

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No: 10/0656	Applicant: DB Schenker Rail UK Ltd	Parish: Carlisle
Date of Receipt: 14/07/2010	Agent:	Ward: Currock
Location: Former WRD Currock Yard, Off South Western Terrace, Carlisle CA2 4AY		Grid Reference: 340093 554591

Proposal: Proposed Residential Development Including Alterations To The Public Highway On South Western Terrace To Form Vehicle Access (Outline Application)

Members resolved to defer consideration of the proposal in order to re-consider highway issues and to await a further report on the application at a future meeting of the Committee.

Item no: 02

Appn Ref No: 11/0338	Applicant: Ms Graham	Parish: Kingmoor
Date of Receipt: 26/04/2011 08:00:30	Agent: Entrust Ltd	Ward: Stanwix Rural
Location: Cargo Farm Cottage, Cargo, Carlisle, CA6 4AW		Grid Reference: 336912 559143

Proposal: Erection Of 2No. Wind Turbines (20kW) 20.6 Metre Hub Height, 27 Metre Tip Height And All Associated Works

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 approved documents for this Planning Permission comprise:
 1. the submitted planning application form;
 2. the Location Plan/drawing number DWG001 [Received 25th July 2011];
 3. the Site Plan/drawing number DWG002 [Received 25th July 2011];
 4. the Design and Access Statement [Received 26th April 2011];
 5. the Entrust Noise Report (Project 046-Cargo) dated 22nd September 2011;
 6. the Shadow Flicker General Guidelines received 23rd September 2011;
 7. the Cargo Wind Turbine: Swan and Geese Alert Area/Ecologists Survey Report dated 30th June 2011 and accompanying extract of Tullie House Records dated 18th July 2011;
 8. the plan detailing Overall Dimensions for CF20 Turbine: 20kw Generator/ 20m Mast/ 6m Blades received 26th April 2011;
 9. the Notice of Decision; and
 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbines hereby permitted cease to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority) all the components (including foundations) as described in the documents listed in condition 2 above, shall be removed from the site and the land restored to its former condition, or other such condition agreed, in accordance with a restoration and after-care scheme submitted to and approved in writing beforehand by the local planning authority.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

4. The permission hereby granted is for the proposed development to be retained

for a period of not more than 25 years from the date of the first output of electricity. Within twelve months of the end of that period, unless a further application is submitted to and approved by the local planning authority, the wind turbines hereby permitted together with their foundations shall have been dismantled and removed from the site and the land restored to its former condition, or other such condition agreed, in accordance with a restoration and after-care scheme submitted to and approved in writing beforehand by the local planning authority.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

5. The noise levels of the hereby permitted turbines shall not exceed the levels indicated in the Entrust Noise Report (Project 046-Cargo) dated 22nd September 2011.

Reason: To minimise any potential adverse impact on nearby occupiers and in accordance with the objectives of Policy CP8 (Criteria 4) of the Carlisle District Local Plan 2001-2016.

6. Prior to the commencement of development the colour and finish of the hereby permitted turbines and towers shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of the visual amenity of the area and to accord with the objectives of Policies CP1 and CP8 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The current application seeks permission for the erection of two 20kw wind turbines each having three blades, a hub height of 20.6 metres and an overall height of 27 metres. The intention is for the turbines to primarily provide power to Cargo Farm with any surplus going into the national grid.

When assessing this application it is considered that there are five main issues, namely:

1. the contribution of the scheme towards the regional and county targets for the generation of renewable energy and any other social, environmental and economic benefits;
2. the impact of the proposed development on the landscape and visual character of the area including cumulative impact;

3. the effect of the proposed development on the living conditions of local residents (noise and shadow flicker);
4. the effect of the scheme on local ecology and nature conservation; and
5. Eskdalemuir Seismological Recording Station.

In relation to 1. the current proposal would provide two 20kw turbines to provide power to the applicant's property. In effect the proposal is relatively modest in nature on its own but the environmental, energy and economic benefits still need to be afforded significant weight.

When looking at the landscape impact it is considered that the scheme would present a new landscape feature and the turbines would appear as new key characteristic elements. However, in the context of the existing pylons and agricultural buildings, the local sensitivity of the site area is considered to be low. Based on the limited size and scale of the proposed turbines, it is considered that the proposal can be reasonably well accommodated within the landscape. In overall terms, it is considered that the proposal would appear as a prominent, yet simple and coherent feature in a broad and expansive farmed landscape that is already characterised by other large scale man made features. In relation to the surrounding landscape and neighbouring character types, it is recognised that the wind turbines may be visible from these areas, and as such could indirectly affect the character of some of the neighbouring landscape character types. On this basis it is considered that the proposal would not cause unacceptable harm to the landscape character.

In the case of the current proposal, direct and indirect visual effects would generally occur for those dwellings on the southern side of Cargo particularly within distances of approximately 200 metres from the application site. It is appreciated that the turbines would be visible to varying extents and aspects from these properties as well as those residents occupying the other properties within the vicinity. In some cases, the proposed turbines would be seen mainly from the associated gardens, whereas in other instances they would feature directly in views from the primary windows of main rooms. However, it is considered that the neighbouring residential properties would not unduly suffer from negative visual effects such as visual dominance, overbearing, or blocking of light, which collectively may affect the overall visual amenity and associated living standards. In overall terms it is considered that while the visual presence of the turbines would be noticeable from these properties and outlying areas, their presence would not be dominating or overbearing because of (depending on the circumstances) the intervening planting and buildings, the oblique relationships, and the degree of separation. Furthermore, the impacts on existing public vantage points, such as along the Rockcliffe/Cargo road, are considered not to be significant.

When assessing impacts on the living conditions of the neighbouring residents, the information accompanying the proposal indicates that any impact with regard to noise and shadow flicker would not be sufficient to merit the refusal of permission.

Following receipt of additional information, Natural England and the RSPB have not raised any objections to the proposal.

Finally, in regard to the Eskdalemuir Seismological Recording Station, the Ministry of Defence has confirmed that the proposed turbines are of such a scale that they should not harm the effective use of the array.

On the basis of the following the proposal is considered to be acceptable subject to the imposition of relevant conditions.

Relevant Development Plan Policies

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM 1: Integrated Enhancement And Protection Of The Region's Environmental Assets

The Region's environmental assets should be identified, protected, enhanced and managed.

Plans, strategies, proposals and schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands of the region.

Plans and strategies should define spatial objectives and priorities for conservation, restoration and enhancement as appropriate, and provide area-based guidelines to direct decisions and target resources. These will be founded on a sound understanding of the diversity, distinctiveness, significance and sensitivity of the region's environmental assets, and informed by sub-regional environmental frameworks. Special consideration will be given to the impacts of climate change and adaptation measures.

Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance.

Where proposals and schemes affect the region's landscape, natural or historic environment or woodland assets, prospective developers and/or local authorities should first avoid loss of or damage to the assets, then mitigate any unavoidable damage and compensate for loss or damage through offsetting actions with a foundation of no net loss in resources as a minimum requirement.

With regard to specific elements of this integrated approach, the following should be taken into account:

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM1 (A): Landscape

Plans, strategies, proposals and schemes should identify, protect, maintain and

enhance natural, historic and other distinctive features that contribute to the character of landscapes and places within the North West.

They should be informed by and recognise the importance of:

- detailed landscape character assessments and strategies, which local authorities should produce, set in the context of the North West Joint Character Area Map ⁽⁹³⁾. These will be used to identify priority areas for the maintenance, enhancement and/or restoration of that character and will under-pin and act as key components of criteria-based policies in LDFs;
- the special qualities of the environment associated with the nationally designated areas of the Lake District National Park, the Yorkshire Dales National Park, the Peak District National Park, the Forest of Bowland Area of Outstanding Natural Beauty (AONB), the Arnsdale and Silverdale AONB, the North Pennines AONB and Solway Coast AONB and their settings;
- the characteristics and setting of World Heritage Sites.

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM1 (B): Natural Environment

Plans, strategies, proposals and schemes should secure a 'step-change' increase in the region's biodiversity resources by contributing to the delivery of national, regional and local biodiversity objectives and targets for maintaining extent, achieving condition, restoring and expanding habitats and species populations ⁽⁹⁴⁾. This should be done through protecting, enhancing, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources, including statutory and local wildlife sites, and encouraging the conservation and expansion of the ecological fabric elsewhere.

