

Committee Minutes

Control of Development and Advertisements

The Development Control Committee received and considered the following applications:

Item no: 01

Appn Ref No: 11/0596	Applicant: Bolsterstone Innovative Energy (Newlands) Ltd	Parish: St Cuthberts Without
Date of Receipt: 15/07/2011 16:00:53	Agent: Arcus Renewable Energy Consulting	Ward: Dalston
Location: Newlands Farm, Carleton, Carlisle, CA4 0AE		Grid Reference: 344058 552722

Proposal: Erection Of 1no. Wind Turbine And Associated Infrastructure Including Hardstandings, On-Site Tracks, Construction Compound, Permanent Meteorological Mast, Underground Cabling, Culverting, Control Building And Upgraded Site Access From B6263

Refuse Permission

- Reason:** The application site occupies an elevated and prominent position close to the urban edge of Carlisle and in very close proximity to the village of Cumwhinton with particular regard to the properties known as Cringles Farm, Beech Cottage, and the potential development of land adjoining Beech Cottage for the provision of affordable housing/housing for the elderly the subject of current application reference number 11/0730. The proposed turbine due to its size and position will form an oppressive and dominant presence to the detriment of the living conditions of the occupiers of Cringles Farm and either Beech Cottage or dwellings proposed under application reference number 11/0730. The proposal is therefore considered to be contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016; and Policies CP6, CP8 and the underlying objectives of Policy H6 of the Carlisle District Local Plan 2001-2016.

Relevant Development Plan Policies

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.

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:

Cumbria and Lake District Joint Structure Plan 2001 – 2016
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
Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

Carlisle District Local Plan 2001 - 2016
Local Environment - Policy LE2 - Sites Of Special Scientific Interest

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

- 1 The reasons for the development clearly outweigh the nature conservation value of the site for which it is of special interest and therefore designated as part of the national series of SSSIs; or
- 2 the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Item no: 02

Appn Ref No:
11/0597

Applicant:
Bolsterstone Innovative

Parish:
St Cuthberts Without

Energy (Newlands) Ltd

Date of Receipt:

15/07/2011 16:00:28

Agent:

Arcus Renewable Energy
Consulting Ltd

Ward:

Dalston

Location:

Newlands Farm, Carleton, Carlisle, CA4 0AE

Grid Reference:

344099 552499

Proposal: Erection Of 2no. Wind Turbines And Associated Infrastructure Including Hardstandings, On-Site Tracks, Construction Compound, Permanent Meteorological Mast, Underground Cabling, Culverting, Control Building And Upgraded Site Access From B6263

Refuse Permission

- Reason:** The application site occupies an elevated and prominent position close to the urban edge of Carlisle and in very close proximity to the village of Cumwhinton with particular regard to the properties known as Cringles Farm, Beech Cottage, and the potential development of land adjoining Beech Cottage for the provision of affordable housing/housing for the elderly the subject of current application reference number 11/0730. The proposed turbines due to their size, number and position will form an oppressive and dominant presence to the detriment of the living conditions of the occupiers of Cringles Farm and either Beech Cottage or dwellings proposed under application reference number 11/0730. The proposal is therefore considered to be contrary to Policy R44 of the Cumbria and Lake District Joint Structure Plan 2001-2016; and Policies CP6, CP8 and the underlying objectives of Policy H6 of the Carlisle District Local Plan 2001-2016.

Relevant Development Plan Policies

**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:

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- 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;
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Cumbria and Lake District Joint Structure Plan 2001 – 2016

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

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Cumbria and Lake District Joint Structure Plan 2001 – 2016

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5. public access and community value of the landscape,
6. historic patterns and attributes,
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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 Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing

to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE2 - Sites Of Special Scientific Interest

Development proposals within or likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest will be subject to special scrutiny and will not be permitted unless:

- 1 The reasons for the development clearly outweigh the nature conservation value of the site for which it is of special interest and therefore designated as part of the national series of SSSIs; or
- 2 the nature conservation interest of the site can be fully protected and enhanced by the appropriate use of planning conditions or obligations.

Item no: 03

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 give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a S106 to secure:

- a) the provision of affordable housing;
- b) a financial contribution towards the provision/maintenance of public open space;
- c) £51,250 towards the upgrading or replacement of the existing Maryport Cottages Footbridge over the existing railway line; and
- d) £3,950 towards the advertisement and implementation of any possible Traffic Regulation Orders necessitated by this development.

Item no: 04

Appn Ref No:
00/0439

Applicant:
Crowther Homes Ltd

Parish:
Cummersdale

Date of Receipt:
25/05/2000

Agent:
Persimmon Homes
Lancashire

Ward:
Dalston

Location:
L/A Peter Lane bounded by Dalston Road,
Cummersdale, Carlisle, Cumbria

Grid Reference:
338100 553300

Proposal: Residential Development (Outline)

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a s106 to secure:

- a) the provision of affordable housing;
- b) a financial contribution to secure improvements to the primary school infrastructure;
- c) the provision of a management company to maintain the areas of public open space within the development.
- d) a proportional financial contribution towards the provision and maintenance of the strategic area of open space proposed as part of the Morton Masterplan and Development Framework;
- e) £10,000 towards bridleway improvements;
- f) £6,000 to enable monitoring of the Travel Plan; and
- g) £100,000 Travel Plan Bond.

Item no: 05

Appn Ref No:
08/1018

Applicant:
ERB Properties

Parish:
Hethersgill

Date of Receipt:
06/10/2008 17:30:29

Agent:
RoI Design Limited

Ward:
Lyne

Location:
Kirklington Hall, Kirklington, CA6 6BB

Grid Reference:
343540 567409

Proposal: Restoration And Conversion Of Kirklington Hall, Stable Block And Coach House Into 13no. Dwellings; Erection Of New Wing Containing 5no. Dwellings; Construction Of Walled Enclosure Comprising Garage Court And Additional Parking Incorporating 4no. Dwellings Formation Of New Vehicular/ Pedestrian Access.

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a S106 Agreement to secure the submission and subsequent implementation of a phasing programme and a management plan.

Item no: 06

Appn Ref No:
08/1019

Applicant:
ERB Properties

Parish:
Hethersgill

Date of Receipt:
06/10/2008 17:30:29

Agent:
RoI Design Limited

Ward:
Lyne

Location:
Kirklington Hall, Kirklington, CA6 6BB

Grid Reference:
343540 567409

Proposal: Restoration And Conversion Of Kirklington Hall, Stable Block And Coach House Into 13no. Dwellings; Erection Of New Wing Containing 5no. Dwellings; Construction Of Walled Enclosure Comprising Garage Court And Additional Parking Incorporating 4no. Dwellings Formation Of New Vehicular/ Pedestrian Access (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 Listed Building Application Form received 6th October 2008;
2. The Block Plan As Existing received 10th October 2011(Drawing no. 0715/01 Rev A);
3. The Elevations As Existing (Sheet 1) Coach House & Main Hall received 28th July 2009 (Drawing no. 0715/02);
4. The Elevations As Existing (Sheet 2) Main Hall & Stable Block received 28th July 2009 (Drawing no. 0715/03);
5. The Tree Survey received 10th October 2011 (Drawing no. 0715/14);
6. The Block Plan As Proposed & Location Plan received 10th October 2011 (Drawing no. 0715/20 Rev B)
7. The Hall – Ground Floor Plan As Proposed received 28th July 2009 (Drawing no. 0715/21);
8. The Hall – First Floor Plan As Proposed received 28th July 2009 (Drawing no. 0715/22);
9. The Hall – Second Floor Plan As Proposed received 28th July 2009 (Drawing no. 0715/23);
10. The Hall – Elevations As Proposed (Sheet 1) Including New Wing received 28th July 2009 (Drawing no. 0715/24);
11. The Hall & Stable Block – Elevations As Proposed (Sheet 2) received 28th July 2009 (Drawing no. 0715/25);
12. The Coach House – Plans & Elevations As Proposed (Units 1 & 2) received 28th July 2009 (Drawing no. 0715/26);
13. The Garage Court & Units F – J Plan As Proposed Refuse/ Recycling Store received 28th July 2009 (Drawing no. 0715/27);
14. The Garage Court – External Elevations As Proposed received 28th July 2009 (Drawing no. 0715/28);
15. The Garage Court – Internal Elevations As Proposed received 28th July 2009 (Drawing no. 0715/29);
16. The Hall And Garage Court Section Through Hall Courtyard received 28th July 2009 (Drawing no. 0715/30);
17. The Impact Assessment Floor Plan Of Hall Indicating Principal Restoration Approach received 22nd March 2011 (Drawing no. 0715/31);
18. The Impact Assessment Elevations Of Hall – Sheet 1 received 22nd March 2011 (Drawing no. 0715/32 Rev A);
19. The Impact Assessment Elevations Of Hall – Sheet 2 received 22nd March 2011 (Drawing no. 0715/33 Rev A);
20. The Impact Assessment Elevations Of Hall – Sheet 3 received 22nd March 2011 (Drawing no. 0715/34 Rev A);
21. The Impact Assessment Elevations Of Coach House received 22nd March 2011 (Drawing no. 0715/35 Rev A);
22. The Impact Assessment Internal Elevations Of Hall received 22nd March 2011 (Drawing no. 0715/36 Rev A);
23. The Hall & Coach House – Ground Floor Plan As Existing received 4th September 2009 (Drawing no. 0715/37);
24. The Hall & Coach House – First Floor Plan As Existing received 4th September 2009 (Drawing no. 0715/38);
25. The Hall – Second Floor Plan As Existing received 4th September 2009

(Drawing no. 0715/39);

26. The Design and Access Statement received 3rd August 2009;

27. The Tree Survey received 19th February 2009;

28. The Kirklington Hall Conservation Statement received on 22nd March 2011;

29. The Kirklington Hall Addendum to Conservation Statement received on 8th February 2011; and

30. the Notice of Decision.

Reason: To define the consent.

3. Notwithstanding the submitted application, details of all new windows and doors, in the form, of quarter or full-size drawings including sections, shall be submitted on scale metric drawings for prior approval by or on behalf of the Local Planning Authority before any development takes place. Such details shall include the type of material, frames, means of affixing to the wall and the size and opening arrangements of the window and the development shall be undertaken in accordance with the approved details.

