre, Carlisle, CA3 8QG  
 Page 385 of 410

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)  
REGULATIONS 2012**

**Town and Country Planning Act 1990**

**The City Council of Carlisle**

**Land at Garlands Estate, Carlisle – Tree Preservation Order 2019 (No.308)**

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

1. This Order may be cited as the Land at Garland Estate, Carlisle – Tree Preservation Order 2019 (No.308).

**Interpretation**

2.— (1) In this Order “the authority” means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.



## CONFIRMATION OF ORDER

**OR**

**Signed on behalf of The City Council of Carlisle**

## DECISION NOT TO CONFIRM ORDER

**Signed on behalf of The City Council of Carlisle**

## VARIATION OF ORDER

This Order was varied by The City Council of Carlisle on the                      day of                      by a  
variation order under reference number                      a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....  
Authorised by the Council to sign in that behalf

### **REVOCATION OF ORDER**

This Order was revoked by The City Council of Carlisle on the                      day of

Signed on behalf of The City Council of Carlisle

.....  
Authorised by the Council to sign in that behalf

## SCHEDULE

### Specification of trees

#### Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	43381 553849
T3	Oak	343364 553822
T4	Oak	343358 553814
T5	Oak	343354 553806
T6	Lime	343338 553783
T7	Austrian Pine	343334 553782
T8	Lime	343334 553777
T9	Horse Chestnut	343332 553775
T10	Lime	343329 553770
T13	Lime	343315 553767
T14	Lime	343299 553779
T15	Horse Chestnut	343294 553783
T16	Wellingtonia	343301 553789
T17	Wellingtonia	343289 553797
T24	Horse Chestnut	343287 553745
T26	Norway Maple	343271 553738
T27	Horse Chestnut	343261 553731
T29	Sweet Chestnut	343250 553726
T30	Lime	343243 553723
T32	Sycamore	343231 553717
T33	Lime	343225 553713
T34	Norway Maple	343220 553712
T35	Silver Birch	343216 553719
T39	Sycamore	343204 553714
T41	Red Horse Chestnut	343194 553732
T48	Lime	343169 553749
T50	Sycamore	343160 553753
T53	Sycamore	343157 553771
T55	Lawson Cypress	343188 553797
T56	Common Fir	343194 553794
T58	Sycamore	343193 553788
T59	Horse Chestnut	343197 553826
T61	Beech	343124 553781
T62	Lime	343114 553787
T63	Horse Chestnut	343104 553795
T65	Oak	343093 553805
T66	Beech	343087 553810
T68	Lime	343076 553829
T70	Horse Chestnut	343067 553848
T71	Holly	343063 553864
T71	Holly	343064 553861
T72	Holly	343058 553873
T80	Lime	343123 553800
T84	Lime	343129 553827
T85	Sycamore	343121 553832
T86	Norway Maple	343124 553842



T88	Norway Maple	343124	553852
T89	Lime	343125	553858
T99	Sycamore	343123	553918
T100	Sycamore	343121	553922
T101	Lime	343048	553921
T102	Oak	343052	553922
T103	Oak	343061	553926
T105	Sycamore	343086	553930
T106	Beech	343095	553941
T107	Norway Spruce	343099	553931
T108	Lime	343113	553946
T109	Sycamore	343117	553939
T110	Sycamore	343123	553946
T111	Sycamore	343131	553952
T112	Lime	343137	553945
T112	Yew	343144	553950
T115	Sycamore	343153	553957
T116	Oak	343164	553959
T117	Lawson Cypress	343169	553946
T119	Silver Birch	343172	553959
T121	Cherry Laurel	343181	553961
T122	Silver Birch	343168	553960
T123	Holly	343343	553887
T126	Oak	343357	553873
T127	Austrian Pine	343354	553865
T129	Oak	343365	553854
T130	Oak	343372	553860
T131	Horse Chestnut	343233	554037
T132	Sycamore	343236	554034
T135	Sycamore	343214	554032
T136	Sycamore	343212	554035
T138	Sycamore	343201	554029
T142	Sycamore	343184	554014
T144	Beech	343188	554003
T145	Sycamore	343185	554000
T146	Lime	343189	553994
T147	Sycamore	343185	553988
T148	Scots Pine	343180	553982
T151	Horse Chestnut	343143	553974
T154	Lime	343096	553957
T155	Lime	343081	553951
T156	Horse Chestnut	343067	553945
T158	Holly	343194	553997
T161	Yew	343213	553996
T164	Sycamore	343214	553974
T165	Beech	343219	553974
T166	Lime	343226	553973
T167	Lime	343234	553969
T168	Lime	343242	553967
T169	Beech	343239	553972
T170	Beech	343228	553988
T171	Sycamore	343227	553992
T173	Beech	343268	554001
T174	Sycamore	343264	554004
T175	Beech	343255	554007