Broad locations where there are greatest opportunities for delivering the biodiversity targets are shown on the Indicative Biodiversity Resource and Opportunity Diagram (see Diagram 9.1). More specific locations will be informed by sub-regional biodiversity maps and frameworks of statutory and local wildlife sites.

Local authorities should:

- develop a more detailed representation of this spatial information for use in their Local Development Frameworks; and
- develop functional ecological frameworks that will address habitat fragmentation and species isolation, identifying and targeting opportunities for habitat expansion and re-connection. Active arrangements will be needed to address ecological cross-boundary issues within areas such as the Pennines, Solway Firth, the Mersey Estuary, the Lune Estuary, the River Dee Estuary and the Cheshire Meres and Mosses, as well as including biodiversity policies in any developing Marine Spatial Planning System in the Irish Sea.

Plans, strategies, proposals and schemes should protect and enhance the region's geological and geomorphological resources including statutory and local sites by contributing to the delivery of national, regional and local geodiversity objectives and

targets.

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM 15: A Framework For Sustainable Energy In The North West

Plans and strategies should promote sustainable energy production and consumption in accordance with the principles of the Energy Hierarchy set out in Figure 9.2 and within the Sustainable Energy Strategy. In line with the North West Sustainable Energy Strategy the North West aims to double its installed Combined Heat and Power (CHP) capacity by 2010 from 866 MWe to 1.5 GW, if economic conditions are feasible.

All public authorities should in their own proposals and schemes (including refurbishment) lead by example to emphasise their commitment to reducing the annual consumption of energy and the potential for sustainable energy generation, and facilitate the adoption of good practice by the widest range of local stakeholders.

The North West Of England Plan Regional Spatial Strategy To 2021 Policy EM 17: Renewable Energy

In line with the North West Sustainable Energy Strategy, by 2010 at least 10% (rising to at least 15% by 2015 and at least 20% by 2020) of the electricity which is supplied within the Region should be provided from renewable energy sources. To achieve this new renewable energy capacity should be developed which will contribute towards the delivery of the indicative capacity targets set out in Tables 9.6 and 9.7a-c. In accordance with PPS22, meeting these targets is not a reason to refuse otherwise acceptable development proposals.

Local authorities should work with stakeholders in the preparation of sub regional studies of renewable energy resources so as to gain a thorough understanding of the supplies available and network improvements, and how they can best be used to meet national, regional and local targets. These studies should form the basis for:

- informing a future review of RSS to identify broad locations where development of particular types of renewable energy may be considered appropriate ⁽¹¹⁹⁾; and
- establishing local strategies for dealing with renewable resources, setting targets for their use which can replace existing sub regional targets for the relevant authorities.

Plans and strategies should seek to promote and encourage, rather than restrict, the use of renewable energy resources. Local planning authorities should give significant weight to the wider environmental, community and economic benefits of proposals for renewable energy schemes to:

- contribute towards the capacities set out in tables 9.6 and 9.7 a-c; and
- mitigate the causes of climate change and minimise the need to consume

finite natural resources.

Opportunities should be sought to identify proposals and schemes for renewable energy. The following criteria should be taken into account but should not be used to rule out or place constraints on the development of all, or specific types of, renewable energy technologies:

- anticipated effects on local amenity resulting from development, construction and operation of schemes (e.g. air quality, atmospheric emissions, noise, odour, water pollution and disposal of waste). Measures to mitigate these impacts should be employed where possible and necessary to make them acceptable;
- acceptability of the location/scale of the proposal and its visual impact in relation to the character and sensitivity of the surrounding landscape, including cumulative impact. Stringent requirements for minimising impact on landscape and townscape would not be appropriate if these effectively preclude the supply of certain types of renewable energy, other than in the most exceptional circumstances such as within nationally recognised designations as set out in PPS22 paragraph 11;
- effect on the region's World Heritage Sites and other national and internationally designated sites or areas, and their settings but avoiding the creation of buffer zones and noting that small scale developments may be permitted in such areas provided there is no significant environmental detriment;
- effect of development on nature conservation features, biodiversity and geodiversity, including sites, habitats and species, and which avoid significant adverse effects on sites of international nature conservation importance by assessment under the Habitats Regulations;
- maintenance of the openness of the Region's Green Belt;
- potential benefits of development to the local economy and the local community;
- accessibility (where necessary) by the local transport network;
- effect on agriculture and other land based industries;
- ability to make connections to the electricity distribution network which takes account of visual impact (as qualified above);
- integration of the proposal with existing or new development where appropriate;
- proximity to the renewable fuel source where relevant – e.g. wood-fuel biomass processing plants within or in close proximity to the region's major woodlands and forests;
- encourage the integration of combined heat and power (CHP), including micro CHP into development.

Developers must engage with local communities at an early stage of the development process prior to submission of any proposals and schemes for approval under the appropriate legislation.

Policy E35: Areas and Features of nature conservation interests other than those of national and international conservation importance

Development and other land use changes that are detrimental to these nature conservation interests will not be permitted unless the harm caused to the value of those interests is outweighed by the need for the development. Where development is permitted the loss of nature conservation interest should be minimised and, where practicable, mitigation should be provided.

These nature conservation interests are defined as:

- County Wildlife Sites (CWSs)
- Regionally Important Geological or Geomorphological Sites (RIGGS)
- The UK Biodiversity Action Plan Priority Habitats that occur in Cumbria
- Species of Conservation Importance in the North West Region that occur in Cumbria
- Landscape features of major importance for wild fauna and flora, which are essential for migration dispersal and genetic exchange
- Local nature reserves

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy E37: Landscape character

Development and land use change should be compatible with the distinctive characteristics and features of Cumbria's landscape types and sub types. Proposals will be assessed in relation to:

1. locally distinctive natural or built features,
2. visual intrusion or impact,
3. scale in relation to the landscape and features,
4. the character of the built environment,
5. public access and community value of the landscape,
6. historic patterns and attributes,
7. biodiversity features, ecological networks and seminatural habitats, and
8. openness, remoteness and tranquillity.

Cumbria and Lake District Joint Structure Plan 2001 – 2016

Policy R44: Renewable energy outside the Lake District National Park and AONBs

Outside the Lake District National Park and AONBs proposals for renewable energy including any ancillary infrastructure or buildings will be favourably considered if:

1. there is no significant adverse effect on the landscape character, biodiversity and the natural and built heritage of the area either individually or cumulatively through their relationship with other utility infrastructure
2. there is no significant adverse effect on local amenity, the local economy, highways, aircraft operations or telecommunications,

3. the proposal takes all practicable measures to reduce any adverse impact on landscape, environmental, nature conservation, historical and local community interests,

In considering applications for planning permission in relation to the above criteria, and other policies in this plan, the environmental, economic and energy benefits of renewable energy proposals should be given significant weight.

There are additional requirements in the following cases:

Wind energy development

4. measures should be included to secure the satisfactory removal of structures/ related infrastructure and remediation of land following cessation of operation of the installation,

New plant for the commercial generation of energy from biomass

5. shall be sited on existing industrial/ employment sites or previously developed land that is well related to the resource catchment.

Where practicable measures to transport fuel and waste by water or rail shall be made.

Proposals for the recovery of energy from agriculture waste within existing farm units or sewage sludge

6. shall be well related to the activity, scale and character of the existing business/enterprise and /or setting.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP1 - Landscape Character

Proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the different landscape character areas.