Reason: To ensure the works are appropriate to the Listed Building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

4. Details of exterior soil and vent pipes, waste pipes, rainwater goods, boiler flues and ventilation terminals, meter boxes, exterior cabling and electrical fittings shall be submitted to and approved in writing by the Local Planning Authority before the commencement of works. The development shall be carried out in accordance with the approved details.

Reason: To safeguard the architectural and historic interest and character of the Listed Building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

5. Before the relevant parts of the work are commenced, details of roofing materials, including ridge materials and detailing, together with the method of ventilating the roof voids and the method of fixing these items, shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To safeguard the architectural and historic interest and character of the Listed Building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

6. The demolition of the walls shall be carried out by hand (or by tools held in the hand other than power-driven tools) and the materials stored for re-use in the redevelopment of the buildings.

Reason: To maintain the architectural integrity of the building and the amenities of its surroundings in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

7. No pointing or re-pointing of existing or proposed masonry shall commence until the Local Planning Authority has approved the following items in writing:
- a drawing showing the proposed area(s) of repointing;
 - the mortar mix;
 - the method of removing existing mortar; and
 - an inconspicuous pointing sample provided on site following approval of the above items.

Reason: To safeguard the historic interest and character of the Listed Building and ensure an appropriate external appearance in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

8. Prior to the carrying out of any construction works the existing buildings affected by the proposed development shall be recorded in accordance with a Level 3 survey as described by English Heritage's document Understanding Historic Buildings A Guide to Good Recording Practice, 2006 and following its completion, three copies of that survey shall be furnished to the Local Planning Authority.

Reason: To ensure that a permanent record is made of the buildings of architectural and historic interest prior to their alteration as part of the proposed development in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The crucial questions are therefore whether the new development will materially harm the heritage value of the building or its setting, and whether the potential benefits outweigh any identified disbenefits.

Kirkclinton Hall is Grade II listed and is acknowledged as being of regional importance. During the years immediately following the listing of the building, the historic buildings on the site were not the subject of any substantial investment, and while they have been unoccupied their condition has deteriorated. The application is supported with a specification and schedule of repairs, which are all considered to be necessary to safeguard the long-term future of the historic asset.

The new development is acceptable and would not harm the listed building or its setting. Bringing the listed building back into a productive use, and its repair and renovation would be a public benefit and it is difficult to identify any material

disbenefits that would justify a refusal of permission for the new build properties.

The scheme has been designed to restore the exterior of these buildings as closely as practicable and subdivide the hall and its outbuildings into a number of individual dwellings. The internal planning of these units takes account of all existing openings in the external envelope with a minimum of alterations to form new entrance doors.

The information provided with the application shows that that the amount of rebuilding an reconstruction that is required is actually very modest. The greater part of the surviving structure will be retained and the reconstruction of the other elevations would not only preserve the existing but would add something substantial and permanent to the landscape. The additional development has been kept to a minimum and it is designed in a way to be as unobtrusive as possible whilst still having an attractive design.

Relevant Development Plan Policies

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.

Item no: 07

Appn Ref No:

11/0595

Applicant:

BRB (Residuary) Ltd

Parish:

Kingmoor

Date of Receipt:

15/07/2011 13:00:57

Agent:

Jacobs UK Limited

Ward:

Stanwix Rural

Location:

Waverley Viaduct, River Eden, Willowholme, CA2

Grid Reference:

338317 556513

Proposal: Temporary Consent For Retention Of Existing Steel Palisade Security Fences Located At Each End Of Viaduct For A Further 3 Years

Members resolved to defer consideration of the proposal in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

Item no: 08

Appn Ref No:
11/0701

Applicant:
BRB (Residuary) Ltd

Parish:
Kingmoor

Date of Receipt:
17/08/2011 08:00:21

Agent:
Jacobs UK Ltd

Ward:
Stanwix Rural

Location:
Waverley Viaduct, River Eden, Willowholme, CA2
7NY

Grid Reference:
338317 556510

Proposal: Temporary Consent For Retention Of Existing Steel Palisade Security Fences Located At Each End Of Viaduct For A Further 3 Years (LBC)

Members resolved to defer consideration of the proposal in order to undertake a site visit and to await a further report on the application at a future meeting of the Committee.

Item no: 09

Appn Ref No:
11/0208

Applicant:
Orton Grange Wind
Energy

Parish:
Orton

Date of Receipt:
15/03/2011 08:00:44

Agent:
Gray Associates Limited

Ward:
Burgh

Location:
Orton Grange Farm, Dalston, Carlisle, CA5 6LA

Grid Reference:
335157 552046

Proposal: Erection Of Single Wind Turbine (Height To Tip 65 Metres)

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 Planning Application Form;
 2. Location Plan received 28th October 2011 (D1a);
 3. Block Plan received 28th October 2011 (D2a);
 4. Turbine Elevations received 18th March 2011;
 5. Planning Statement/Design and Access Statement received 18th March 2011;
 6. Hedgerow Assessment Report received 28th July 2011;
 7. Sound pressure level details received 15th March 2011;
 8. Aviation Report received 27th September 2011;
 9. Nats/Radar Report received 15th March 2011;
 10. Appendix 1 - Photomontages received 15th March 2011;
 12. Appendix 3 - Ecological Report received 15th March 2011;
 13. Enercon Access Roads and Crane Platform details received 15th March 2011
 14. Further bird information from Ian Wrigley Environmental Land Management received 8th May 2011;
 15. the Notice of Decision; and
 16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases 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, as described in the documents listed in condition 2 above, shall be removed from the site.

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 when electricity is first supplied to the grid. The local planning authority shall be notified in writing of the date of the commissioning of the wind farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground structures shall be removed from the site which shall be reinstated to its original condition.

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 turbines shall not exceed the levels indicated the Planning Statement (received by Planning Services on 18th March 2011) or the Sound Pressure Level sheet received by Planning Services on 15th March 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. Details of the haulage route, its remedial measures, site access and any alterations to the existing highway shall be submitted to the Local Planning Authority for approval. The development shall not commence until the details have been approved. Any (highway) restoration measures thereby agreed to shall be completed prior to the site becoming operational.

Reason: In the interests of highway safety and in accordance with Local Transport Plan policies LD7 and LD8.

7. The turbine shall not become operational until full details of the proposed management scheme for the nearby Jeffreys Wood have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: In accordance with Policy CP8 of the Carlisle District Local Plan 2001-2016.

8. Prior to the turbine being erected on site, full details of the proposed aviation lighting, as recommended by the Ministry of Defence, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of air safety and in accordance with Policy CP8 of the Carlisle District Local Plan 2001-2016.

9. No site clearance, preparatory work or development shall take place until the Local Authority has approved in writing the full details of which trees and hedges are to be retained by reference to a plan showing the location of every hedge and every tree (with a diameter of over 100 mm measured over the bark at 1.5m above ground level), and is either on the application site or is on adjacent land and is so located that the application site includes any land within the root protection area as determined using the calculation within BS 5837: 2005 trees in relation to construction.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees retained and to ensure compliance with Policy

CP3 of the Carlisle District Local Plan 2001-2016.

10. No site clearance, preparatory work or development shall take place until the Local Authority has approved in writing the full details of a method of tree and hedge protection including a detailed specification for the tree and hedge protection barriers and their location.

Reason: The local planning authority wishes to see existing hedgerows/trees retained and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

11. The protection of any existing tree or hedge to be retained in accordance with the previous conditions shall be achieved as follows:

- i. No equipment, machinery, or materials shall be brought onto the site for the purpose of development until fencing has been erected in accordance with the plans and particulars which have previously been approved by the Council in writing;
- ii. If that fencing is broken or removed during the course of carrying out the development, it shall be promptly repaired or replaced to the satisfaction of the Council
- iii. The fencing shall be maintained in position to the satisfaction of the Council, until all equipment, machinery and surplus materials have been moved from the site; and
- iv. Within any area fenced in accordance with this condition, nothing shall be stored, placed or disposed of on above or below ground, the ground level shall not be altered, no excavations shall be made, no fires lit within 10 m of the nearest point of the canopy of a retained tree or hedgerow, no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area without the prior written consent of the Council.
- v. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: The Local Planning Authority wishes to see existing hedgerows/trees retained and to ensure compliance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

12. No works or development shall be carried out until details of a landscaping scheme have been submitted to and approved 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 a satisfactory landscaping scheme is prepared in accord with Policy CP1, and CP2 of the Carlisle District Local Plan

Summary of Reasons for the Decision

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;
3. the effect of the proposed development on the living conditions of local residents (noise and shadow flicker);
4. the effect of the proposal on the natural environment;
5. the impact on Carlisle Airport.

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

PPS22 "Renewable Energy" identifies a number of key principles which local planning authorities and developers should adhere to in their approach to planning for renewable energy. Paragraph 1(i) explains that renewable energy developments should be capable of being accommodated throughout England in locations where the technology is viable and environmental, economic and social impacts can be addressed satisfactorily. Paragraph 1(iv) records that the wider environmental and economic benefits of considerations that should be given significant weight in determining whether proposals should be given planning permission. Paragraph 1(viii) requires that development proposals should demonstrate how environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures. There is no specific requirement in PPS22 to provide precise calculations on the energy levels to be derived from a particular proposal and/or examine alternative sites.

Paragraphs 2 to 5 of PPS22 highlight that the Regional Spatial Strategy should include the target for renewable energy capacity in the region. The targets should be reviewed on a regular basis and revised upwards if they are met. However, the fact that a target has been reached should not be used in itself as a reason for refusing planning permission for further renewable energy projects, nor should the potential for offshore generation be used as a justification to set lower onshore targets.

Policy EM17 of the Regional Spatial Strategy (RSS) encourages the promotion and greater use of renewable energy sources and includes a target of having 10% of the region's electricity production from renewable sources by 2010 and rising to 15% in 2015 and 20% in 2020. The sub-regional target for Cumbria is to have 15 - 21 onshore wind farms by 2010 with generating capacity of 210 MW increasing to 247.5

MW by 2015.

The available records indicate that there are currently 17 onshore wind farms operating in Cumbria and seven more with consent with a total of 143 MW of generating capacity. In effect, the county target for 2010 has yet to be met and, at the current rate, the target for 2015 is unlikely to be met.

The current proposal would provide a total maximum 'installed capacity' of 330kW. Whilst this does not go very far towards meeting the deficit, Members should note that PPS22 also stresses that small scale projects can provide a limited but valuable contribution to the overall output of renewable energy and to meet energy needs both locally and nationally.