T176	Beech	343248	554009
T177	Beech	343236	554004
T179	Sycamore	343251	554015
T180	Sycamore	343247	554022
T181	Sycamore	343241	554014
T182	Lime	343235	554017
T186	Yew	343227	554021
T187	Yew	343220	554021
T189	Yew	343212	554015
T190	Silver Birch	343208	554019
T191	Beech	343274	553995
T192	Beech	343282	553991
T194	Beech	343277	553987
T195	Beech	343266	553984
T197	Beech	343269	553977
T198	Beech	343264	553970
T199	Lime	343254	553963
T201	Lime	343274	553952
T202	Lime	343284	553957
T203	Lime	343272	553958
T204	Lime	343043	553881
T205	Sycamore	343037	553879
T206	Sycamore	343050	553861
T208	Sycamore	343050	553851
T209	Sweet Chestnut	343056	553847
T210	Beech	343060	553839
T211	Sycamore	343058	553832
T213	Lime	343066	553827
T214	Sycamore	343065	553821
T215	Sycamore	343069	553808
T217	Norway Maple	343071	553802
T218	Horse Chestnut	343076	553803
T219	Sycamore	343078	553790
T220	Lime	343088	553791
T223	Sycamore	343343	553780

#### **Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[A1]	None	

#### **Groups of trees**

(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
[G1]	None	

**Woodlands**

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
[W1}	None	

# **TREE PRESERVATION ORDER No. TPO 308 GARLANDS ESTATE**

## **STATEMENT OF REASONS**

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity to make provision for the protection of trees and woodlands in its area.

The guidance set out in the Department of the Environment Transport and the Regions document 'Tree Preservation Orders, A Guide to the Law and Good Practice' states that tree preservation orders should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The trees, by virtue of their form and size are prominent in the landscape and form a significant element in the character of the location. They are clearly visible from the road and are of significant visual amenity and landscape value to the locality.

Most of these trees are included within Preservation Order 148, made in 1999 prior to development. There have been several previous applications to work on trees in this area and, having reviewed this Order, it is now considered appropriate to continue to protect certain trees contained within the schedule of this new Order, 308.



Schedule of Trees

T1	Oak	T86	Norway Maple	T164	Sycamore
T3	Oak	T88	Norway Maple	T165	Beech
T4	Oak	T89	Lime	T166	Lime
T5	Oak	T90	Sycamore	T167	Lime
T6	Lime	T100	Sycamore	T168	Lime
T7	Austrian Pine	T101	Lime	T169	Beech
T8	Lime	T102	Oak	T170	Beech
T9	Horse Chestnut	T103	Oak	T171	Sycamore
T10	Lime	T105	Sycamore	T173	Beech
T13	Lime	T106	Beech	T174	Sycamore
T14	Lime	T107	Norway Spruce	T175	Beech
T15	Horse Chestnut	T108	Lime	T176	Beech
T16	Wellingtonia	T109	Sycamore	T177	Beech
T17	Wellingtonia	T110	Sycamore	T179	Sycamore
T24	Horse Chestnut	T111	Sycamore	T180	Sycamore
T26	Norway Maple	T112	Lime	T181	Sycamore
T27	Horse Chestnut	T112A	Yew	T182	Lime
T29	Sweet Chestnut	T115	Sycamore	T186	Yew
T30	Lime	T116	Oak	T187	Yew
T32	Sycamore	T117	Lawson Cypress	T189	Yew
T33	Lime	T119	Silver Birch	T190	Silver Birch
T34	Norway Maple	T121	Cherry Laurel	T191	Beech
T35	Silver Birch	T122	Silver Birch	T192	Beech
T39	Sycamore	T123	Holly	T194	Beech
T41	Red Horse Chestnut	T126	Oak	T195	Beech
T48	Lime	T127	Austrian Pine	T197	Beech
T50	Sycamore	T129	Oak	T198	Beech
T53	Sycamore	T130	Oak	T199	Lime
T55	Lawson Cypress	T131	Horse Chestnut	T201	Lime
T56	Common Fir	T132	Sycamore	T202	Lime
T58	Sycamore	T135	Sycamore	T203	Lime
T59	Horse Chestnut	T136	Sycamore	T204	Lime
T61	Beech	T138	Sycamore	T205	Sycamore
T62	Lime	T142	Sycamore	T206	Sycamore
T63	Horse Chestnut	T144	Beech	T208	Sycamore
T65	Oak	T145	Sycamore	T209	Sweet Chestnut
T66	Beech	T146	Lime	T210	Beech
T68	Lime	T147	Sycamore	T211	Sycamore
T70	Horse Chestnut	T148	Scots Pine	T213	Lime
T71	Holly	T151	Horse Chestnut	T214	Sycamore
T71A	Holly	T154	Lime	T215	Sycamore
T72	Holly	T155	Lime	T217	Norway Maple
T80	Lime	T156	Horse Chestnut	T218	Horse Chestnut
T84	Lime	T158	Holly	T219	Sycamore
T85	Sycamore	T161	Yew	T220	Lime
				T223	Sycamore

Group

G1 - Holly, Cypress, Whitebeam and Spruce

Act 1990 Section 198(1)

Tree Preservation Order Number 308  
Land at Garlands Estate, Carlisle

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**REPRESENTATION: TREE PRESERVATION ORDER 2019 ( No 308) – Land at Garlands Estate, Carlisle**

I wish to make a representation in relation to the above Order.

The representation relates to the trees located in the rear gardens of No 2, 4, 6 and 8 Pennine View, Carlisle which are subject of the previous Order (No 148) and also the new Order (No 308).