Development will be considered appropriate to the character of the landscape provided the proposal has regard to and conserves:

the landform and natural patterns of drainage;

- the pattern of trees and woodland;
- the habitats of species of importance for wildlife;
- the pattern and composition of field boundaries;
- the pattern of historic landscape features;
- the pattern and distribution of settlements

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the

biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP8 - Renewable Energy

Proposals for renewable energy will be favourably considered provided that all of the following criteria are satisfied:

- 1 there is no unacceptable visual impact on the immediate and wider landscape and townscape;
- 2 there is no adverse impact on biodiversity;
- 3 any new structures would be sensitively incorporated into the surrounding landscape/ townscape and/or habitat and respect the local landscape character;
- 4 measures are taken to mitigate any noise, smell or other nuisance or pollutants likely to affect nearby occupiers, amenities and/or neighbouring land uses;
- 5 any waste arising as a result of the development is minimised and dealt with using a suitable means of disposal;
- 6 there would be no unacceptable levels of harm to features designated as of local, national or international importance;
- 7 adequate provision can be made for access and parking and the potential impact on the road network;
- 8 there would be no unacceptable conflict with any existing recreational facilities or routes;
- 9 there would be no unacceptable cumulative effects when proposals are considered together with any extant planning approvals or other existing renewable energy developments.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE3 - Other Nature Conservation Sites

Development which would have a detrimental effect on Regionally Important Geological/Geomorphological Sites, County Wildlife Sites and other sites of nature

conservation significance, Local Nature Reserves and Ancient Woodlands will not be permitted unless:

- 1 The harm caused to the value of those interests is clearly outweighed by the need for the development in that location; and
- 2 Where practical, any environmental feature lost is replaced with an equivalent feature.

**Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE6 - Scheduled/Nationally Important Ancient Monuments**

Development will not be permitted where there is an unacceptable impact on scheduled and other nationally important ancient monuments and their settings.

Item no: 03

Appn Ref No:
11/0433

Applicant:
Hayton Construction Ltd

Parish:
Hayton

Date of Receipt:
25/05/2011

Agent:
Ashwood Design
Associates

Ward:
Hayton

Location:
Townhead Cottage, Townhead, Hayton, Carlisle

Grid Reference:
351710 557625

Proposal: Demolition Of Existing Dwelling And Erection Of Replacement Dwelling
For Estate Staff

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 approved documents for this planning consent comprise:

1. The Planning Application Form received 25th May 2011;
2. The site location plan received 7th June 2011 (Drawing No. 1358/SK/001);
3. Drawing No. 1358/004 titled "Plans and Elevations as Existing";
4. Drawing No. 1358/008 Revision F titled "Proposed New Dwelling Reduced";
5. Drawing No. 1358/012 Revision A titled "Proposed Site Section";
6. Drawing No. 1358/017 titled "Proposed Section";
7. The Design and Access Statement received 25th May 2011;
8. The Desktop Study for Environmental History received 7th June 2011;
9. The Interim Report (4th March 2011) prepared by Echoes Ecology Ltd;
10. The Final Reports dated 7th July 2011 and 26th September 2011 prepared by Echoes Ecology Ltd;
11. The Species Protection Plan and Method Statements dated 6th August 2011 and 26th September 2011 prepared by Echoes Ecology Ltd;
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. The existing dwelling on the site shall be demolished prior to occupation of the hereby permitted dwelling and cleared in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: To prevent over-intensive development of the site in accordance with Policy H10 of the Carlisle District Local Plan.

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

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

5. No development shall take place until the applicant has demonstrated how the proposed bat habitat mitigation measures outlined in the "Species Protection Plan and Method Statement" prepared by ECHOES Ecology Ltd (dated 26th September 2011) have been incorporated into the development in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: To mitigate the impact of the development upon bats in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. Prior to the occupation of the dwelling hereby permitted the whole of the access area bounded by the carriageway edge, entrance gates, splays, and crossings of the highway verge and/or footway shall be constructed and drained in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no extensions above the ground floor shall be carried out on the northern and eastern elevations to the dwelling hereby permitted without the permission of the local planning authority.

Reason: The local planning authority wishes to retain full control over the matters referred to in order to protect the living conditions of the neighbouring residents in accordance with Policy 10 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

Townhead Cottage is a two storey detached house located on the northern side of the Townhead Road approximately 40 metres to the west of the junction with the Talkin/Castle Carrock Road. The existing cottage is constructed externally with stone and white rendered walls, and a slate roof.

The current application, as revised, seeks full permission to replace the existing two bed house with a four bed dwelling with the first floor accommodation in the roof space served by half dormer windows. Externally, the proposed dwelling is to be constructed with rendered walls and natural stone detailing, and a slate roof.

The main determining issues are considered to be:

1. the principle of such a proposal;
2. the scale of the replacement dwelling;
3. impact on the character of the area with regard to the design and location;
4. impact on the living conditions of neighbouring residents; and
5. ecology and biodiversity.

When considering the principle, it is appreciated that the existing dwelling is currently

unoccupied. However, it is not considered that the residential use of the property has been abandoned.

Criterion 2 of Policy H10 of the Local Plan 2001-2016 states that the scale of the replacement dwelling should be no greater than a 15% increase in the footprint of the original dwelling. The existing two bed house is relatively small with a ground floor area of approximately 73 square metres and an overall ridge height of 6.8 metres. The applicant has enquired about extending the existing house under permitted development rights which could lead to the provision of an additional ground floor area of approximately 62 square metres. The applicant has subsequently confirmed that this option will not be pursued pending consideration of the current application. The proposed replacement dwelling has four bedrooms with an overall floor area of 143 square metres and ridge height of 7.2 metres. In effect, the current proposal represents almost the doubling of the footprint when compared to the existing house, but an increase of approximately 8 square metres when compared with what could be carried out under permitted development rights. This increase in floorspace reflecting the perceived need to improve and modernise the living conditions associated with the existing house. In addition, whilst the existing dwelling is modest in terms of its footprint and accommodation, it is situated within a relatively large plot that is likely to also affect its overall affordability.

The existing dwellings within the immediate vicinity of the site consist of a range of styles (bungalows and houses), external materials, ages, and positioning within the respective curtilages. The location of the proposed dwelling would not be at odds with this pattern and thus not appear out of place, although it is closer to the highway than the existing house. The proposed design of the replacement dwelling, with its use of vernacular details and traditional materials, is considered to be appropriate to a rural location and of such a standard that it would make a contribution (rather than cause harm), to the character and appearance of the area.

However, the proposed dwelling would lead to the removal of three existing trees, namely a Eucalyptus, a Monkey Puzzle, and Scots Pine. Although the Eucalyptus tree appears to have died, the loss of the Monkey Puzzle and Scots Pine weighs against the proposal.

When considering the living conditions of neighbouring residents, it is evident that the existing house is located on a lower level approximately 13 metres to the south-east of the facing wall at Woodleigh. The current proposal involves the re-siting of the replacement dwelling such that the distance between facing walls is increased to 23 metres. The site and floor levels can be controlled by the imposition of a relevant condition. On this basis it is considered that the proposal cannot be resisted on grounds of overlooking or overshadowing. Concerns have been raised with regard to potential increases in noise and disturbance because the replacement dwelling would be used as an "estate staff" house. The applicant's agent has confirmed that the intention is for an estate worker and his family to reside in the proposed dwelling but from time to time (when there is a need for assistance) a room might be occupied by an additional worker. In the context that the proposal is for a replacement of an existing house, it is considered that the provision of two additional bedrooms would not lead to any increase in noise and disturbance sufficient to refuse permission.

When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities 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), and 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.

The submitted Species Protection Plans and Method Statements confirm that there are bats roosting within Townhead Cottage but that the behaviour recorded to date suggests the presence of single numbers of common species during summer months; that this behaviour is indicative of male bats roosting away from larger female maternity colonies; and that the site is not deemed to be a location where bats would normally be found hibernating during the winter months. The Statement recommends mitigation/enhancement measures.

Interested parties have also referred to highway safety, the architectural merits of the existing dwelling, the need for a tree survey, and the implications with regard to a current application on a neighbouring site. In response it is noted that the Highway Authority has not raised any objections but rather recommended the imposition of relevant conditions; the existing house is neither a Listed Building nor located within a Conservation Area; the location of the trees is indicated on drawing number 1358/004; and this application needs to be considered on its own merits. As such these issues are not considered to be of sufficient weight to determine consideration of the application.

On this basis the proposal is recommended for approval.