2. Landscape and visual impacts including cumulative impact

Paragraphs 19 and 20 of PPS22 highlight that (1) landscape and visual effects should be assessed on a case by case basis using objective descriptive material and analysis wherever possible; and (2) of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects.

Paragraphs 1(iv) and (v) of PPS7 explains that the Government's aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife and the wealth of its natural resources, and so that it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and its local distinctiveness. Paragraph 16(iv) also advises that planning determinations should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

The application site comprises a gently rolling improved pasture field in an agricultural landscape (with field boundaries being mainly hedgerows, wire fencing and occasional hedgerow trees). A row of high voltage electricity pylons run through the field in a north to south formation.

The local landscape continues the gently rolling characteristic and is largely farmed pasture. Several large scale farm and garden nursery developments are dotted throughout the landscape. Residences are also dotted through the landscape, often found in small clusters around road junctions or as compact villages. Many of the properties close to the site are bungalows with mature garden screening. The operational Great Orton wind farm is located approximately 3.5km north west of the site.

The application site is within an area defined as Lowland with moderate Landscape Capacity in Map 8 of the Landscape Capacity Assessment (2006) which accompanies the Cumbria Wind Energy Supplementary Planning Document. This document considers that an area of moderate landscape capacity is able to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines. As such it is clear that the proposed turbine is within the size limits suggested for this landscape type.

It is considered that a single turbine would not significantly harm the local landscape character, and would be generally compatible with the general scale of the rolling landscape, medium sized fields, pylons and larger farm and nursery buildings. Although the turbine would be around 20m taller than the pylons, it would appear in scale with them and other turbines in the local landscape.

The applicant has considered the effect of the proposal on local views and nearby residential properties. The nearest property, 2 Orton Grange Cottages, is located 324m from the turbine. This is a similar distance from the nearest property to the turbines at Great Orton wind farm. The operational turbines are also a similar height to this proposal.

The nearest properties are likely to have limited views of the turbine due to a combination of their size (single storey), orientation, and screening from garden planting and other buildings. Properties on the southern side of the A595 are generally well screened by garden vegetation and those located at Woodville are orientated away from the turbine.

It is considered that the size of the turbine, its distance from properties and the screening provided by buildings and vegetation would help to prevent the turbine from being oppressive or dominant from living or working spaces of nearby properties.

As an engineered structure, where visible, the turbine would visually contrast with the more natural surroundings. However despite its height, the proposal has a relatively minimal form, with no additional equipment housing or perimeter fencing being required and given (1) the existing nature of the landscape; (2) the location of the existing high voltage pylons and (3) the proposed colour of the wind turbine (white) it is not considered that the proposal will adversely impact on the visual amenity and character of that landscape. Conditions are attached requiring removal of the turbine at the end of its operational life (or if it ceases to be operational for a continuous period of 12 months) and reinstatement of the land to its former condition.

3. Living conditions of local residents

The noise levels generated by the wind turbine are specified as 42dB(A) at a distance of 350m from the turbine, this decreases if the distance is extended. PPG24 (Planning and Noise) recommends using BS8233:1999 Sound Insulation and Noise Reduction in buildings-Code of Practice. This (1) recommends that noise levels in bedrooms at night should not normally exceed 45dBLA max (these values do not apply to noise generated within the house) and (2) suggests that steady noise in gardens should not exceed 50dbLAeqT.

Given the siting of the wind turbine relative to dwelling houses in the area (the nearest property being 324m away from the turbine) it is not considered that the proposal will have an adverse impact on the living conditions of neighbouring residents. However, as a safeguard, a condition is recommended, to ensure that the sound levels produced by the wind turbine do not exceed those specified in the Design and Access Statement and sound pressure level details submitted with the

application.

Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. In this case, the information accompanying the current application does not confirm the likely operating frequency.

In relation to amenity, paragraph 76 of the Wind Energy Annex to the Companion Guide to PPS22 makes it clear that shadow flicker only affects properties within 10 rotor diameters of a wind turbine, and only properties within 130 degrees either side of north, relative to the turbines can be affected in the UK. In this instance there are no properties within this area and as such there is no risk of such an impact on residential amenity.

4. The Effect Of The Proposal On The Natural Environment

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. In this case, the proposal relates to the siting of a wind turbine within agricultural land currently used as grazing.

Breeding Birds and Bat Potential have been highlighted within the vicinity. However, as the turbine has been located over 50m from the nearest habitat feature (hedgerows, woods, buildings etc) this negates the need for a bat survey.

Natural England raised no objections to the proposal, and the RSPB have withdrawn their objection further to the additional information being received, consisting of a detailed bird survey within a 2km radius of the site.

Taking into account the proposed development, its location and surroundings it is considered that there should be no significant effects from the proposal, and that there will be no harm to the favourable conservation of any protected species or their habitats. Advisory notes have been imposed within the decision notice with regard to protected species.

It is noted that in order to widen the field access gate it will be necessary to remove 6m of hedgerow. However, the applicant has confirmed that following erection of the turbine the hedgerow will be reinstated with new, comprising 40% Hawthorn, 20% Blackthorn, 10% Elderberry, Holly Hazel and 5% Dog rose and Honeysuckle.

The Council's Landscape Architect and Tree Officer originally objected to the application, further to this a Hedgerow assessment was received. The scheme was amended to relocate the access track and the route of the proposed underground cable to avoid the Hedgerows. This is considered to be acceptable and four conditions relating to tree protection and landscaping have been recommended.

The applicant has indicated their intention to enhance the management of nearby Jeffreys Wood. This will act as a screen to the proposal from some local views. A condition has been included requiring further details of this to be submitted to the Local Authority.

5. Carlisle Airport

Further to the receipt of the Aviation Assessment, Carlisle Airport have confirmed that they have no objections to the proposal.

Other Matters

The MoD have raised no objections to the application, but have recommended that the turbine is fitted with aviation lighting.

It is appreciated that other issues can arise when considering a proposed turbine including signal interference but based on the size of the proposed turbine, the accompanying information and the turbines location, it is not considered that they are of sufficient weight to influence the outcome of the proposal.

Cumbria County Council have requested further information relating to i) the future management of Jeffreys wood (as discussed earlier in this report), ii) ensuring the turbine is decommissioned at the end of its operational life and iii) the proposed route of the cranes/lorries bringing the turbine to the site. These issues can all be dealt with by way of condition.

Conclusion

In conclusion the proposal involves the erection of a single turbine to serve the needs of the Orton Grange business consortium, with the possibility of spare capacity feeding into the National Grid.

National planning policy promotes targets for renewable energy and looks to Local Authorities to support proposals for renewable energy developments which do not have unacceptable impacts.

Taking account of the scale and technical specifications of the proposal, as well as the levels of screening from nearby properties, and the existing electricity pylons it is considered that the turbine will not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

It is considered that the proposed development accords with the provisions of the

Carlisle District Local Plan 2001-2016 and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Local Plan and, as such, is recommended for approval subject to the imposition of appropriate conditions.

Relevant Development Plan Policies

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 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 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.

Item no: 10

Appn Ref No:
11/0716

Applicant:
Mr Paul Marshall

Parish:
Wetheral

Date of Receipt:
22/08/2011

Agent:
Hogg & Robinson (Design Services) Limited

Ward:
Wetheral

Location:
Ardneil, Aglionby, Carlisle, CA4 8AQ

Grid Reference:
344666 556520

Proposal: Change Of Use Of Land From Agricultural To Domestic Garden; Erection Of General Purpose Building

Members resolved to defer consideration of the proposal in order to undertake a site

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

Item no: 11

Appn Ref No:
11/0690

Applicant:
Hayton Construction
Limited

Parish:
Hayton

Date of Receipt:
15/08/2011

Agent:
Ashwood Design
Associates

Ward:
Hayton

Location:
L/adj to Townhead Cottage, Townhead, Hayton

Grid Reference:
351721 557610

Proposal: Erection Of 8no. Holiday Let Units

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. drawing numbers 1358/001 (Site Plan), 1358/005A (Proposed First Floor and Elevation), and 1358/009B (Proposed Ground Floor Plan, and Elevations), and 1358/10 (Block Plan);
 3. the submitted Design and Access Statement, Desktop Study for Environmental History, and e-mail from the agent sent on 26th October 2011;
 3. the Notice of Decision; and
 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The premises shall be used for let holiday accommodation and for no other purpose, including any other purpose in Class C of the Schedule to the Town and County Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

4. The premises shall not be used as a second home by any person, nor shall it be used at any time as a sole and principal residence by any occupants.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

5. A bound register of all occupants of the accommodation hereby approved shall be maintained at all times and shall be made available for inspection by the Local Planning Authority on request. The register shall contain details of those persons occupying the premises, their name, normal permanent address and the period of occupation of the premises by them.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accord with the objectives of Policy EC16 of the Carlisle District Local Plan 2001-2016.

6. No development shall take place until details specifying the type, location and number of "bat friendly" ridge tiles/slates have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the commencement of use.

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.

7. 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.

8. Details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence. The approved scheme shall be fully implemented prior to the commencement of use of any unit hereby permitted.

Reason: To ensure that materials to be used are acceptable and in compliance with the objectives of Policy EC16 of the Carlisle District Local Plan (2001-2016).

9. Prior to the occupation of any unit hereby permitted the whole of the access area bounded by the carriageway edge, splays, and crossings of the highway verge, driveway, and car park 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.

10. 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 shall be carried out on the units 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 and safeguard the character of the area in accordance with Policy EC16 of the Carlisle District Local Plan 2001-2016.

11. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

12. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of use of any unit hereby permitted or completion of the development, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented in accord with Policy CP3 of the Carlisle District Local Plan 2001-2016.

13. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The current application seeks full permission to erect 8 single bedroom holiday lets based around an enclosed “U” shaped courtyard. The proposed first floor is shown to be served by half dormer windows. Each unit has a living room with adjoining kitchen and dining space on the ground floor with a w.c./shower at the entrance, and a first floor bedroom with an en-suite bathroom. The accommodation has been designed to incorporate connecting doorways to enable greater flexibility such that (should prospective occupiers generate the need) units 1-3, 4-5, and 6-8 could be combined to provide a possible reduced minimum total of 3 lets, although the amount of accommodation for each unit is increased. Externally, the proposed holiday lets are to be constructed with rendered walls and natural stone detailing, and a slate roof.