The plan which shows tree positions which forms part of the new Order is inaccurate in relation to the above mentioned properties on Pennine View and is currently not fit for purpose and as a consequence is unenforceable by the Council.

The actual position of the trees identified within the new Order are as follows:

2 Pennine View: T145, 146, 147 and 148;

4 Pennine View: T142 and 144;

6 Pennine View: No trees in garden;

8 Pennine View: T138.

The TPO consultation which was undertaken by Amey on Pennine View has failed to make a thorough assessment of the trees located in the rear gardens of the properties- the assessment took place from the kerbside of Pennine View which is approximately 50 metres from some of the trees. This has understandably lead to a flawed assessment of the tree locations and other factors which are considered as part of the TPO consultation.

With regard to other factors which should have been taken into account during the assessment to determine suitability for TPO I do not believe that the following points have been considered properly within the context of amenity value:

1. With regard to condition and sustainability, the trees in the rear gardens are generally in a fair to poor condition with some signs of decay;
2. They do not have a good retention span;
3. With regard to relative public visibility, the trees which are only partially visible over the tops of the bungalows;
4. The trees have poor form and are generally unsuitable for a small domestic garden, they have outgrown their environment – I understand that this has been acknowledged by Amey early on in the consultation;
5. From a public safety perspective, because the trees are generally not in good condition and are in excess of 20 metres in some cases, they are significantly affected by extremes of weather, particularly high winds. They have poor resilience. Some of the large trees are within 10 metres of the bungalows which is a source of deep concern to residents.

Whilst this representation relates on to properties on Pennine View, I believe that it casts some doubt as to the accuracy of the rest of the Order.

I would be grateful if the planning committee would give consideration to this representation when making their decision whether to include the trees located to the rear of Pennine View under the protection of TPO 308.

Thank you

**Sent:** Tuesday, October 1, 2019 8:39AM  
**To:** Susan Stashkiw [Susan.Stashkiw@carlisle.gov.uk](mailto:Susan.Stashkiw@carlisle.gov.uk)  
**Subject:** Re: TPO Review - Pennine View  
**Importance:** High

Sue,

Have looked at the Tree report and all the information provided and I am finding the TEMPO scoring inconsistent in places. Am not convinced that the rear garden trees have been correctly assessed and often they are difficult to assess from public land. Leans and defects such as weak unions would be difficult to spot.

### **Retention span**

Retention span seems to be higher scores than is possible certainly based on my knowledge and experience. We reviewed all the TPO's in Salford and South Lakes DC.

An example is T135 it has a retention score of 100+ years scoring 5. This is incorrect 100+ years for a middle aged sycamore tree in a rear garden in an exposed location. The score is more likely to be 1 or 2. The same applies to many of the trees on Pennine Way.

T136 has a retention span of 4 which is 40-100 which again wouldn't be my assumption. Both trees are indefensible for the TPO.

### **Relative public visibility & suitability for TPO**

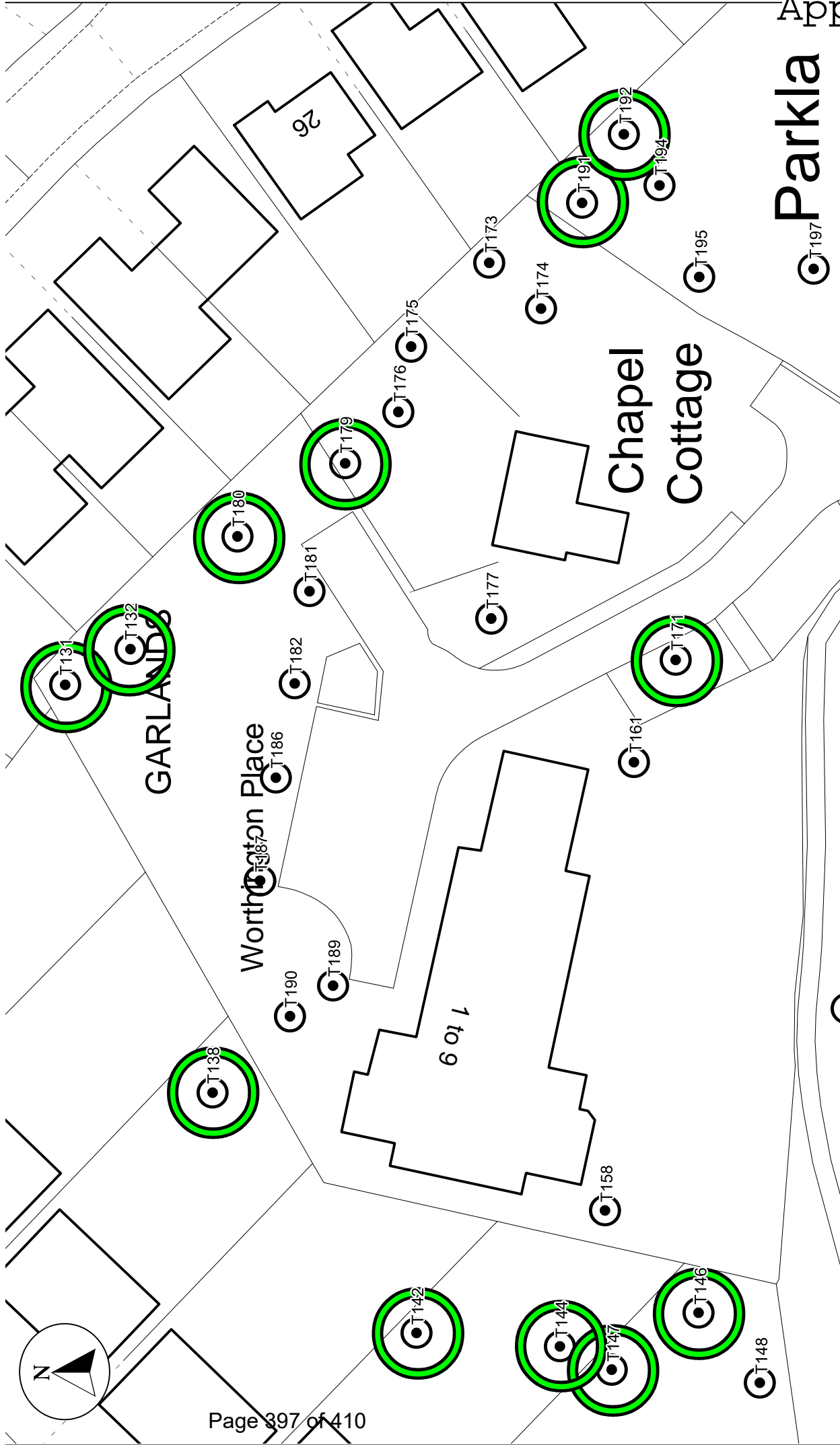
Many of the rear garden trees have very limited views and should score 2 or 3.