Relevant Development Plan Policies

Item no: 04

Appn Ref No:
11/0605

Applicant:
Carlisle City Council

Parish:
Rockcliffe

Date of Receipt:
18/07/2011

Agent:
Smiths Gore

Ward:
Longtown & Rockcliffe

Location:
L/Adj 1 Lonning Foot, Rockcliffe, Carlisle, CA6 4AB

Grid Reference:
336017 561728

Proposal: Erection Of 1no. Dwelling (Outline)

Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of three years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) The expiration of five years from the date of the grant of this permission, or
 - ii) The expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. The approved documents for this Outline Permission comprise:
 1. the submitted planning application form received 18th July 2011;
 2. the Supporting Planning Statement received 18th July 2011;
 3. the Design and Access Statement received 18th July 2011;
 4. the Flood Risk Assessment received 18th July 2011;
 5. the Tree Survey received 6th September 2011;
 6. the Desk Top Site Contamination Report received 22nd July 2011;
 7. the existing site plan received 18th July 2011 (Drawing Number 1028331-01);
 8. the proposed plans and elevations received 18th July 2011 (Drawing Number 1028331-02);
 9. the Notice of Decision; and
 10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Before any work is commenced, details of the layout, scale, appearance and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.

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

4. No development shall be commenced until samples or full details of materials to

be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials.

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

5. Before development commences, particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of the dwelling. 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 Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all

trees/hedges to be retained on site in support of Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

9. No development shall commence until visibility splays providing clear visibility of 2.4 metres by 34 metres measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. 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 ensure compliance. To support Local Transport Plan Policies: LD7, LD8.

10. Details of the proposed crossings of the highway verge and/or footpath 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 has been constructed.

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

11. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

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

12. The gradient of the access drive shall be no steeper than 1 in 10 for a distance not less than 5 metres as measured from the carriageway edge of the adjacent highway.

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

13. 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. To support Local Transport Plan Policy LD8.

14. Details showing the provision within the site for the parking and turning of vehicles visiting the site, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking and manoeuvring facilities constructed. The approved parking and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway. To support Local Transport Plan Policies: LD7, LD8 and Structure Plan Policy T32.

15. Full details of the surface waster drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason: In the interests of highway safety and environmental management. To support Local Transport Plan Policies; LD7, LD8.

Summary of Reasons for the Decision

Policy DP1 of the Carlisle District Local Plan 2001-2016 sets out the broad development strategy for the area. It establishes a settlement hierarchy with Carlisle's Urban Area being the highest order of priority for most additional new development, followed by the Key Service Centres of Brampton and Longtown and, finally, 20 villages identified as Local Service Centres. Within these locations, development proposals will be assessed against the need to be in the location specified. In relation to rural settlements, boundaries have been identified for those villages that fulfil the Key Service and Local Service Centre functions and these are intended to be used to judge proposals for development within those settlements. Outside these locations, development will be assessed against the need to be in the location specified.

Policy H1 of the Carlisle District Local Plan 2001-2016 elaborates, in relation to development for housing, on the settlement hierarchy. It reiterates that the primary focus for new housing development will be the urban area of Carlisle, followed in order by the Key Service Centres of Brampton and Longtown (which have a broad range of amenities and services) and finally, selected villages which perform a

service role within the rural area. These latter villages are sub-divided into two groups, the first group being the 20 larger villages that act as Local Service Centres where the scale and nature of additional development will be determined by local form and character. The second group of 21, essentially small, villages that possess very limited facilities and, hence, provide basic service provision, is regarded as being capable of accommodating only small scale infill development, which is required to be evidenced by local need to be in that location.

The application site lies within Rockcliffe, which is identified as a Local Service Centre under Policy H1 of the adopted Local Plan and is located within the settlement boundary identified on the Proposals Maps that are part of the adopted District Local Plan). Policy H1 of the Local Plan states that, in principle, small scale housing development will be acceptable within the settlement boundaries of Local Service Centres providing that compliance with seven specific criteria is achievable on site. In this instance, the relevant criteria are met and, on this basis, the principle of residential development is considered acceptable.

When assessing the character of the area, it is evident that there are a variety of properties of differing ages and styles. The topography of the application site and adjacent land is such that it gradually rises from the north to the south of the site, with existing residential properties at Lonning Foot occupying elevated positions within the streetscene. The proposal seeks the erection of a detached house located at a lower level than those properties at Lonning Foot. The Design and Access Statement and indicative drawings indicating that the design of the dwelling would be reflective of other dwellings within the vicinity in style, use of materials and detailing. Furthermore, the proposal would achieve adequate amenity space and off-street parking for the proposal.

Given that there is already a mix of types of dwellings at differing levels within the immediate vicinity, the resultant impact on the streetscene would not be obtrusive or detrimental to the character of the area. In summary, the scale and massing of the proposed dwelling is comparable to the existing properties within the immediate vicinity. Accordingly, the proposal would not form a discordant feature within the street scene.

Objections have been received from the occupiers of neighbouring properties citing loss of privacy, overdominance and overshadowing. It is acknowledged that the property to the north of the application site, 1 Lonning Foot, has a window in its gable elevation serving a primary room; however, there are other larger windows serving the same room which are considered to be the main primary windows as they overlook the rear external amenity space. The indicative drawings also includes the erection of a 1.8 metre fence along the shared boundary, thereby, minimising any loss of privacy. The properties to the south of the application site are over 19 metres from the proposed dwelling with the windows in the southern elevation of the property opaquely glazed.

Due to the topography of the land it is inevitable that the dwelling would be at a higher level than those properties to the south. In mitigation, however, the single storey element of the dwelling would be closest to those properties. The dwelling would also be cut into ground resulting in the dwelling being lower than the dwelling

immediately to its north.

Several occupiers of neighbouring properties have also raised objections in respect of highway safety. Members should be aware, however, the proposal includes adequate access and off-street parking within the curtilage of the application site together with a new vehicular access drive to 1 Lonning Foot.

Following normal practice consultation has been undertaken with the Highway Authority. The Highway Authority has concerns with the indicative layout; however, recognises that these concerns could be addressed upon receipt of the Reserved Matters application. The Highways Authority, therefore, request that seven conditions and an informative be included within the decision notice to ensure that these concerns are adequately addressed by any subsequent application.

The application was accompanied by a Tree Survey which originally included four trees and a hedgerow within the application site. The issue of the ownership of the hedge and trees have been highlighted by neighbouring residents which has resulted in a revised Survey being submitted. The revised Survey now excluding the trees and hedge from the application site.

The City Council's Landscape Architect/Tree Officer has been consulted and has no objections to the proposal subject to the imposition of a condition requiring the submission of a tree protection scheme.

The site is partially within Flood Zones 2. Policy LE27 of the Local Plan requires that development proposals within an identified flood risk area be accompanied by a flood risk assessment (FRA) and subject to the consideration against the specified policy criteria. A flood risk assessment has been submitted by the applicant which contains recommendations in terms of addressing the potential flood risk.

A Sequential Test has been undertaken in accordance with the requirements of PPS25 which identifies that the part of the site is located within Flood Zone 2. The Test highlights that the site is within a designated area suitable to take 'windfall' development as part of the development plan with no other 'reasonably available' sites in a lower flood risk zone. Given the FRA and Sequential Test, together with the nature of the proposal, it is not considered that there is any policy conflict.

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site 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 the Development Plan.

The proposals seeks permission for the erection of a dwelling adjacent to existing residential properties within the village of Rockcliffe. The scale and design of which is sympathetic to other properties within the vicinity. English Heritage has been consulted and do not wish to offer any comments. It is, therefore, considered that the proposal would not have a detrimental impact on the character and/or setting of the Buffer Zone on the World Heritage Site.

Neighbouring occupiers have raised objections in respect of land ownership and the historic use of the land. Their objections have been noted; however, these issues are not material planning considerations.

In conclusion, the application site is within the settlement boundary of Rockcliffe, as such the principle of development is acceptable. The scale, design and use of materials in the proposal would positively contribute to the character of the area, with adequate car parking, access and amenity space provided within the curtilage of the site. Furthermore, the dwelling could be accommodated within the site without resulting in any demonstrable harm to the living conditions of the occupiers of neighbouring residential dwellings or the floodplain.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give

priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP3 - Trees And Hedges On Development Sites

Proposals for new development should provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:

- 1 the location of existing trees and hedges;
- 2 the species, age, height and crown spread of each tree;
- 3 an assessment of the condition of each tree;
- 4 the location and crown spread of trees on adjacent land which may be affected by the development;
- 5 existing and proposed changes in ground level.