The current application seeks full permission to erect 8 single bedroom holiday lets based around an enclosed “U” shaped courtyard. The proposed first floor is shown to be served by half dormer windows. Each unit has a living room with adjoining kitchen and dining space on the ground floor with a w.c./shower at the entrance, and a first floor bedroom with an en-suite bathroom. The accommodation has been designed to incorporate connecting doorways to enable greater flexibility such that (should prospective occupiers generate the need) units 1-3, 4-5, and 6-8 could be combined to provide a possible reduced minimum total of 3 lets, although the amount of accommodation for each unit is increased. Externally, the proposed holiday lets are to be constructed with rendered walls and natural stone detailing, and a slate roof.

The main determining issues are considered to be:

1. the sustainability of the location;
2. the scale of the development;

3. impact on the character of the area;
4. impact on the living conditions of neighbouring residents;
5. ecology and biodiversity;
6. access; and
7. benefits.

When considering the location of the proposal, it is appreciated that Townhead is not within the settlement boundary of the Local Service Centre at Hayton, and that the scheme would largely be dependent on the use of private vehicles. However, there is an apparent locational need to site the proposed accommodation within or adjoining the Estate. There is no evidence that existing facilities would be overwhelmed and/or there are existing problems of social tension or lack of community spirit. There is no reason to believe that guests would cause, or make worse, any social discord. The proposed units are shown to be positioned such that they would be set back from the road within an excavated area and therefore largely screened by the existing trees of Whinhill Wood and slope of the land. The proposed design and scale of the holiday units, with their use of vernacular details and traditional materials, is similar to that already approved concerning the replacement dwelling at Townhead Cottage. The proposed holiday lets are also located over 20 metres to the south of Woodleigh and (because of the distance, blank facing elevation, drop in levels and intervening vegetation), should not lead to problems associated with losses in privacy and overshadowing. It is considered that the proposal would lead to an increase in noise and disturbance but not at a level that would sustain an amenity objection. The applicant has also agreed to the provision of bat friendly roof tiles/slates to enhance existing provision within the area, and the scheme revised by the introduction of a disabled standard WC and wet room to proposed unit 7 which is also connected at ground floor level to unit 6. The proposal will offer benefits, although difficult to precisely quantify, in terms of the provision of tourist accommodation and the local rural economy.

On this basis the proposal is considered to be acceptable.

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	Heads Nook
	Castle Carrock	Houghton
	Cummersdale	Irthington
	Cumwhinton	Raughton Head
	Dalston	Rockcliffe
	Gilsland	Scotby
	Great Corby	Smithfield
	Great Orton	Thurstonfield
	Hallbankgate	Warwick Bridge
	Hayton	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 re 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 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 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 CP7 - Use Of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment.

Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

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 - 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
Economic & Commercial Growth - Policy EC11 Rural Diversification

Development proposals to diversify and expand upon the range of economic activities undertaken in rural areas will be encouraged where the proposal re-uses or adapts existing traditional buildings (of permanent construction) for commercial, industrial or recreational uses. Any new building required as part of a diversification scheme must be well related to an existing group of buildings to minimise its impact, blending satisfactorily into the landscape through the use of suitable materials, design and siting.

Proposals should:

- 1 Be complementary to or compatible with the agricultural operations in the rural area; and
- 2 Be compatible with the character and scale of the operation and its landscape character; and

- 3 Not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network; and
- 4 Be capable of providing adequate access and parking arrangements.

Carlisle District Local Plan 2001 - 2016
Economic & Commercial Growth - Policy EC16 - Tourism Development

Priority will be given for tourism related development in the City of Carlisle in accordance with Structure Plan Policy EM15. Proposals will be supported in Carlisle and elsewhere where they contribute towards the economic and physical regeneration of an area provided that the following criteria are met:

- 1 The scale and design of the development are compatible with the surrounding area; and
- 2 There would be no unacceptable adverse impact on the landscape/townscape; and
- 3 Adequate access by a choice of means of transport, including sustainable modes of travel such as cycling or long distance walking, and appropriate car parking can be achieved; and
- 4 The level of traffic generated can be adequately accommodated within the local road network without detriment to the particular rural character of the area; and
- 5 If the proposal is within a rural area it is well related to an established tourist attraction or an existing group of buildings, or would form an important element of a farm diversification scheme; and
- 6 The distinctive environment, culture and history of the area are safeguarded.

Hadrian's Wall World Heritage Site is a major attraction for sustainable tourism and proposals for new tourism development which aim to promote the enjoyment and understanding of the WHS whilst meeting the above criteria will be permitted.

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

- 5 affect the amenity of neighbouring property; and
- 6 appropriate access and parking can be achieved; and
- 7 the proposal will not lead to the loss of amenity open space within or at the edge of the settlement; and
- 8 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
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: 12

Appn Ref No:
11/0610

Applicant:
Mr Young

Parish:
Beaumont

Date of Receipt:
18/07/2011 13:00:59

Agent:
Black Box Architects
Limited

Ward:
Burgh

Location:
Knockupworth Farm, Burgh by Sands, Carlisle, CA2
7RF

Grid Reference:
336821 556900

Proposal: Relocation Of Farmhouse And Farm Associated Shed

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a s106 agreement to ensure that the residential use rights of Knockupworth Cottage are extinguished upon occupation of the farmhouse hereby proposed.

Item no: 13

Appn Ref No:
11/0733

Applicant:
Dr Gray

Parish:
Brampton

Date of Receipt:
22/08/2011 16:00:53

Agent:
Green Design Group

Ward:
Brampton

Location:
L/A Iona, Gelt Road, Brampton CA8 1QH

Grid Reference:
353047 560444

Proposal: Demolition Of Existing Workshop And Stables; Erection Of 4No. Dwellings

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the completion of a S106 Agreement to cover a financial contribution towards the provision of affordable housing.

Item no: 14

Appn Ref No:
11/0734

Applicant:
Dr Gray

Parish:
Brampton

Date of Receipt:
22/08/2011 16:00:53

Agent:
Green Design Group

Ward:
Brampton

Location:

Grid Reference:

Proposal: Demolition Of Existing Workshop And Stables (Conservation Area Consent)

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 Conservation Area Consent comprise:

1. the submitted planning application form dated 25th August 2011;
2. the existing location and block plans (11/2031/00C) dated 25th August 2011;
3. the existing site plan (11/2031/01B) dated 25th August 2011;
4. the existing elevations workshop (11/2031/03) dated 25th August 2011;
5. the bat and barn owl survey dated 25th August 2011;
6. the design and access statement dated 25th August 2011;
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.

3. The development hereby approved, shall be carried out in strict accordance with the mitigation measures contained within the Bat & Barn Owl Survey produced by Thurston Watson Ecology Consultancy Ltd, received 25 August 2011 (Report No WIB0811A).

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The relevant planning policies against which the application is required to be assessed are Policies LE17, LE19 and CP2 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. The Impact Of The Proposal On The Brampton Conservation Area

The site currently contains a brick and timber workshop building/ stables, which is approximately 29m long, with a ridge height that varies from 4m to 4.8m. The buildings are unsightly and detract from the character of the Brampton Conservation Area. The demolition of the buildings would not have an adverse impact on the character or appearance of the Conservation Area. Indeed, the removal the buildings would enhance the area. In the light of the above, the proposal to demolish the buildings would be acceptable.

Conclusion

In overall terms, the proposal would not have an adverse impact on the character or appearance of the Brampton Conservation Area. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies.

Relevant Development Plan Policies

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE17 - Development Involving The Demolition Of Unlisted Buildings In Conservation Areas

There will be a general presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of a conservation area. Applications for planning permission for development proposals that would require the total demolition of unlisted buildings in conservation areas will be assessed against the following criteria:

- 1 the contribution of the building to the landscape/townscape; and
- 2 the structural condition of the building; and
- 3 the suitability of the building for its existing, proposed or any other use; and
- 4 the cost of repair; and
- 5 the contribution which the demolition/ redevelopment would make to broader conservation objectives.
- 6 the inclusion of any building on a local list as defined in policy LE16

All proposals for demolition must be accompanied by details of redevelopment, which will normally be secured by means of a legal agreement.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE19 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. Development proposals within and adjoining conservation areas will be granted planning permission provided they preserve or enhance their character and appearance. Any new development or alterations to existing buildings should harmonise with their surroundings and be in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or alterations to buildings in conservation areas will be judged against the following criteria:

- 1 the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape;
- 2 the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
- 3 development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
- 4 wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
- 5 individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6 proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7 proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

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.

Item no: 15

Appn Ref No: 11/0549	Applicant: Mrs Wilson	Parish: St Cuthberts Without
Date of Receipt: 30/06/2011 08:00:54	Agent: En-trust	Ward: Dalston
Location: Park House Farm, Wreay, CA4 0RL		Grid Reference: 344028 549566

Proposal: Erection Of 1no. 15kw Wind Turbine With A Hub Height Of 15.4m (Height To Tip 21m) 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 Planning Application Form;
2. Location Plan received 30th June 2011 (DWG1);
3. Site Plan received 30th June 2011 (DWG2);
4. Turbine Elevations received 30th June 2011;
5. Design and Access Statement received 30th June 2011;
6. 'C&F Green Energy' Manufacturers Brochure received 30th June 2011;
7. Acoustic Report received 30th June 2011;
8. Aviation Report received 26th October 2011;
9. Appendix 6 - Site Photographs received 30th June 2011;
10. the Notice of Decision; and
11. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. If the turbine hereby permitted ceases 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, as described in the documents listed in condition 2 above, shall be removed from the site.

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 when electricity is first supplied to the grid. The local planning authority shall be notified in writing of the date of the commissioning of the wind farm. By no later than the end of the 25 year period the turbine shall be de-commissioned, and it and all related above ground structures shall be removed from the site which shall be reinstated to its original condition.

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 turbines shall not exceed the levels indicated in part 7 of the Design and Access Statement (received by Planning Services on 30th June 2011) or the Acoustic Noise Levels detailed in the Acoustic Report received by Planning Services on 30th June 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. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of this development. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority before the commencement of any development hereby approved by this permission. Within two months of the completion of the development three copies of a report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the investigation and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

7. No works hereby approved shall take place during the breeding bird season (March - August) unless otherwise agreed in writing by the Local Planning

Authority.

Reason: To ensure that bird species are protected and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981 as amended, the Conservation (Natural Habitats, &c.) Regulations 1994 and Policy CP2 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

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;
3. the effect of the proposed development on the living conditions of local residents (noise and shadow flicker);
4. the effect of the proposal on the historic environment;
5. Carlisle Airport.