Where trees are indefensible / doesn't not merit a TPO the TPO's should be removed and perhaps issue a leaflet or letter to the property owners on the benefits of trees and replanting suitable species in their gardens. Including where they can find more information.

### **Summary**

The issue I have is that many residents have unsuitable trees of significant size in their rear gardens protected by a TPO that I believe Charles incorrectly applied.

Regards



**Key**

- Point
- Trees Not To Be Protected By TPO

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**CARLISLE CITY COUNCIL**  
 Economic Development  
 Civic Centre  
 Rickergate  
 Carlisle  
 CA3 8QG  
[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

Act 1990 Section 198(1)  
**Tree Preservation Order Number 308**  
 Land at Garlands Estate, Carlisle

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
------	-----------	------------------------

## **Tree details** Photos 28,29,30

TPO Ref (if applicable) T308

Owner (if known) Worthington Place  
Management Company

Tree 131 – Horse Chestnut

Location: Rear of Worthington Place  
(directly behind 14-16 Pennine View)

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### **a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

#### Scores & Notes

5

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Scores & Notes

2

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### **c) Relative public visibility & suitability for TPO**

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

#### Scores & Notes

3

#### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                     |
|--|---------------------|
| 5) Principal component of arboricultural feature, or veteran trees                       | Highly suitable     |
| 4) Tree groups, or members of groups important for their cohesion                        | Suitable            |
| 3) Trees with identifiable historic, commemorative or habitat importance                 | Suitable            |
| 2) Trees of particularly good form, especially if rare or unusual                        | Barely suitable     |
| 1) Trees with none of the above redeeming features (including those of indifferent form) | Probably unsuitable |
| -1) Trees with poor form or which are generally unsuitable for their location.           |                     |

#### Scores & Notes

-1

TOTAL

### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |                               |                 |
|-------------------------------|-----------------|
| 5) Immediate threat to tree   | Highly suitable |
| 3) Foreseeable threat to tree | Suitable        |
| 2) Perceived threat to tree   | Suitable        |
| 1) Precautionary only         | Barely suitable |

#### Scores & Notes

1

### **Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

10

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
------	-----------	------------------------

## **Tree details** Photos ,29,30

TPO Ref (if applicable) T308

Owner (if known) Worthington Place  
Management Company

Tree 132 – Sycamore

Location: Rear of Worthington Place  
(directly behind 14-16 Pennine View)

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### **a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

#### Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Scores & Notes

4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### **c) Relative public visibility & suitability for TPO**

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

#### Scores & Notes

3

#### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal component of arboricultural feature, or veteran trees                       | 5) Immediate threat to tree   |
| 4) Tree groups, or members of groups important for their cohesion                        | 3) Foreseeable threat to tree |
| 3) Trees with identifiable historic, commemorative or habitat importance                 | 2) Perceived threat to tree   |
| 2) Trees of particularly good form, especially if rare or unusual                        | 1) Precautionary only         |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location.           |                               |

#### Scores & Notes

-1

TOTAL

### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |                               |                               |
|-------------------------------|-------------------------------|
| 5) Immediate threat to tree   | 5) Immediate threat to tree   |
| 3) Foreseeable threat to tree | 3) Foreseeable threat to tree |
| 2) Perceived threat to tree   | 2) Perceived threat to tree   |
| 1) Precautionary only         | 1) Precautionary only         |

#### Scores & Notes

1

### **Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

10

Decision

Does not merit TPO



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date 25.10.19.