In order to protect and integrate existing trees and hedges within 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 identified in the tree survey.

Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground.

The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016 Housing - Policy H1 - Location Of New Housing Development

New housing development will be located in sustainable locations in accordance with PPS3: *Housing*, Regional Planning Guidance and the Joint Structure Plan. During the Plan period 80% of new development will be located within the urban area of Carlisle, including allocated sites on the edge of the City referred to in Proposal H16. The remaining 20% will be permitted in the rural area of the District

with the focus on the two Key Service Centres of Brampton and Longtown.

In the remainder of the rural area small-scale development will be located in accordance with Policy DP1 and other policies of this Plan to ensure that:

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

Settlement boundaries have been drawn for the following Local Service Centres within which proposals will be judged against the above criteria.

Burgh-by-Sands	Castle Carrock	Cummersdale
Cumwhinton	Dalston	Gilsland
Great Corby	Great Orton	Hallbankgate
Hayton	Heads Nook	Houghton
Irthington	Raughton Head	Rockcliffe
Scotby	Smithfield	Thurstonfield
Warwick Bridge (including Little Corby & Corby Hill)		Wetheral

In the following settlements small-scale infilling (development between an otherwise continuous frontage) will be allowed where this does not conflict with the criteria above and is evidenced by local need to be in that location. S106 agreements may be used to ensure local occupancy to provide for the identified need.

Blackwell	Cardewlees	Cargo
Carleton	Cotehill	Cumwhitton
Durdar	Faugh	Harker
Hethersgill	How Mill	Lanercost
Laversdale	Low Row	Monkhill
Moorhouse	Talkin	Todhills
Walton	Warwick-on-Eden	Wreay

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE7 - Buffer Zone On Hadrian's Wall World Heritage Site

Within the buffer zone of Hadrian's Wall Military Zone World Heritage Site, as defined on the Proposals Map, proposals for development which would have an unacceptable 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:

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

Within the outer visual envelope, beyond the Hadrian's Wall Military Zone World Heritage Site, proposals for major development which would have an adverse effect on the character of the World Heritage Site will not be permitted unless the need for the development outweighs the environmental costs.

Carlisle District Local Plan 2001 - 2016 Transport - Policy T1- Parking Guidelines For Development

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

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.

Item no: 05

Appn Ref No:
11/0706

Applicant:
Miss A Taylor

Parish:
Brampton

Date of Receipt:
18/08/2011

Agent:

Ward:
Brampton

Location:
56 Front Street, Brampton, CA8 1NT

Grid Reference:
352855 561049

Proposal: Removal And Replacement Of Larger Rooflight In Kitchen; Removal Of Small Kitchen Window And Replacement Of Sliding Sash Window With Stone Surrounds; Renewal Of Rainwater Pipe In Black Upvc; Removal Of Stone Chimney Breast Within Kitchen And Installation Of Combination Boiler In Cellar And Associated External Vent; Installation Of Steelworks Into Wall To Allow For Support Of Outside Wall; Re-levelling of Lounge Floor, Lifting Of Existing Floor And Packing Underneath (LBC)

Grant Permission

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

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

2. The approved documents for this Listed Building Consent comprise:

1. the submitted planning application form received 18th August 2011;
2. the Design and Access Statement received 25th August 2011;
3. plan and elevations as existing received 18th August 2011 (Drawing Number 2011/6/2/001);
4. plan and elevations as proposed received 18th August 2011 (Drawing Number 2011/6/2/002);
5. block plan received 25th August 2011 (Drawing Number 2011/6/2/004);
6. location plan received 25th August 2011 (Drawing Number 2011/6/2/003);
7. the Notice of Decision; and
8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

Summary of Reasons for the Decision

Planning policies require that applications for alterations or extensions to Listed Buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. The proposal seeks internal and external alterations, the design, scale and materials of which are sympathetic to the character and appearance of the building. Furthermore, the City Council's Heritage Officer has been involved in the development of this scheme. Accordingly, it is considered that the proposals would not have a detrimental impact on the Grade II Listed Building.

In overall terms, the scale and design of the proposal is acceptable and it would not have an adverse impact on the Grade II Listed Building. In all aspects the proposal is compliant with the relevant policies contained within the adopted Local Plan

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016 Local Environment - Policy LE16 - Historic Structures And Local Listings

Throughout the district there are buildings and structures of historic, architectural or landscape significance that help to create the locally distinctive character of the area. The Council recognises the positive contribution these structures make to Carlisle's townscape and landscape and there will be a presumption in favour of their retention when considering development proposals.

Carlisle District Local Plan 2001 - 2016 Local Environment - Policy LE26 - Undeveloped Land In Floodplains

Development in areas at risk of flooding on undeveloped land will only be permitted where a Flood Risk Assessment has been submitted with a planning application that confirms:

- 1 no other lower risk alternative site exists; and
- 2 flood defences provide an acceptable standard of protection; and
- 3 access and egress can reasonably be maintained at times of flood risk; and
- 4 adequate floodplain storage capacity can be provided; and
- 5 the development will not interfere with flood flows; and

- 6 mitigation measures will be provided where necessary; and
- 7 the development will not increase flood risk elsewhere.

Item no: 06

Appn Ref No:
11/0721

Applicant:
Mr Martin Russell -
Bromley

Parish:

Date of Receipt:
23/08/2011

Agent:

Ward:
Morton

Location:
190 Dalston Road, Carlisle, CA2 6DY

Grid Reference:
338926 554693

Proposal: Erection Of Single Storey Rear Extension To Provide Kitchen,
Dining/Living Room And Games Room

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 approved documents for this Planning Permission comprise:

1. the submitted planning application form received 23rd August 2011;
2. the site and block plans received 23rd August 2011;
3. the existing elevations and floor plans received 23rd August 2011 (Drawing Number MRB/01);
4. the proposed elevations received 23rd August 2011 (Drawing Number MRB/02);
5. the proposed floor plans received 23rd August 2011 (Drawing Number MRB/03);
6. the Notice of Decision; and
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

Summary of Reasons for the Decision

The proposed kitchen/dining/living room has a window in its south elevation that would be within 3.5 metres of the adjoining property's (192 Dalston Road) conservatory; however, the northern elevation of the conservatory has a solid wall. In such a context and given the scale of the proposal together with the existing boundary treatment, this element of the proposal would not have a detrimental impact on the living conditions of the adjoining occupiers on the basis of loss of light, overlooking or over dominance.

Although the proposed games room and utility would project rearwards along the shared boundary with number 192 Dalston Road by 7.3 metres, it would replace an existing garage, have a maximum eaves height of 2.5 metres with its roof plane sloping away from the adjoining property. As such it is unlikely that the extension would be overbearing or result in unreasonable loss of light to the occupiers of number 192 Dalston Road.

The scale and height of the proposed single storey extensions are comparable to the existing property. The extensions would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, it is considered that the proposed extensions would complement the existing dwelling in terms of design and materials to be used.

The Council's GIS Layer has identified that the site has the potential for breeding birds and hedgehogs to be present within the vicinity. As the proposed development seeks permission to extend an existing dwelling, situated over an area which is currently paving, and does not disturb any vegetation, it is not considered that the development would harm a protected species or their habitat. However, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

In overall terms it is considered that the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking and unreasonable loss of daylight or sunlight. The scale and design of the proposed rear extensions are considered acceptable in relation to the dwelling nor would it have a detrimental impact on biodiversity. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted Development Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016 Housing - Policy H11 - Extensions To Existing Residential Premises

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

Item no: 07

Appn Ref No:
11/0601

Applicant:
Harraby Catholic Club

Parish:
Carlisle

Date of Receipt:
18/07/2011

Agent:
Jock Gordon

Ward:
Harraby

Location:
Harraby Catholic Club, Edgehill Road, Carlisle, CA1
3PQ

Grid Reference:
342385 554188

Proposal: Erection Of Smoking Shelter To The West Elevation

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 approved documents for this Planning Permission comprise:
 1. the submitted planning application form received 18th July 2011;
 2. the location plan received 18th July 2011 (Drawing Number 2007/1);
 3. the site plan received 18th July 2011 (Drawing Number 2007/2);
 4. the existing plans received 18th July 201 (Drawing Number 2007/3);
 5. the proposed plans received on 23rd August 2011 (Drawing Number 2007/4A);
 6. the Notice of Decision; and
 7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

Summary of Reasons for the Decision

The overall footprint of the shelter is relatively large; however, its scale is proportionate to the size of the premises. It would be located in a small recess to the rear of the lobby partially obscured from view by the baffle wall and the topography of the surrounding soft landscaping.