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

The importance attached by the Government to increasing the proportion of electricity generation derived from renewable sources is expressed in the Renewable's Statement of Need included in The Energy Challenge published by the former Department of Trade and Industry in 2006. Amongst other matters, this states that new renewable projects may not always appear to convey any particular local benefit, but they convey crucial national benefits. Individual renewable projects are part of a growing proportion of low-carbon generation that provides benefits shared by all communities both through reduced emissions and more diverse supplies of energy, which helps to ensure reliability. This message was reinforced in the Energy White Paper 2007 which also explains that developers should not be required to show the need for a proposed development to be sited in a particular location.

PPS22 also stresses that small scale projects can provide a limited but valuable contribution to the overall output of renewable energy and to meet energy needs both locally and nationally.

2. Landscape and visual impacts including cumulative impact

Paragraphs 19 and 20 of PPS22 highlight that (1) landscape and visual effects

should be assessed on a case by case basis using objective descriptive material and analysis wherever possible; and (2) of all renewable technologies, wind turbines are likely to have the greatest visual and landscape effects.

Paragraphs 1(iv) and (v) of PPS7 explains that the Governments aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscape, heritage and wildlife and the wealth of its natural resources, and so that it may be enjoyed by all. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and its local distinctiveness. Paragraph 16(iv) also advises that planning determinations should provide for the sensitive exploitation of renewable energy sources in accordance with the policies set out in PPS22.

The application site comprises an open field in an agricultural landscape (with field boundaries being mainly hedgerows, wire fencing and occasional hedgerow trees).

Park House Farm is made up of three dwellings, Park House Cottage, Park House East and Park House West, and the associated farm buildings. These dwellings are occupied by the applicants daughter, the applicants stockman and the third is a private rental, also under the ownership of the applicant. A fourth dwelling, Barrock View, is occupied by the applicants son, and is located on the lane to Park House farm, approximately 350m from the application site. The applicant lives off-site in nearby Southwaite.

The nearest residential properties to the application site that are not under the ownership of the applicant are Wreay Hall Mill (approximately 600m away), Scalescleugh Hall (approximately 650m away) and Woodside Farm (approximately 700m away). Due to the topography of the surrounding area, particularly with regard to the surrounding woodland, the River Patteril and the railway, in comparison to the relatively small scale of the turbine, it is considered that the views of the site from these properties would be minimal, and not significant enough to warrant refusal of the application on this basis.

The application site is within an area defined as Lowland with moderate Landscape Capacity in Map 8 of the Landscape Capacity Assessment (2006) which accompanies the Cumbria Wind Energy Supplementary Planning Document. This document considers that an area of moderate landscape capacity is able to accommodate a small group of 3-5 turbines or exceptionally a large group of 6-9 turbines. As such it is clear that the proposed turbine is within the size limits suggested for this landscape type.

As an engineered structure, where visible, the turbine would visually contrast with the more natural surroundings. However despite its height, the proposal has a relatively minimal form and given (1) the existing nature of the landscape and (2) the proposed colour of the wind turbine it is not considered that the proposal will adversely impact on the visual amenity and character of that landscape. Conditions are attached requiring removal of the turbine at the end of its operational life (or if it ceases to be operational for a continuous period of 12 months) and reinstatement of the land to its former condition.

3. Living conditions of local residents

The noise levels generated by the wind turbine are specified as 40dBA at a windspeed of 5m/s at a distance of 60m from the turbine, this decreases if the distance is extended. PPG24 (Planning and Noise) recommends using BS8233; 1999 Sound Insulation and Noise Reduction in buildings-Code of Practice. This (1) recommends that noise levels in bedrooms at night should not normally exceed 45dBLA max (these values do not apply to noise generated within the house) and (2) suggests that steady noise in gardens should not exceed 50dbLAeqT.

Given the siting of the wind turbine relative to dwelling houses in the area (the nearest property being just over 111m away from the turbine) it is not considered that the proposal will have an adverse impact on the living conditions of neighbouring residents. However, as a safeguard, a condition is recommended, to ensure that the sound levels produced by the wind turbine do not exceed those specified in the Design and Access Statement and noise report submitted with the application.

Shadow flicker is an effect that can occur when the shadow of a moving wind turbine blade passes over a small opening briefly reducing the intensity of light within the room. It is recognised as being capable of giving rise to two potential categories of effects: health effects and amenity effects. In terms of health effects, the operating frequency of the wind turbine is relevant in determining whether or not shadow flicker can cause health effects in human beings. In this case, the information accompanying the current application does not confirm the likely operating frequency.

In relation to amenity, paragraph 76 of the Wind Energy Annex to the Companion Guide to PPS22 makes it clear that shadow flicker only affects properties within 10 rotor diameters of a wind turbine, and only properties within 130 degrees either side of north, relative to the turbines can be affected in the UK. In this case the rotor diameter is 11.1 metres with there being no properties within the specified distance (111m). As such there should not be any risk of such an impact on residential amenity.

4. The Effect Of The Proposal On The Historic Environment

The site of the proposed wind turbine lies close to the site of Park House Roman Fort, which is scheduled as an ancient monument (Cumbria County Monument 281). As such English Heritage (North West Region) have commented on the application. They consider that the proposed development is unlikely to have a significant impact on the setting of the monument, however, it is possible that Roman remains associated with the fort may lie outside the boundary of the scheduled monument. Whilst they have no objection in principle to the application they have recommended that an archaeological watching brief is carried out. This advice has been reiterated by the County Archaeologist, who has provided relevant wording for a condition.

5. Carlisle Airport

Further to the receipt of the Aviation Assessment, Carlisle Airport have confirmed that they have no objections to the proposal.

Other Matters

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 planning applications 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. In this case, the proposal relates to the siting of a wind turbine within agricultural land currently used for as grazing. The site is not designated under EU directives as a Special Area of Conservation or a Special Protection Area. However, in order to safeguard possible breeding birds in the area, a condition has been recommended to ensure that any works associated with the construction works of the wind turbine do not take place during the breeding bird season.

It is appreciated that other issues can arise when considering a proposed turbine including signal interference but based on the size of the proposed turbine, the accompanying information and the turbines location, it is not considered that they are of sufficient weight to influence the outcome of the proposal.

Conclusion

In conclusion the proposal involves the erection of a relatively small turbine to serve the needs of Parkhouse Farm, with the possibility of spare capacity feeding into the National Grid. Taking account of the modest scale and technical specifications of the proposal, it is considered that it will not have a detrimental effect on the character of the landscape or cause unacceptable harm to the living conditions of neighbouring residents.

It is considered that the proposed development accords with the provisions of the Carlisle District Local Plan 2001-2016 and, as there are no material considerations which indicate that it should be determined to the contrary, it will be determined in accordance with the Local Plan and, as such, is recommended for approval subject to appropriate conditions.

Relevant Development Plan Policies

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 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 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.

Item no: 16

Appn Ref No:
11/0398

Applicant:
Haliwell Farms Ltd

Parish:
Westlinton

Date of Receipt:
17/05/2011

Agent:
Jock Gordon

Ward:
Longtown & Rockcliffe

Location:
Keysmount Farm, Blackford, Carlisle, Cumbria, CA6
4ER

Grid Reference:
340515 562465

Proposal: Erection Of Feed Bins For Cattle Housing Building (Retrospective)

Refuse Permission

1. **Reason:** The feed bins are prominently site on the highway verge out with the curtilage of Keysmount Farm. In this location, the proposal represents an inappropriate development that results in a discordant feature within the rural area which, by reason of siting, design and appearance are detriment to the character of the local landscape, contrary to criteria 1 and 4 of Policy CP5 (Design) and criterion 1 of Policy LE25 (Agricultural Buildings) of the Carlisle District Local Plan 2001-2016.

Relevant Development Plan Policies

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 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
Local Environment - Policy LE25 - Agricultural Buildings

Proposals for new farm buildings and extensions to existing agricultural buildings and other farm structures will be permitted provided that;

- 1 the building or structure is sited where practical to integrate with existing farm buildings and/or take advantage of the contours of the land and any existing natural screening; and
- 2 the scale and form of the proposed building or structure relates to the existing group of farm buildings; and
- 3 within AONBs, conservation areas and Landscapes of County Importance, the design and materials used reflect the overall character of the area; and
- 4 the proposal would not have an unacceptable impact on any adjacent properties.

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: 17

Appn Ref No:
11/0711

Applicant:
Mr David Bimson

Parish:
Beaumont

Date of Receipt:
19/08/2011

Agent:

Ward:
Burgh

Location:
Land at Monkhill Hall Farm to east of Monkhill Hall,
Monkhill, Burgh by Sands

Grid Reference:
334397 558420

Proposal: Erection Of An Agricultural Workers Dwelling (Reserved Matters Application Pursuant to Outline Permission 10/0660)

Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by condition 1 (part) attached to the outline planning consent to develop the site.

2. The approved documents for this reserved matters application comprise:
 1. the submitted planning application form, received 19 August 2011;
 2. Design & Access Statement, received 19 August 2011;
 3. Location Plan, received 24 August 2011 (Plan 1);
 4. Block Plan, received 24 August 2011 (Plan 2);
 5. Proposed Ground Floor Plan, received 19 August 2011 (Plan 3);
 6. Proposed First Floor Plan, received 19 August 2011 (Plan 4);
 7. Proposed North & South Elevations, received 14 October 2011 (Plan 5);
 8. Proposed East & West Elevations, received 14 October 2011 (Plan 5);
 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.

Summary of Reasons for the Decision

The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H7, LE10, CP4, CP5 and CP12 of the Carlisle District Local Plan 2001-2016. The proposal raises the following planning issues:

1. Whether The Scale & Design Of The Proposal Would Be Acceptable

The dwelling would have a footprint of approximately 160 sq m and would include an integral garage and a farm office. Given that it is to be occupied by the farm owner/manager, the size is acceptable and would be similar in size to other farm houses in the area. The dwelling has been designed to reflect the character of the adjacent farm buildings. It would have a curved zinc roof and would have timber boarding to three elevations, with the fourth being rendered. Whilst the design of the building is contemporary and is not reflective of a typical agricultural worker's dwelling, given its position in relation to the existing farm buildings, there would be no overriding adverse impact on the character of the area. This view is supported by the Council's Heritage Officer and English Heritage who consider the design to be acceptable. Members should be aware that certain elements of the design will not be fine-tuned to ensure that it is constructed to a high quality, with appropriate materials.