Surveyor: Sue Stashkiw

## Tree details *Photos 23*

TPO Ref (if applicable) T308

Owner (if known) 8 Pennine View

Tree 138 – Sycamore

Location: 8 Pennine View

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

#### Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Scores & Notes

2

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### c) Relative public visibility & suitability for TPO

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

#### Scores & Notes

3

#### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal component of arboricultural feature, or veteran trees                       | <div style="border: 1px solid black; padding: 5px;"> <p>Scores &amp; Notes</p> <p style="text-align: center;">-1</p> <p style="text-align: center;">TOTAL</p> </div> |
| 4) Tree groups, or members of groups important for their cohesion                        |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                 |  |
| 2) Trees of particularly good form, especially if rare or unusual                        |  |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |  |
- 1) Trees with poor form or which are generally unsuitable for their location.

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |                               |  |
|-------------------------------|--|
| 5) Immediate threat to tree   | <div style="border: 1px solid black; padding: 5px;"> <p>Scores &amp; Notes</p> <p>1</p> </div> |
| 3) Foreseeable threat to tree |  |
| 2) Perceived threat to tree   |  |
| 1) Precautionary only         |  |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

8

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date 25.10.19.

Surveyor: Sue Stashkiw

**Tree details** *Photos 10,11,16*  
TPO Ref (if applicable) T308  
Owner (if known) 4 Pennine View

Tree 142 – Sycamore  
Location: 4 Pennine View

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### **a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

Scores & Notes

4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### **c) Relative public visibility & suitability for TPO**

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

Scores & Notes

3

#### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal component of arboricultural feature, or veteran trees                       | <p>Scores &amp; Notes</p> <p>-1</p> <p>TOTAL</p> |
| 4) Tree groups, or members of groups important for their cohesion                        |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                 |  |
| 2) Trees of particularly good form, especially if rare or unusual                        |  |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |  |
| -1) Trees with poor form or which are generally unsuitable for their location.           |  |

### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |                               |                                    |
|-------------------------------|------------------------------------|
| 5) Immediate threat to tree   | <p>Scores &amp; Notes</p> <p>1</p> |
| 3) Foreseeable threat to tree |                                    |
| 2) Perceived threat to tree   |                                    |
| 1) Precautionary only         |                                    |

### **Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

10

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
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**Tree details** *Photos 12,13,14,15*  
TPO Ref (if applicable) T308  
Owner (if known) 4 Pennine View

Tree 144 Beech  
Location: 4 Pennine View

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

Scores & Notes

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

Scores & Notes

0 basal hole

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### c) Relative public visibility & suitability for TPO

\*Consider realistic potential for future visibility with changed land use.

- |  |                     |
|--|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public      | Suitable            |
| 3) Medium trees, or large trees with limited view only             | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty   | Barely suitable     |
| 1) Trees not visible to public regardless of size                  | Probably unsuitable |

Scores & Notes

#### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                |
|--|----------------|
| 5) Principal component of arboricultural feature, or veteran trees                       | Scores & Notes |
| 4) Tree groups, or members of groups important for their cohesion                        | TOTAL          |
| 3) Trees with identifiable historic, commemorative or habitat importance                 |                |
| 2) Trees of particularly good form, especially if rare or unusual                        |                |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |                |
| -1) Trees with poor form or which are generally unsuitable for their location.           |                |

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |                               |                |
|-------------------------------|----------------|
| 5) Immediate threat to tree   | Scores & Notes |
| 3) Foreseeable threat to tree | TOTAL          |
| 2) Perceived threat to tree   |                |
| 1) Precautionary only         |                |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date 25.10.19.

Surveyor: Sue Stashkiw

## Tree details Photos 20,21,27

TPO Ref (if applicable) T308

Owner (if known) 2 Pennine View

Tree 146 Lime

Location: 2 Pennine View

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

#### Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Scores & Notes

4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### c) Relative public visibility & suitability for TPO

\*Consider realistic potential for future visibility with changed land use.

- |  |                     |
|--|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public      | Suitable            |
| 3) Medium trees, or large trees with limited view only             | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty   | Barely suitable     |
| 1) Trees not visible to public regardless of size                  | Probably unsuitable |

#### Scores & Notes

3

#### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |  |
|--|--|
| 5) Principal component of arboricultural feature, or veteran trees                       |  |
| 4) Tree groups, or members of groups important for their cohesion                        |  |
| 3) Trees with identifiable historic, commemorative or habitat importance                 |  |
| 2) Trees of particularly good form, especially if rare or unusual                        |  |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |  |
| -1) Trees with poor form or which are generally unsuitable for their location.           |  |

#### Scores & Notes

-1

TOTAL

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |                               |
|-------------------------------|
| 5) Immediate threat to tree   |
| 3) Foreseeable threat to tree |
| 2) Perceived threat to tree   |
| 1) Precautionary only         |

#### Scores & Notes

1

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

10

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
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**Tree details**    *Photos 17,18,19,22,24,25,26*  
TPO Ref (if applicable) T308  
Owner (if known) 2 Pennine View

Tree 147    Sycamore  
Location: 2 Pennine View

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### **a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