Taking into consideration the scale and position of the shelter in relation to neighbouring residential properties the living conditions of the occupiers of those properties would not be adversely affected through loss of light, loss of privacy or overdominance.

Although the shelter would be visible from within some of the surrounding residential properties its design and location would not detract from the living conditions of those residents.

Concerns have been expressed about the necessity and cost of the shelter. Their objections have been noted; however, these issues are not material planning considerations.

The Councils GIS Layer has identified that the site has the potential for breeding birds to be present within the vicinity. As the proposed development would be located adjacent to the existing dwelling, situated over an area which is currently paving, and does not disturb any vegetation, it is not considered that the development would harm a protected species or their habitat. However, an Informative has been included within the decision notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

In overall terms, the proposal does not adversely affect the living conditions of adjacent properties by poor design, unreasonable overlooking or unreasonable loss of daylight or sunlight. The scale and design of the proposed shelter is acceptable in relation to the premises. Nor would it have a detrimental impact on biodiversity. In all aspects the proposals are with the objectives of the relevant adopted Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP2 - Biodiversity

Proposals in both the rural and urban area should not harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect.

In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC10 Food And Drink

Within the Plan area, proposals for uses within Use Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) will be approved provided that:

- 1 The proposal does not involve unacceptable disturbance to occupiers of

residential property; and

- 2 The proposal does not involve unacceptable intrusion into open countryside; and
- 3 The proposal, whether new development or conversion complements surrounding development or the character of the existing building; and
- 4 Appropriate access and parking can be provided; and
- 5 Throughout the Plan area opening hours will be imposed having regard to the surrounding uses, the character of the area and the possibility of disturbance to residential areas.

Proposals for A3, A4 and A5 related uses should be situated in accessible locations, within or adjacent to existing centres in line with the sequential approach in PPS6 unless material considerations dictate otherwise.

Carlisle District Local Plan 2001 - 2016 Housing - Policy H2 - Primary Residential Areas

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

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

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Item no: 08

Appn Ref No:
10/1098

Applicant:
Miss Helen Blake

Parish:
Kingmoor

Date of Receipt:
08/12/2010 13:01:13

Agent:
Garner Planning
Associates

Ward:
Stanwix Rural

Location:
Dabbing Cottage, Cargo, Carlisle, CA6 4AW

Grid Reference:
336552 559164

Proposal: Demolition Of Dabbing Cottage And Erection Of 1no. Replacement Dwelling

Decision: Refuse Permission

Date: 10/03/2011

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 18/08/2011

Item no: 09

Appn Ref No:
10/1099

Applicant:
Miss Helen Blake

Parish:
Kingmoor

Date of Receipt:
08/12/2010 13:01:13

Agent:
Garner Planning
Associates

Ward:
Stanwix Rural

Location:
Dabbing Cottage, Cargo, Carlisle, CA6 4AW

Grid Reference:
336552 559164

Proposal: Demolition Of Dabbing Cottage And Erection Of 1no. Replacement Dwelling (Revised Application) (LBC)

Decision: Refuse Permission

Date: 10/03/2011

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 18/08/2011

Item no: 10

Appn Ref No:
09/1082

Applicant:
Tesco Stores Limited

Parish:
Carlisle

Date of Receipt:
11/12/2009 08:01:39

Agent:
GL Hearn

Ward:
Yewdale

Location:
Bowling Green Adjacent to Horse & Farrier Public House, Wigton Road, Carlisle

Grid Reference:
338326 555195

Proposal: Erection Of A Convenience Foodstore (Revised Application)

Members will recall at Committee meeting held on 28th January 2011 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the competition of s.106 Agreement. The s.106 Agreement required the subsequent developer to;

1. repair and refurbish the public house in accordance with a minimum schedule of work to be agreed with Council Officers. This work would be carried out contemporaneously with the development of the store;
2. market the public house for a period of six months commencing not later than the store opening to trade; and
3. pay £3500 upon commencement of development to facilitate an amendment to the Traffic Regulation Order to provide "no waiting at any time" restrictions along Orton Road.

These details have been received and the approval was issued on 26th August 2011.

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 approved documents for this planning consent comprise:

1. The Planning Application Form received 11th December 2009;

2. The site location plan received 18th November 2010 (Drawing No. (P)100 Revision E);
3. The existing site plan received 8th June 2010 (Drawing No. (P)501);
4. The existing elevations received 8th June 2010 (Drawing No. (P)201-2 Revision A);
5. The existing elevations - street view received 13th January 2011 (Drawing No. (P)201-1 Revision B);
6. The proposed site plan received 13th January 2011 (Drawing No. (P)502 Revision K);
7. The proposed building plan received 15th November 2010 (Drawing No. (P)103 Revision E);
8. The proposed elevations received 17th January 2011 (Drawing No. (P)203-2 Revision J);
9. The proposed street elevations received 17th January 2011 (Drawing No. (P)203-1 Revision H);
10. The proposed elevations material studies received 13th January 2011 (Drawing No. (P)203-3 Revision K);
11. Swept Path Diagram received 12th January 2011 (Drawing No. 1020513 SK/01 231210);
12. Planning and Retail Assessment received 11th December 2009;
13. Planning and Retail Assessment Addendum received 6th April 2010;
14. Design and Access Statement received 11th December 2009;
15. Noise Impact Assessment received 11th December 2009;
16. Tree Impact Assessment received 11th December 2009;
17. Transport Statement received 6th April 2010;
18. Transport Form received 11th December 2009; and
19. The Notice of Decision.

Reason: To define the permission.

3. The development hereby permitted shall not exceed 404 sq m gross Class A1 retail floorspace as defined in the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To protect the vitality and viability of the City Centre and other defined centres, and to prevent adverse impact on the Council's proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016.

4. The Class A1 retail floorspace hereby approved shall only be used for the purpose of a food store selling convenience goods, and not more than 10% of the net retail sales area shall be used for the sale of comparison goods.

Reason: To protect the vitality and viability of the City Centre and other defined centres, and to prevent adverse impact on the Council's

proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016.

5. The external walling of the building shall be construction in accordance with the details contained on the approved Proposed Elevation Material Studies plan received 13th January 2011 (Drawing No. (P)203-3 Revision K).

Reason: To ensure that acceptable materials are used to safeguard the setting of the Listed Building in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

6. No development shall commence until full details of the planted green roof have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that its appearance safeguards the setting of the Listed Building in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

7. All new stone walls shall be finished in natural stone, which shall match the existing stone walls in terms of their appearance and the way that the stone is laid.

Reason: To ensure a satisfactory external appearance for the completed development in accordance with Policies CP5, LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

8. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence. The development shall be implemented in accordance with the approved scheme.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policies CP5 and LE12 of the Carlisle District Local Plan 2001-2016.

9. The service yard gate and fencing that forms the north east boundary of the service yard shall be finished using Thermowood.

Reason: To complement the appearance of the building and to safeguard the setting of the Listed Building in accordance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

10. Prior to development commencing, details of all perimeter fencing and other means of enclosure shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall be constructed in accordance with the approved details prior to the store opening to trade.

Reason: To ensure that its appearance safeguards the setting of the Listed Building and the living conditions of neighbouring residents in accordance with Policies CP6 and LE12 of the Carlisle District Local Plan 2001-2016.

11. No development shall commence until full details of the materials to be used in the formation of the disabled access ramp have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policies LE12 and LE13 of the Carlisle District Local Plan 2001-2016.

12. Samples or full details of the railing to be erected shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing railings and to ensure compliance with Policy LE12 of the Carlisle District Local Plan 2001-2016.

13. No development shall commence until full details of the fixed mechanical and refrigeration plant have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

14. No work associated with the construction of the development hereby approved shall be carried out before 0730 hours or after 1800 hours on weekdays and Saturdays (nor at any times on Sundays or statutory holidays).