Adequate parking provision, for in excess of two vehicles, would be provided to the west of the dwelling, whilst garden areas would be provided to the south and east. Hedges would be planted to the new boundaries. In light of the above, the scale and design of the proposal would be acceptable.

2. Impact Of The Proposals On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

The new dwelling would be sited over 40m away from the nearest residential property and would be separated from it by an agricultural building. The proposal would not, therefore, have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

3. Other Matters

The existing farm access would be used to provide vehicular access to the dwelling. County Highways consider this to be acceptable and has raised no objections to the proposal.

The applicant needs to supply details of the proposed hard and soft landscape works and these would need to be agreed with the Council's Tree & Landscape Officer.

Conclusion

The scale and design of the proposed dwelling would be acceptable and it would not have an adverse on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposals are compliant with the objectives of the relevant adopted 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 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

Housing - Policy H7 - Agricultural, Forestry And Other Occupational Dwellings

Outside of those areas covered by Policy H1 and Proposal H16, permission will not be given for dwellings other than those essential to agriculture, forestry or any other rural-based enterprise and supported by a proven need. The size of dwelling should

be commensurate with the scale of the business to which it relates. Occupancy conditions will be used to ensure that such dwellings are only occupied by those working in agriculture, forestry or any other rural-based enterprise.

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
Local Environment - Policy LE10 - Archaeological Field Evaluation

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated either before planning applications are determined or in exceptional circumstances by the use of condition. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP4 - Agricultural Land

Permission will not be given for development where it would lead to the loss of the best and most versatile agricultural land, unless:

- 1 there is an overriding need for the development; and
- 2 there is insufficient land of a lower grade available; or
- 3 available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.

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.

Item no: 18

Appn Ref No:
11/0723

Applicant:
Mr David Bimson & Ms
Patricia Martin

Parish:
Beaumont

Date of Receipt:
23/08/2011

Agent:

Ward:
Burgh

Location:
Monkhill Hall Farm, Monkhill, Burgh By Sands,
Carlisle, Cumbria, CA5 6DD

Grid Reference:
334397 558420

Proposal: Temporary Siting Of Log Cabin For A Period Of Up To 18 Months During
Construction Of New Dwelling

Grant Permission

1. The approved documents for this Planning Permission comprise:
 1. the submitted planning application form, received 23 August 2011;
 - 2.
 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.

2. The log cabin shall be removed by no later than the 31st March 2013 (or earlier if the dwelling is completed before this date) and the land reinstated to its former condition.

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

3. This permission shall not be exercised by any persons other than Mr David Bimson or Patricia Martin and their immediate family.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality.

4. No development approved by this permission shall be commenced until a scheme for the provision of foul and surface water drainage works has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of surface water and foul drainage disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

5. An archaeological watching brief shall be undertaken by a qualified archaeologist during the course of the ground works of the development hereby approved. The archaeological watching brief shall be in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority in advance of the commencement of the development. Within 2 months of the completion of the development, 3 copies of the report shall be furnished to the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains, in accordance with Policy LE10 of the Carlisle District Local Plan 2001-2016.

Summary of Reasons for the Decision

The relevant planning policies against which the application is required to be assessed are Policies H1, LE7, LE10, CP5 and CP12 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1

Conclusion

Relevant Development Plan Policies

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

Local Environment - Policy LE10 - Archaeological Field Evaluation

On all scheduled and other nationally important monuments, sites of archaeological significance and other sites of high archaeological potential, the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated either before planning applications are determined or in exceptional circumstances by the use of condition. Planning permission will not be granted without adequate assessment of the archaeological implications.

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.

Item no: 19

Appn Ref No:
11/0714

Applicant:
Mr Montgomery

Parish:
Hayton

Date of Receipt:
22/08/2011 08:00:28

Agent:
Holt Planning Consultancy
Ltd

Ward:
Great Corby & Geltsdale

Location:
Springwell Farm, Talkin

Grid Reference:
355150 557818

Proposal: Relocation And Revision Of Lawfully Implemented Dwelling (Planning Ref: 10/0683)

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to receipt of the satisfactorily completed Unilateral Undertaking whereby the Owner undertakes that the earlier planning permission granted under reference 10/0200 shall not be implemented; and that no further works shall be carried out pursuant to the planning permission granted under reference (10/0683).

Item no: 20

Appn Ref No:
11/0811

Applicant:
Mr D Cape

Parish:
Carlisle

Date of Receipt:
15/09/2011

Agent:
Mr G Tyler

Ward:
Upperby

Location:
54 Upperby Road, Carlisle, CA2 4JE

Grid Reference:
340797 553933

Proposal: Erection Of Single Storey Rear Extension To Provide Extended Kitchen And Sunroom Together With Porch To Front 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 15th September 2011;
2. the site location plan received 15th September 2011;
3. the block plan received 15th September 2011 (Drawing Number DC/EXT/SBP Rev A);
4. the existing and proposed elevations received 15th September 2011 (Drawing Number DC/EXT/001 Rev A & Drawing Number DC/EXT/002 Rev A);
5. the existing floor plan received 15th September 2011 (Drawing Number DC/EXT/003 Rev A);
6. the proposed floor plan received 15th September 2011 (Drawing Number DC/EXT/004 Rev A);
7. the proposed elevations and material detail drawing received 15th September 2011 (Drawing Number DC/EXT/005 Rev A);
8. the Notice of Decision; and
9. 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 extensions to existing dwellings must be appropriate to the dwelling, its design and setting and must not adversely affect the amenities of adjacent properties by poor design, unreasonable overlooking and/or unreasonable loss of daylight or sunlight. Extensions must be of an appropriate scale and not dominate the original dwelling.

This application seeks approval for the erection of a ground floor rear extension together with a porch to the front elevation. The design, scale and materials are appropriate to the dwelling and the amenities of the neighbouring residents will not be adversely affected as a result of this development.

In overall terms, the scale and design of the proposal is acceptable and it would not have an adverse impact upon the living conditions of any of the neighbouring

residents. 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 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: 21

Appn Ref No: 10/0760	Applicant: Mr & Mrs Brown	Parish: Cumrew
Date of Receipt: 18/08/2010 13:00:33	Agent: PFK Planning	Ward: Great Corby & Geltsdale
Location: Helme Farm, Cumrew, Brampton, CA8 9DD		Grid Reference: 354866 550746

Proposal: Conversion Of Barns To Form 5no. Dwellings

Members resolved to give authority to the Assistant Director (Economic Development) to issue approval for the proposal subject to the satisfactory conclusion of a Section 106 Agreement covering the payment of £34,000 as a commuted sum towards affordable housing.

Item no: 22

Appn Ref No: 11/0875	Applicant: Mr & Mrs Maunsell	Parish: Kirklington Middle
Date of Receipt: 07/10/2011	Agent:	Ward: Lyne
Location: Meadow View, Smithfield, Kirklington, Carlisle, CA6 6BP		Grid Reference: 344347 565309

Proposal: Erection Of Replacement Porch

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 7th October 2011;
 2. the site location plan received 7th October 2011 (Drawing Number 1);
 3. the existing block plan received 7th October 2011 (Drawing Number 2);
 4. the proposed block plan received 7th October 2011 (Drawing Number 3);
 5. the existing and proposed ground floor plans received 7th October 2011 (Drawing Number 4);
 6. the existing elevations received 7th October 2011 (Drawing Number 5);
 7. the proposed elevations received 7th October 2011 (Drawing Number 6);
 8. the Notice of Decision; and
 9. 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 relevant planning policies against which the application is required to be assessed are Policies CP2, CP5 and H11 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Impact Of The Proposal On The Living Conditions of Neighbouring Residents

The application seeks permission for a replacement porch, albeit slightly larger. In such a context, 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.

2. Whether The Proposal Is Appropriate To the Dwelling

The scale and height of the proposed porch is comparable to the existing property. The porch would be constructed from materials to match the existing dwelling, and would employ similar detailing. Accordingly, the proposal would complement the existing dwelling in terms of design and materials to be used.

3. The Impact Of The Proposal On Biodiversity

The Councils GIS Layer has identified that the site has the potential for key species to be present within the vicinity. As the proposed development seeks permission for a replacement porch of non-traditional construction, the development would not 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 and unreasonable loss of daylight or sunlight. The scale and design of the proposed porch is acceptable in relation to the dwelling nor would it have a detrimental impact on biodiversity. In all aspects the proposal is considered to be compliant 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
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: 23

Appn Ref No:
11/0883

Applicant:
Miss Tracy Gannon

Parish:
Carlisle

Date of Receipt:
10/10/2011

Agent:

Ward:
St Aidans

Location:
75 Vasey Crescent, Carlisle. Cumbria, CA1 2BG

Grid Reference:
341199 555660

Proposal: Erection Of Two Storey And Single Storey Rear Extension To Provide Dining Room With First Floor Bathroom Above Together With Single Storey Front Extension To Extend Existing Living 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 Planning Application Form received 10th October 2011;
 2. The Site Location And Block Plan received 10th October 2011 (Drawing No. TG/04);
 3. The Existing Floor Plans And Elevations received 10th October 2011 (Drawing No. TG/01);
 4. The Proposed Floor Plans received 10th October 2011 (Drawing No. TG/03);
 5. The Proposed Elevations received 17th October 2011 (Drawing No. TG/02a);
 6. The Flood Risk Assessment received 10th October 2011;
 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.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted on the east and west elevations without the prior consent of the local planning authority.

Reason: In order to protect the privacy and amenities of residents in close proximity to the site and to ensure compliance with Policy H11 of the Carlisle District Local Plan 2001-2016

Summary of Reasons for the Decision

The relevant planning policies against which the application is required to be assessed are Policies CP2, CP5, H11 and LE27 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Impact Of The Proposal On The Living Conditions of Neighbouring Residents

All of the primary windows in the proposed extension will be compliant with the distances in the adopted Supplementary Planning Document on Achieving Well Designed Housing. Given the positioning of the proposed extensions in relation to residential properties surrounding the site, the proposal will not have a detrimental impact on the living conditions of adjoining occupiers on the basis of loss of light, overlooking or over dominance.

2. Whether The Proposal Is Appropriate To The Dwelling

The scale and height of the proposed extensions are comparable to the existing property. The extensions would be constructed from materials which will correspond with the existing dwelling, and would employ similar detailing. Accordingly, the proposal would complement the existing dwelling in terms of design and materials to be used.