Scores & Notes

2

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### **c) Relative public visibility & suitability for TPO**

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

Scores & Notes

3

#### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |   |
|--|---|
| 5) Principal component of arboricultural feature, or veteran trees                       | <div style="border: 1px solid black; padding: 10px; width: fit-content;"> <p>Scores &amp; Notes</p> <p style="text-align: center;">-1</p> <p style="text-align: center;">TOTAL</p> </div> |
| 4) Tree groups, or members of groups important for their cohesion                        |   |
| 3) Trees with identifiable historic, commemorative or habitat importance                 |   |
| 2) Trees of particularly good form, especially if rare or unusual                        |   |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |   |
| -1) Trees with poor form or which are generally unsuitable for their location.           |   |

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |                               |   |
|-------------------------------|---|
| 5) Immediate threat to tree   | <div style="border: 1px solid black; padding: 10px; width: fit-content;"> <p>Scores &amp; Notes</p> <p style="text-align: center;">1</p> </div> |
| 3) Foreseeable threat to tree |   |
| 2) Perceived threat to tree   |   |
| 1) Precautionary only         |   |

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

8

Decision

Does not merit TPO



# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
------	-----------	------------------------

## **Tree details** Photos 44,45,46

TPO Ref (if applicable) T308

Tree 171 Sycamore

Owner (if known) Worthington Place

Management Company

Location: Front Driveway

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### **a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

#### Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Scores & Notes

2 (lean)

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### **c) Relative public visibility & suitability for TPO**

\*Consider realistic potential for future visibility with changed land use.

- |  |                     |
|--|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public      | Suitable            |
| 3) Medium trees, or large trees with limited view only             | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty   | Barely suitable     |
| 1) Trees not visible to public regardless of size                  | Probably unsuitable |

#### Scores & Notes

3

#### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal component of arboricultural feature, or veteran trees                       | 5) Immediate threat to tree   |
| 4) Tree groups, or members of groups important for their cohesion                        | 3) Foreseeable threat to tree |
| 3) Trees with identifiable historic, commemorative or habitat importance                 | 2) Perceived threat to tree   |
| 2) Trees of particularly good form, especially if rare or unusual                        | 1) Precautionary only         |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location.           |                               |

#### Scores & Notes

-1

TOTAL

### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |                               |                               |
|-------------------------------|-------------------------------|
| 5) Immediate threat to tree   | 5) Immediate threat to tree   |
| 3) Foreseeable threat to tree | 3) Foreseeable threat to tree |
| 2) Perceived threat to tree   | 2) Perceived threat to tree   |
| 1) Precautionary only         | 1) Precautionary only         |

#### Scores & Notes

1

### **Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

8

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
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**Tree details** *Photos 33,34,35,36,37*  
TPO Ref (if applicable) T308  
Owner (if known) Chapel Cottage

Tree 179 Sycamore  
Location: Rear of Chapel Cottage  
(rear of 24 Pennine View)

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### Part 1: Amenity assessment

#### a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### b) Retention span (in years) & suitability for TPO

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

Scores & Notes

4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### c) Relative public visibility & suitability for TPO

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

Scores & Notes

3

#### d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                               |
|--|-------------------------------|
| 5) Principal component of arboricultural feature, or veteran trees                       | 5) Immediate threat to tree   |
| 4) Tree groups, or members of groups important for their cohesion                        | 3) Foreseeable threat to tree |
| 3) Trees with identifiable historic, commemorative or habitat importance                 | 2) Perceived threat to tree   |
| 2) Trees of particularly good form, especially if rare or unusual                        | 1) Precautionary only         |
| 1) Trees with none of the above redeeming features (including those of indifferent form) |                               |
| -1) Trees with poor form or which are generally unsuitable for their location.           |                               |

Scores & Notes

-1

TOTAL

### Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- |                               |                               |
|-------------------------------|-------------------------------|
| 5) Immediate threat to tree   | 5) Immediate threat to tree   |
| 3) Foreseeable threat to tree | 3) Foreseeable threat to tree |
| 2) Perceived threat to tree   | 2) Perceived threat to tree   |
| 1) Precautionary only         | 1) Precautionary only         |

Scores & Notes

1

### Part 3: Decision guide

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

10

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
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## **Tree details** Photos 31,32

TPO Ref (if applicable) T308

Owner (if known) Worthington Place  
Management Company

Tree 180 Sycamore

Location: Rear of Worthington Place  
(directly behind 14-16 Pennine View)

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### **a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

#### Scores & Notes

3

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Scores & Notes

4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### **c) Relative public visibility & suitability for TPO**

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

#### Scores & Notes

3

#### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                        |
|--|------------------------|
| 5) Principal component of arboricultural feature, or veteran trees                       | 5) Highly suitable     |
| 4) Tree groups, or members of groups important for their cohesion                        | 4) Suitable            |
| 3) Trees with identifiable historic, commemorative or habitat importance                 | 3) Suitable            |
| 2) Trees of particularly good form, especially if rare or unusual                        | 2) Barely suitable     |
| 1) Trees with none of the above redeeming features (including those of indifferent form) | 1) Probably unsuitable |
| -1) Trees with poor form or which are generally unsuitable for their location.           |                        |