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

15. The proposed retail units hereby approved shall not be open for trading except between 0700 hours and 2300 hours on Mondays to Saturdays or between 0700 hours and 2200 hours on Sundays or statutory holidays.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

16. No deliveries shall take place before 0700 hours and after 1800 hours on any day.

Reason: To prevent undue disturbance to neighbouring residential properties in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

17. The proposed service yard shall not be used except between 0700 hours and 2300 hours on Mondays to Saturdays or between 0700 hours and 2200 hours on Sundays or statutory holidays.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

18. The sales floor air condensing units shall only be operational between 0700 hours and 2300 hours on Mondays to Saturdays or between 0700 hours and 2200 hours on Sundays or statutory holidays.

Reason: To prevent disturbance to nearby residential occupiers and in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

19. Any waste generated by the supermarket use hereby approved to be discarded as refuse shall be kept within the service yard of the premises and shall only be placed outside the curtilage on such days as trade refuse collection will occur.

Reason: To safeguard the living conditions of neighbouring residential properties in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

20. Outside of store opening hours, the ATM hereby permitted shall remain shuttered off from public use.

Reason: In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties in accordance with Policies CP6 and EC7 of the Carlisle District Local Plan 2001-2016.

21. No development shall commence until a detailed scheme for the external

lighting of all proposed building, parking and servicing areas has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties and the setting of the Listed Building in accordance with Policies CP5, CP6, CP17 and LE12 of the Carlisle District Local Plan 2001-2016.

22. Prior to development commencing, details of the specification, location and direction of vision of any CCTV to be erected on site shall be submitted to and agreed, in writing, by the Local Planning Authority. The agreed details shall be implemented in full prior to the store opening to trade.

Reason: In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties and the setting of the Listed Building in accordance with Policies CP5, CP6, CP17 and LE12 of the Carlisle District Local Plan 2001-2016.

23. Prior to development commencing full details of the specification and hours of operation of the telescopic bollards that are proposed to secure the store car park shall be submitted to and agreed, in writing, by the Local Planning Authority. The agreed details shall be implemented in full prior to the store opening to trade and the bollards shall be utilised in accordance with the approved scheme.

Reason: In order to prevent crime, antisocial behaviour and to safeguard the living conditions of neighbouring residential properties and the setting of the Listed Building in accordance with Policies CP5, CP6, CP17 and LE12 of the Carlisle District Local Plan 2001-2016.

24. No development shall take place until a detailed landscaping scheme, including identification of those trees/shrubs to be retained, has been submitted to and approved, in writing, by the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. The landscaping plan should identify the crown spread of the trees to be retained, including the crown spread of any trees that overhang the boundary, and those trees shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority. Any trees or other plants, which die or are removed within the first five years following the implementation of the landscaping scheme, shall be replaced during the next planting season.

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

25. No development shall commence until a method statement for any work within the root protection area of those trees to be retained has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

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

26. The disabled access ramp hereby approved must incorporate a no dig construction in accordance with details to be submitted to and approved, in writing, by the Local Planning Authority.

Reason: In order to ensure that adequate protection is afforded to the root system of the adjacent Lime tree in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

27. No development shall commence until constructional details of the proposed Highways works to the footway, access and left turn lane from Orton Road as well as tie in details for the footway link to Wigton Road, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be occupied/use commenced until all works to the public highway have been carried out under Section 278 of the Highways Act 1980, and all the above highway works on private land have been undertaken and adopted by the Local Authority under Section 38 of the Highways Act 1980.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to ensure highway safety in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

28. The car park shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied/brought into use.

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

29. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

30. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

31. The use shall not be commenced until the access, parking and servicing requirements have been constructed in accordance with the approved plan. Any such access, parking and servicing provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority. Servicing to the site for deliveries shall not occur directly from Orton Road.

Reason: To ensure a minimum standard of access provision when the development is brought into use and to ensure highway safety in accordance with Local Transport Plan Policies LD5, LD7 and LD8.

Summary of Reasons for the Decision

This application sought “Full” planning permission for the erection of a convenience store in the grounds of the Horse and Farrier public house, which is a Grade II Listed Building that is located at the junction of Orton Road and Wigton Road in Carlisle.

The site is situated approximately 2km to the south west of the City Centre off the main route into the City from the west. The site is identified on the Proposals Map that accompanies the Local Plan as being within a Primary Residential Area. It is also lies within the Wigton Road/Orton Road Neighbourhood Centre, the boundaries of which are not defined on the Proposals Map.

Policy H2 of the Local Plan also allows non-residential uses to be permitted in Primary Residential Areas where the proposed use does not adversely affect the living conditions of residential properties. Policy EC7 also makes allowances for the provision of neighbourhood shopping facilities within or adjacent to neighbourhood centres such as this. The principle of the development is, therefore, acceptable. Restrictive retail conditions have been imposed to limit the overall size of the unit, but also the level of comparison goods sales that can take place in order to ensure that the development does not have an adverse impact upon the vitality and viability of the City Centre or planned District Centre at Morton.

The design of the store is modern in appearance as it was considered more appropriate in this instance to create a contemporary scheme that reflects current

architectural practises rather than pastiche development that sought to mimic the traditional appearance of the Horse and Farrier. Careful consideration was given to the position of the store in relation to the Grade II Listed Building in order to ensure that the setting of the building was not adversely affected. Several conditions have also been imposed (Nos. 5 -13) to regulate the physical works to ensure that the setting of the Listed Building is preserved.

Part of the justification for this proposal was that the development will ensure that the Listed Building, which is in a poor state of repair, is brought back into use. A s106 agreement has been completed that requires the Horse and Farrier to be repaired, in accordance with a minimum schedule of works, prior to the store opening to trade. The agreement also requires that the developer markets the public house for a period of six months commencing not later than the store opening to trade in order to secure an end user for the premises.

In respect of the impact that the proposal will have upon neighbouring residents, the position and scale of the store is such that the living conditions of these residents will not be affected by loss of light or overdominance. This is principally because of the distance that the store is positioned from those properties on Orton Road and the fact the bowling green is positioned at a much lower level to those dwellings located to the south of the site.

The proposal does have the potential to impact on the living conditions of neighbouring residents both during the construction and operational phase of the development. To mitigate this impact several conditions (Nos. 14 - 23) have been imposed and the Council is satisfied that these conditions will ensure that there will be no unacceptable impact upon the living conditions of neighbouring residents.

The Highway Authority has raised no objections to the development, subject to the imposition of several planning conditions and the provision of parking restrictions on Orton Road, which would be facilitated through an amendment to the Traffic Regulation Order (TRO). The applicant has entered into a s106 agreement to provide £3,500 to secure such an amendment.

There are seven Limes trees located along the Wigton Road frontage that are protected by a Tree Preservation Order. The store and the car park have been sited to avoid any adverse impact upon these trees. Where construction work is required to take place within the root protection area of any trees to be retained, such as to form the proposed railings and disabled access ramp, a condition is imposed that requires a method statement to be submitted detailing how this work will be undertaken without any detrimental impact. A separate condition is imposed that requires the submission of a detailed landscaping scheme.

In overall terms, the principle of the siting a convenience store in this location and within the grounds of this Listed Building is acceptable. Subject to the imposition of several planning conditions, the Council is satisfied that the proposal can be accommodated without significant harm to the setting of the Listed Building; the living conditions of neighbouring residents or highway safety. In all aspects the proposal is compliant with the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016 Spatial Strategy & Development Principles - Policy DP1 - Sustainable Development Locations

All proposals for development will be assessed against their ability to promote sustainable development. Proposals will be considered favourably in the following locations, provided they are in scale with their location and consistent with other Policies of this Local Plan.

Urban Area	City of Carlisle	
Key Service Centres	Brampton Longtown	
Local Service Centres	Burgh by Sands Castle Carrock Cummersdale Cumwhinton Dalston Gilsland Great Corby Great Orton Hallbankgate Hayton	Heads Nook Houghton Irthington Raughton Head Rockcliffe Scotby Smithfield Thurstonfield Warwick Bridge Wetheral

Proposals for development within these locations will be assessed on the basis of the need for development to be in the location specified.