3 Whether The Proposal Would Affect Developed Land In Floodplain's

The applicant has indicated that the new floor levels will be no lower than existing and all electrics will be downward fed. The proposal will therefore not exacerbate flooding issues at this site.

4. The Impact Of The Proposal On Biodiversity

The Councils 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 and does not disturb any vegetation, it is unlikely 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 proposals do 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 extensions are acceptable in relation to the dwelling nor would it have a detrimental impact on biodiversity or flooding issues at this site. In all aspects the proposal is 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.

Carlisle District Local Plan 2001 - 2016 Local Environment - Policy LE27- Developed Land In Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

- 1 no other lower risk alternative site exists in the case of proposed development in Zone 3 (High Probability of river and/or sea flooding); and
- 2 flood defence measures to the appropriate standard are already in place or can be provided; and
- 3 adequate flood plain storage capacity can be provided; and
- 4 the development will not interfere with flood flows nor increase flood risk elsewhere; and
- 5 access and egress could be reasonably maintained at times of flood risk; and
- 6 adequate flood warning and evacuation procedures will be provided; and
- 7 mitigation measures will be provided where necessary; and
- 8 the building materials are appropriate for a flood risk area.

Item no: 24

Appn Ref No: 11/0248	Applicant: Mr Workman	Parish: St Cuthberts Without
Date of Receipt: 24/03/2011 16:00:39	Agent: H & H Bowe Ltd	Ward: Dalston
Location: Land Adjacent Newbiggin View, Carleton		Grid Reference: 343183 551120

Proposal: Proposed Slurry Lagoon

Decision: Refuse Permission **Date:** 17/06/2011

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed **Date:** 19/10/2011

Item no: 25

Appn Ref No: 10/1106	Applicant: Mr Terry Dixon	Parish: Wetheral
Date of Receipt: 08/12/2010	Agent: Planning Appeals Limited	Ward: Wetheral

Location:
Moor Yeat and L/A Moor Yeat, Plains Road,
Wetheral, Carlisle, CA4 8LE

Grid Reference:
346151 555350

Proposal: Erection Of 1no. Detached Dwelling And Detached Garage; Creation Of New Access & Driveway And The Realignment Of The Existing Driveway To Moor Yeat

Decision: Refuse Permission

Date: 28/01/2011

Decision of: Planning Inspectorate

Decision Type: Appeal Dismissed

Date: 12/10/2011

Item no: 26

Appn Ref No:
11/0181

Applicant:
Kingswood Learning &
Leisure Group Limited

Parish:
Dalston

Date of Receipt:
07/03/2011 08:01:04

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
The Kingswood Educational Centre, Cumdivock,
CA5 7JW

Grid Reference:
335463 548364

Proposal: Conversion Of Existing Buildings From C2 (Residential Institution) To C3A (Private Residential) To Provide 1No. Live/Work Unit And 7No. Residential Units

Members will recall at Committee meeting held on 10th June 2011 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the preparation of a legal agreement under the provisions of Section 106 of the Town and Country Planning Act 1990. The planning permission was linked to a Section 106 Agreement which covered the following matters:

To regulate the use of the live/ work unit and to ensure the submission of commuted payments towards affordable housing and 'rural wheels'.

The agreement has been completed and the approval issued on 5th October 2011.

Granted Subject to Legal Agreement

1. The development shall be begun not later than the expiration of 5 years beginning with the date of the grant of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (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. Planning Statement received 20 May 2011;
 3. Highways Statement received 7 March 2011;
 4. 2007 & 2009 Inspection and Assessment in Relation to Bats received 7 March 2011;
 5. Details of Marketing Information received 7 March 2011;
 6. Arboricultural Implication Assessment received 7 March 2011;
 7. Tree Strategy (with regards to bats and their roosts) received 20 May 2011;
 8. External Lighting Strategy (with regard to bats) received 20 May 2011;
 9. Location Plan received 9 September 2011 (Drawing R18a);
 10. Site/ Block Plan received 9 September 2011 (Drawing R17a);
 11. Existing Ground Floor Plans - Units 1 to 4 received 20 May 2011 (Drawing R01);
 12. Existing Ground Floor Plans - Units 5, 6, 8 & 10 received 20 May 2011 (Drawing R02);
 13. Existing First Floor Plans - Units 1 to 3 received 20 May 2011 (Drawing R03);
 14. Existing First Floor Plans - Units 8 & 10 received 20 May 2011 (Drawing R04);
 15. Proposed Ground Floor Plans - Units 1 to 4 received 6 June 2011 (Drawing R05);

16. Proposed Ground Floor Plans - Units 5, 6, 8 & 10 received 20 May 2011 (Drawing R06);
17. Proposed First Floor Plans - Units 1 to 3 received 20 May 2011 (Drawing R07);
18. Proposed First Floor Plans - Units 8 & 10 received 20 May 2011 (Drawing R08);
19. Existing Elevations 1 of 2 received 20 May 2011 (Drawing R09);
20. Existing Elevations 2 of 2 received 20 May 2011 (Drawing R10);
21. Proposed Elevations 1 of 2 received 6 June 2011 (Drawing R11);
22. Proposed Elevations 2 of 2 received 20 May 2011 (Drawing R12);
23. Appendix 1 Tree Constraints Plan received 7 March 2011 (Drawing No. 7533);
24. Appendix 2 Tree Protection Plan received 7 March 2011 (Drawing No. 7533);
25. Landscaping Plan, received 9 September 2011 (Drawing No. R21d);
26. the Notice of Decision; and
27. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2106 are met and to ensure a satisfactory external appearance for the completed development.

4. The proposed hard and soft landscape works shall be carried out in strict accordance with the details contained on the Landscaping Plan, received 9 September 2011 (Drawing No. R21d), unless otherwise agreed in writing with the Local Planning Authority. These works shall be carried out in the first planting season following the occupation of the first 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.

5. The boundary treatment shall be implemented in strict accordance with the details contained on the Landscaping Plan, received 9 September 2011 (Drawing No. R21d), unless otherwise agreed in writing with the Local Planning Authority. These works shall be carried out as approved prior to the occupation of any part of the development.

Reason: To ensure the rural character of the site is retained in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

6. The surface water drainage scheme shall be implemented in strict accordance with the details contained on the Landscaping Plan, received 9 September 2011 (Drawing No. R21d), unless otherwise agreed in writing with the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans before the occupation of any unit hereby permitted.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy CP12 of the Carlisle District Local Plan 2001-2016.

7. The business/workspace areas of the live/work unit hereby approved shall not be used for any purpose other than for purposes falling within Use Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure that the proposal complies with Policy EC12 of the Carlisle District Local Plan 2001-2016.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwellings or the live/work unit hereby approved, within the meaning of Schedule 2 Part 1 of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the buildings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other Order revoking and re-enacting that Order), no wall, fence or other means of enclosure shall be erected within any part of the site (other than those shown in any plans which form part of this application), without the written approval of the Local Planning Authority.

Reason: To ensure that any form of enclosure is carried out in a co-ordinated manner that safeguards the character of the area in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

10. The development hereby approved shall not be carried out otherwise than in complete accordance with the recommendations contained within the Bat Inspection and Assessment Report issued 28th January 2009 prepared by the Tyrer Partnership.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

11. Prior to the completion (by plastering out) of the last unit hereby permitted, two pole mounted Barn Owl nestboxes shall be erected on the north boundary of the application site in accordance with details (inclusive of the design and location) submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In order to enhance local biodiversity with regard to a species protected by the Wildlife and Countryside Act 1981 in accordance with Policy CP2 of the Carlisle and District Local Plan 2001-2016.

12. If any works to trees are required within the application site these should be carried out in strict accordance with the Tree Strategy (with regard to bats and their roosts) dated May 2011 and received on 20 May 2011.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

13. If any external lighting is installed within the application site it shall be in accordance with the recommendations contained within the External Lighting Strategy (with regard to bats) dated May 2011 and received on 20 May 2011.

Reason: In order to ensure no adverse impact on a European Protected

Species in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

14. Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (B) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution poles or overhead lines (to connect telephone, electricity and (if necessary) communal television services), shall be erected within the site without the prior written approval of the Local Planning Authority.

Reason: To maintain the special visual character of the locality in accord with Policy CP5 of the Carlisle and District Local Plan 2001-2016.

15. For the duration of the development works existing trees and hedgerows to be retained shall be protected by suitable barriers erected and maintained in accordance with Figure 2 contained in BS 5837:2005 "Trees in relation to construction recommendations" and at the locations specified in drawing number 7533 titled "Appendix 2 Tree Protection Plan" prepared by RGP Architects, dated 18th November 2008. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, washing or mixing of any associated construction materials and equipment, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

16. Trees or hedges chosen for retention as shown in the Tree Protection Plan (drawing number 7533) shall not for the duration of the development works be damaged or destroyed, uprooted, felled, lopped or topped without prior written consent of the Local Planning Authority. In the case of the remaining trees, any work shall be undertaken completely in accordance with the "preliminary management recommendations" contained in the Arboricultural Implication Assessment prepared by Coppice Landscapes and dated 19th November 2008.

Reason: To protect trees and hedges during development works in accordance with Policies CP3 and CP5 of the Carlisle District Local Plan 2001-2016.

17. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 56 metres measured down the centre of the access roads/assesses and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 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 and to support Local Transport Plan Policies LD7 and LD8.

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

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

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

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

20. The use of the development shall not be commenced until the accesses (as shown on figure 2.1 on the highway statement) have been formed with:

Access A - 6 metre radius kerbs, to give a minimum carriageway width of 5 metres, and that part of the access road retaining that width extending 10 metres into the site from the existing highway

Access B - a minimum carriageway width of 3.6 metres, and that part of the access retaining that width extending 6 metres into the site from the existing highway

The above accesses to be constructed in accordance with details approved by the Local Planning Authority.

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

21. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

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

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

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

23. 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.

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

Reason: To ensure a minimum standard of 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.

25. The respective parking areas shall be constructed in accordance with the approved plans before the occupation of any dwellings or the live/work unit hereby permitted and shall not be used except for the parking of vehicles in connection with the development hereby approved.

Reason: To ensure adequate access is available for each occupier in accord with Policy T1 of the Carlisle District Local Plan 2001-2016.