#### Scores & Notes

-1

TOTAL

### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |                               |                               |
|-------------------------------|-------------------------------|
| 5) Immediate threat to tree   | 5) Immediate threat to tree   |
| 3) Foreseeable threat to tree | 3) Foreseeable threat to tree |
| 2) Perceived threat to tree   | 2) Perceived threat to tree   |
| 1) Precautionary only         | 1) Precautionary only         |

#### Scores & Notes

1

### **Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

Add scores for Total

10

Decision

Does not merit TPO

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO) SURVEY DATA SHEET AND DECISION GUIDE

Date	25.10.19.	Surveyor: Sue Stashkiw
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## **Tree details** Photos 42,43

TPO Ref (if applicable) T308

Owner (if known) Story/LSL Estates

Tree 191 Beech

Location: Rear of 28/30 Pennine View

## REFER TO GUIDANCE NOTES FOR ALL DEFINITIONS

### **Part 1: Amenity assessment**

#### **a) Condition and suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point**

- |                          |                         |
|--------------------------|-------------------------|
| 5) Good                  | Highly Suitable         |
| 3) Fair                  | Suitable                |
| 1) Poor                  | Unlikely to be suitable |
| 0) Dead/Dying/Dangerous* | Unsuitable              |

#### Scores & Notes

5

\*Relates to existing context and is intended to apply to severe irremediable defects only

#### **b) Retention span (in years) & suitability for TPO**

- |           |                 |
|-----------|-----------------|
| 5) 100+   | Highly suitable |
| 4) 40-100 | Very suitable   |
| 2) 20-40  | Suitable        |
| 1) 10-20  | Just suitable   |
| 0) <10*   | Unsuitable      |

#### Scores & Notes

4

\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality.

#### **c) Relative public visibility & suitability for TPO**

\*Consider realistic potential for future visibility with changed land use.

- |   |                     |
|---|---------------------|
| 5) Very large trees with some visibility , or prominent large trees | Highly suitable     |
| 4) Large trees, or medium trees clearly visible to the public       | Suitable            |
| 3) Medium trees, or large trees with limited view only              | Suitable            |
| 2) Young, small, medium/large trees visible only with difficulty    | Barely suitable     |
| 1) Trees not visible to public regardless of size                   | Probably unsuitable |

#### Scores & Notes

3

#### **d) Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- |  |                     |
|--|---------------------|
| 5) Principal component of arboricultural feature, or veteran trees                       | Highly suitable     |
| 4) Tree groups, or members of groups important for their cohesion                        | Suitable            |
| 3) Trees with identifiable historic, commemorative or habitat importance                 | Suitable            |
| 2) Trees of particularly good form, especially if rare or unusual                        | Barely suitable     |
| 1) Trees with none of the above redeeming features (including those of indifferent form) | Probably unsuitable |
| -1) Trees with poor form or which are generally unsuitable for their location.           |                     |

#### Scores & Notes

-1

TOTAL

### **Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- |                               |                 |
|-------------------------------|-----------------|
| 5) Immediate threat to tree   | Highly suitable |
| 3) Foreseeable threat to tree | Suitable        |
| 2) Perceived threat to tree   | Suitable        |
| 1) Precautionary only         | Barely suitable |

#### Scores & Notes

1

### **Part 3: Decision guide**

- |       |                       |
|-------|-----------------------|
| Any 0 | Do not apply TPO      |
| 1-6   | TPO indefensible      |
| 7-11  | Does not merit TPO    |
| 12-15 | TPO defensible        |
| 16+   | Definitely merits TPO |