Within the Urban Area proposals for retail, office and leisure developments will be subject to a sequential approach which requires that locations be considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area.

Proposals for residential development will be considered against the need to give priority to the reuse of previously developed land, with particular emphasis on vacant and derelict sites and buildings.

Settlement Boundaries have been established on the Proposals Map to recognise the extent of built development or where planning permission already exists to judge proposals for development and are not indicative of land ownership.

Outside these locations development will be assessed against the needs to be in the location specified.

Carlisle District Local Plan 2001 - 2016 Core Development Policies - Policy CP5 - Design

All new development proposals will be assessed against the following design principles. Proposals should:

- 1 Respond to the local context and the form of surrounding buildings in relation to height, scale and massing, and by making use of appropriate materials and detailing;
- 2 Take into consideration any important landscape or topographical features and respect local landscape character;
- 3 Reinforce local architectural features, where appropriate, promoting and respecting local distinctiveness;
- 4 Ensure all components of the proposal, such as buildings, car parking, access routes, open space and landscaping, are well related to one another to ensure a well integrated, successful and attractive development;
- 5 Ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable standards for future users and occupiers of the development;
- 6 Ensure the retention and enhancement of existing trees, shrubs, hedges and other wildlife habitats where possible. Where environmental features are lost as a result of the proposal, appropriate mitigation measures should be put in place and on-site replacement of those features will be sought;
- 7 Include landscaping schemes (both hard and soft) to assist the integration of new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings;
- 8 Ensure that the necessary services and infrastructure can be incorporated without causing unacceptable harm to retained features;
- 9 Ensure that the layout and design incorporates adequate space for waste and recycling bin storage and collection.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP6 - Residential Amenity

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

- 1 is for a use inappropriate for residential areas; and/or
- 2 is of an unacceptable scale; and/or
- 3 leads to an unacceptable increase in traffic or noise; and/or
- 4 is visually intrusive.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP12 - Foul And Surface Water Sewerage And Sewage Treatment

Development will not be permitted where inadequate foul and surface water sewerage infrastructure and sewage treatment capacity exists, or where such provision can not be made within the time constraint of the planning permission.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP15 - Access, Mobility And Inclusion

Development proposals should make provision for easy, safe and inclusive access to, into and within buildings and facilities. The layout and design of developments should meet the requirements of accessibility and inclusion for all potential users regardless of disability, age or gender. The Council will have regard to the following criteria when assessing development proposals:

- 1 The design of entrances and exits and ease of permeation through and between developments in terms of street furniture, circulation areas and pedestrian routes;
- 2 The location of any development proposal in relation to its potential users;
- 3 Accessibility to all transport modes and provision of adequate parking for disabled people;
- 4 Provision of on-site facilities such as public toilets, and appropriate signage

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Public Transport, Pedestrians And Cyclists

New developments should offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access including secure cycle parking provision facilities, where appropriate, in all new developments accessible to the public.

Carlisle District Local Plan 2001 - 2016

Core Development Policies - Policy CP17 - Planning Out Crime

The design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime.

The following points should be applied to all development proposals:

- 1 Security measures should be an integral part of the design
- 2 Developments should be laid out and buildings positioned to maximise natural surveillance with the intention of creating a sense of neighbourhood and deterring criminal and anti-social activity
- 3 Public and private spaces should have clearly defined boundaries.
- 4 Footpaths and cycleways should be designed to maximise their use and prevent opportunities for concealment, unauthorised access or provide a choice of escape routes.
- 5 Landscaping schemes be designed to ensure that they do not create secluded areas, opportunities for climbing or reduce natural surveillance.
- 6 Lighting should deter criminal and antisocial activity whilst minimising light pollution. CCTV may be considered necessary in certain circumstances.

Developers should, at the earliest stage possible, consult Architectural Liaison Officer to advise on measures to be incorporated for designing out crime.

Carlisle District Local Plan 2001 - 2016
Housing - Policy H2 - Primary Residential Areas

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

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

Proposals for non-residential uses will be permitted in Primary Residential Areas provided that they do not adversely affect residential amenity. Development that would create unacceptable noise, smell, safety and health impacts or excessive traffic generation will not be acceptable. The traffic impact of new development upon existing residents through inconvenience and detrimental effect will be taken into account. Such schemes falling within the scope of this policy will be considered against the above criteria as well as other policies of the Plan appropriate for the proposed use.

Outside the Primary Residential Areas and sites allocated under Proposal H16 for Carlisle, Brampton and Longtown, applications for residential development, including redevelopment and the change of use of vacant and underused buildings, will be only be permitted provided that:

- 1 satisfactory housing conditions can be achieved; and
- 2 the proposal will complement the existing character of the area; and
- 3 the proposal will not adversely affect the amenity of the area; and
- 4 satisfactory access can be provided; and
- 5 appropriate parking arrangements can be made.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE12 - Proposals Affecting Listed Buildings

Proposals for new development which adversely affects a listed building or its setting will not be permitted. Any new development within the setting of a listed building should preserve the building's character and its setting. The City Council will seek to encourage any new development to be sympathetic in scale, character and materials.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE13 - Alterations To Listed Buildings

Applications for alterations or extensions to listed buildings must have regard to the scale, proportions, character and detailing of the existing building (both internally and externally) and of its windows and doorways. Any proposals which have an unacceptable impact on the listed building will not be permitted.

Applications will be assessed against the following criteria:

1. the importance of the building, its intrinsic architectural and historic interest and rarity, and its significance to the local distinctiveness and character of the district;
2. the particular physical features of the building
3. the setting of the building and its contribution to the local scene;
4. the extent to which the proposed works would bring substantial benefits for the community.

Carlisle District Local Plan 2001 - 2016 Local Environment - Policy LE14 - Development Involving The Demolition Of Listed Buildings

There will be a presumption in favour of the preservation of listed buildings. Development proposals which would result in the total or substantial demolition of a listed building must include details of redevelopment and will only be approved in exceptional circumstances taking into account:

- The intrinsic quality of the building and its contribution to the landscape/townscape;
- The structural condition of the building;
- The efforts made to retain the building in its current use, or to find compatible alternative uses;
- The cost of repair and maintenance in relation to the importance of the building;
- The merits of the proposals for redevelopment.

Carlisle District Local Plan 2001 - 2016 Economic & Commercial Growth - Policy EC5 - Large Stores And Retail Warehouses

Proposals for large stores and retail warehouses with large adjacent customer car parks will not be permitted except on sites allocated in this Plan. Outside of those allocations, if a qualitative and quantitative need can be demonstrated and it can be shown that no more sequentially preferable site exists, development may be permitted only where all of the following criteria are met:

- 1 There is an essential requirement to transfer bulky customer loads from store to car;
- 2 The site is widely accessible by public transport;
- 3 The proposal is of a scale which will not seriously affect the viability, vitality or regeneration of the City Centre;
- 4 additional traffic can be satisfactorily accommodated within the surrounding road network;
- 5 There will be no harm to the visual character of the area or the amenities of adjoining land uses;
- 6 There will be no unacceptable effect on overall travel patterns.

Proposals for the extension of floorspace (including the use of a mezzanine floor) at existing larger stores or retail warehouses will also be considered in relation to the

above criteria.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC7 - Neighbourhood Facilities

Proposals for neighbourhood supermarkets and other shopping proposals within or adjacent to the district centres, identified on the Proposals Map, will be acceptable providing that:

- 1 it is well related to existing local shopping provision; and
- 2 it does not adversely affect the amenity of any adjacent residential areas; and
- 3 appropriate access, parking and security arrangements can be achieved; and
- 4 appropriate landscaping is an integral part of the scheme.
- 5 it does not affect the viability or vitality of the district centre

In order to minimise the impact on nearby centres conditions may be imposed to restrict the sale of non-food goods in such stores and limit the size of stores to reflect the scale of the district centre.

Carlisle District Local Plan 2001 - 2016
Transport - Policy T1- Parking Guidelines For Development

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

- 1 the Parking Guidelines for Cumbria as updated by additional requirements in PPG 13;
- 2 the availability of public car parking in the vicinity;
- 3 the impact of parking provision on the environment of the surrounding area;
- 4 the likely impact on the surrounding road network; and
- 5 accessibility by and availability of, other forms of transport.