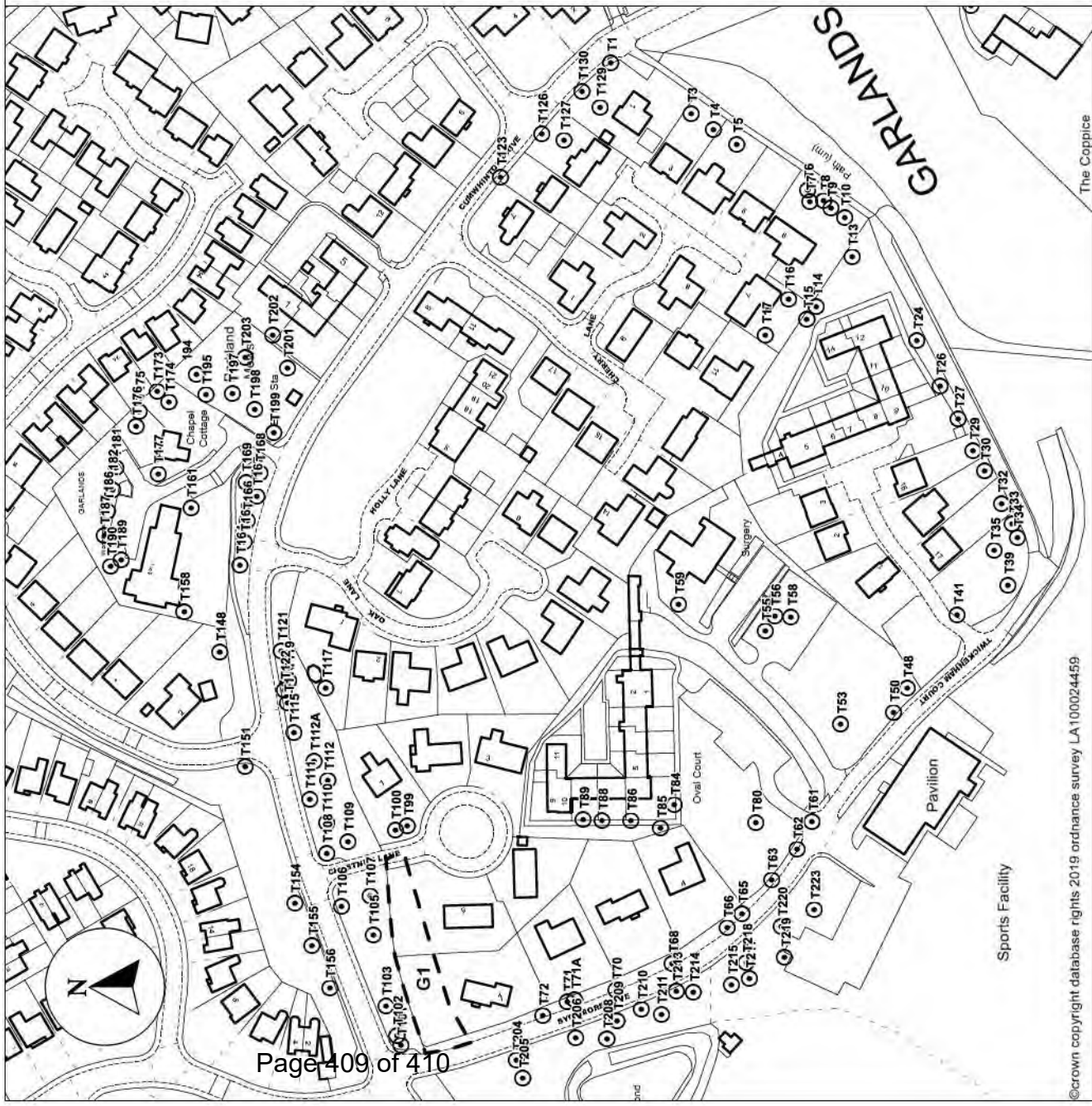
Add scores for Total

12

Decision

Defensible TPO





Schedule of Trees

T1	Oak	T71A	Holly	T164	Sycamore
T3	Oak	T72	Holly	T165	Beech
T4	Oak	T80	Lime	T166	Lime
T5	Oak	T84	Lime	T167	Lime
T6	Lime	T85	Sycamore	T168	Lime
T7	Austrian Pine	T86	Norway Maple	T169	Beech
T8	Lime	T88	Norway Maple	T173	Beech
T9	Horse Chestnut	T89	Lime	T174	Sycamore
T10	Lime	T99	Sycamore	T175	Beech
T13	Lime	T100	Sycamore	T176	Beech
T14	Lime	T101	Lime	T177	Beech
T15	Horse Chestnut	T102	Oak	T181	Sycamore
T16	Wellingtonia	T103	Oak	T182	Lime
T17	Wellingtonia	T105	Sycamore	T186	Yew
T24	Horse Chestnut	T106	Beech	T187	Yew
T26	Norway Maple	T107	Norway Spruce	T189	Yew
T27	Horse Chestnut	T108	Lime	T190	Silver Birch
T29	Sweet Chestnut	T109	Sycamore	T194	Beech
T30	Lime	T110	Sycamore	T195	Beech
T32	Sycamore	T111	Sycamore	T197	Beech
T33	Lime	T112	Lime	T198	Beech
T34	Norway Maple	T112A	Yew	T199	Lime
T35	Silver Birch	T115	Sycamore	T201	Lime
T39	Sycamore	T116	Oak	T202	Lime
T41	Red Horse Chestnut	T117	Lawson Cypress	T203	Lime
T48	Lime	T119	Silver Birch	T204	Lime
T50	Sycamore	T121	Cherry Laurel	T205	Sycamore
T53	Sycamore	T122	Silver Birch	T206	Sycamore
T55	Lawson Cypress	T123	Holly	T208	Sycamore
T56	Common Fir	T126	Oak	T209	Sweet Chestnut
T58	Sycamore	T127	Austrian Pine	T210	Beech
T59	Horse Chestnut	T129	Oak	T211	Sycamore
T61	Beech	T130	Oak	T213	Lime
T62	Lime	T148	Scots Pine	T214	Sycamore
T63	Horse Chestnut	T151	Horse Chestnut	T215	Sycamore
T65	Oak	T154	Lime	T217	Norway Maple
T66	Beech	T155	Lime	T218	Horse Chestnut
T68	Lime	T156	Horse Chestnut	T219	Sycamore
T70	Horse Chestnut	T158	Holly	T220	Lime
T71	Holly	T161	Yew	T223	Sycamore

Group

G1 - Holly, Cypress, Whitebeam and Spruce

Act 1990 Section 198(1)  
**Tree Preservation Order Number 308**  
**Land at Garlands Estate, Carlisle**

Date: November 2019

Scale: 1 : 1500