26. Before any unit hereby permitted is occupied the existing access "C" (as identified in Figure 2.1 accompanying the Highway Statement prepared by Ashleyhelme Associates dated November 2008) shall be permanently closed and the highway crossings and boundaries reinstated in accordance with details which have been submitted to and approved in writing beforehand by the Local Planning Authority.

Reason: In the interests of highway safety and in accordance with Policy

Summary of Reasons for the Decision

The relevant planning policies against which the application is required to be assessed are Policies DP1, H1, H5, H8, EC12, CP1, CP2, CP3, CP5, CP12, CP16, CP17 and T1 of the Carlisle District Local Plan 2001-2016. The proposals raise the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

The application site is located within the open countryside in an unsustainable location. The conversion of the buildings to residential use would, therefore, be contrary to Policy H1 of the adopted Local Plan, which seeks to direct new housing in the rural area to Key and Local Service Centres.

Policy H8 of the adopted Local Plan, however, permits the conversion of non-residential property to provide residential accommodation in locations where planning permission for new build residential development would not normally be granted, subject to a number of criteria being satisfied.

In order to satisfy this policy, the buildings have to be of sufficient historic or architectural interest or make a contribution to local character such as to warrant their retention. The Council's Conservation Officer and Urban Design Officer have both visited the site in order to assess the buildings. Both concluded that the 17th/18th century farmhouse (Unit 1) and the traditional sandstone barns (Units 2, 3 & 8), which date from 18th to the 20th century and are typical examples of local vernacular are worth retaining, for their intrinsic historical and architectural interest. They are also both of the opinion that Units 4, 5 and 6, which are built of traditional materials but are more recent additions, have group value and make a contribution to local character that merits their retention.

The proposed plans for the above units retain a lot more of the character of the original buildings than the previously approved scheme. The approved scheme included the addition of a conservatory to the farmhouse (Unit 1); the erection of single-storey extensions to Units 3 & 4; the erection of porches to Units 5 & 10; and raising the roof and the insertion of dormer windows in Units 5 & 6. In addition, the approved plans indicate the provision of eight car ports within the site to serve the units. None of these changes are included within this proposal, which seeks to make use of the existing structures and to reduce external and internal alterations to a minimum in order to retain the character and appearance of these buildings.

The only building that is not considered to be worthy of retention is Unit 10 which, although constructed largely of local materials, does not follow the form or pattern of the local vernacular style. This building already has planning permission for use as a live/ work unit.

If the buildings are of sufficient historic or architectural interest or make a contribution to local character such as to warrant their retention, Policy H8 requires alternative use of the buildings for economic or community uses to be ruled out before allowing residential use. Evidence needs to be provided to demonstrate that the buildings have been marketed for economic development uses for a minimum period of six months.

The application includes information on marketing and this demonstrates that the site has been marketed extensively both for C2 use and for live/work use. In September 2009, the site was marketed primarily for C2 use and this marketing exercise included adverts in the News & Star, the Estates Gazette and the Caring Times; details were displayed on Humberts Leisure website; details were sent out in Humberts Leisure Bulletin; and a double-sided A4 brochure was distributed to 350 parties from Humberts Leisure Database.

A second phase of marketing began in January 2010 and this included details of the live/work consent. This marketing exercise included adverts in the Cumberland News, the Newcastle Journal, the Estates Gazette, the Independent Schools magazine and the Caring Times; details were displayed on Humberts Leisure website; and a press release was produced and distributed by Edelman's marketing.

No formal offers at any price were received in response to either of these marketing campaigns. In order to dispose of the site, which was a significant drain on the Kingwood Group's resources, due to the need to insure the buildings, provide night-time security and maintain the buildings (which have been subject to theft and vandalism) the site was auctioned through Allsop's. The site was sold to the current owner, who was the only bidder, below the guide price.

A local agent has also confirmed that there is little interest in live/work units. He considers that live/work units would be very difficult to sell, as the market for them is virtually non-existent. He has tried to sell live/work units in relation to other local developments but found that there is no demand for them.

It is apparent from the above that the site has been marketed extensively for commercial uses and live/work units but there has been no interest.

The sub-division of the site into smaller parts for marketing purposes is not considered to be an option. The site needs to be developed in a comprehensive manner to ensure that it fits in with the rural character of the area. The current proposal involves the re-use and refurbishment of all the buildings on the site and the removal of the tarmac car park, quad bike track and play equipment which would not happen if the site were to be developed on a piecemeal basis. The development of the whole site, also allows a consistent approach to be taken to the design of the buildings and to the provision of driveways, parking areas and boundary treatment and this will benefit the scheme. It also allows a landscaping scheme to be developed for the site as a whole.

Policy H8 also requires adequate access and appropriate car parking to be achieved whilst respecting the character of the landscape. The car ports which formed part of the previous consent have been omitted in favour of parking areas and the existing

tarmac car park would be removed and re-instated as a field. This approach is more sympathetic to the historic buildings and the rural setting of the site. Two existing access roads into the site would be used and this is acceptable to County Highways.

In light of the above, the conversion of seven of the units (Units 1 to 6 and Unit 8) to residential dwellings and the conversion of Unit 10 to a live/ work unit would comply with the requirements of Policy H8. The occupation of the live/ work unit will need to be regulated by a Section 106 Agreement.

2. Whether The Scale And Design Of The Proposals Are Appropriate

This proposal is seeking to re-use the existing buildings without the addition of any extensions. Both external and internal changes would be kept to a minimum in order to retain the character of the buildings. Where new windows and doors are to be used these would be painted timber. Conditions have been added to the permission to ensure that the parking areas, boundary treatment and landscaping reflect the historic nature and rural character of the site. The scale and design of the proposals would, therefore, be acceptable.

6. Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

The previous educational use of the site caused a number of problems to local residents and a number of local residents and the Parish Council have expressed support for residential development at this site.

The nearest residential properties are located to the west of the site and would be approximately 65m away from the nearest new dwelling. This distance is sufficient to ensure that there would be no loss of privacy to the occupiers of this property.

4. Impact Of The Proposals On Trees

The previously approved scheme included the removal of a number of trees both within and along the boundaries of the site, a number of which were mature specimens. The current application is seeking to retain a number of these trees and only intends to remove the trees which are sited in close proximity to the buildings.

A condition has been added to the approval to ensure that suitable Tree Protection Barriers are put in place prior to construction work starting on site in order to protect the trees which are to be retained.

The applicant is also proposing to plant some new trees within the site. A condition has been added to the permission to ensure that a suitable landscaping scheme is implemented.

5. Impact Of The Proposals On Protected Species

A 2007 and 2009 Inspection and Assessment in Relation to Bats accompanies the application. Natural England has raised concerns that the 2009 survey took place outside the breeding season and consider that areas with bat roost potential should be surveyed at the appropriate time of year. It also notes that the report does not include a post-development impact assessment. Natural England has, therefore,

requested that a further ecological survey and impact assessment should be commissioned by the developer prior to the application being determined.

The applicant considers that there is no need to undertake an additional bat survey. The previously approved scheme included a number of extensions and proposed to raise the roof on two of the units and add dormer windows. The current proposal is not proposing to add any extensions to the buildings and is not proposing to alter the roofs on any of the buildings. Furthermore, the previously approved scheme proposed to remove a number of trees within the site, a number of which were mature specimens. The current proposal is only proposing to remove a small number of trees which are sited to close the existing buildings, none of which have identified bat roosts or bat roost potential. The applicant has submitted a Tree Strategy (with regard to bats and their roosts) which confirms that no trees with bat roost potential would be removed. This document also sets out the measures that would be undertaken should any works be required in the future to trees with bat roost potential.

The applicant has also submitted an External Lighting Strategy (with regard to bats). This sets out the measures that would be undertaken to minimise the impact of lighting on bats.

At the time of writing this report, the case officer has been unable to speak to Natural England about the above issues. Members will be updated once the outcome of the discussions with Natural England has been concluded.

6. Highway Issues

County Highways has no objections to the proposal subject to the imposition of a number of conditions.

Given the unsustainable location of the site, County Highways has requested that the applicant should make a financial contribution towards the 'rural wheels' project or similar public transport facilities in the area. This contribution would be secured through a Section 106 Agreement.

7. Other Matters

Policy H5 of the adopted Local Plan requires a contribution to affordable housing of 10% of housing on sites of 3 or more units in the rural area. This equates to 0.8 of a unit and it is considered appropriate to seek a financial contribution to off-site provision in this case. This contribution would be secured through a Section 106 Agreement.

Conclusion

The majority of buildings on this site merit retention and re-use under Policy H8. The only building that is of insufficient historic interest to merit its conversion to residential use would be converted to a live/ work unit which would be acceptable. The scale and design of the proposals would be acceptable and would be a significant improvement on the previously approved scheme for ten live/ work units. The proposals would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties, on trees or on protected species. In all aspects the proposals are considered to be compliant with the objectives of the relevant adopted

and Local Plan policies. It is, therefore, requested that Members grant authority to issue approval subject to the completion of a Section 106 Agreement to regulate the use of the live/ work unit and to ensure the submission of commuted payments towards affordable housing and 'rural wheels'.

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 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
Walton

Talkin
Warwick-on-Eden

Todhills
Wreay

Carlisle District Local Plan 2001 - 2016 Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

Carlisle District Local Plan 2001 - 2016 Housing - Policy H8 - Conversion Of Existing Premises

Proposals for the conversion of non-residential property to provide residential accommodation in locations where planning permission for new build residential development would not be granted will not be approved unless:

- 1 the building is of sufficient historic or architectural interest or which makes a contribution to local character such as to warrant its retention, and alternative use for economic or community purposes is either not viable or would be inappropriate in other respects; and
- 2 an appreciation of the historic, architectural, or archaeological significance of the building is submitted with the application against which the proposed development can be assessed, together with the need for further archaeological recording; and
- 3 the building can be converted without extensions or major alterations which would destroy its character; and
- 4 the details of the proposed conversion respect the building's character; and
- 5 adequate access and appropriate car parking can be achieved whilst respecting the character of the landscape; and
- 6 the design and appearance of the building and the site boundaries should be in keeping with its surrounding landscape; and
- 7 evidence is provided of marketing the building for economic development uses for a minimum period of six months

Where appropriate, in order to retain the character and fabric of historic farm buildings, development rights originally permitted by Classes A to E inclusive of Part One of Schedule Two to the *Town and Country Planning General Development Order* 1995 as amended may be withdrawn by a condition attached to a planning consent.

The conversion of very remote rural buildings will be subject to sustainability tests to assess their acceptability.

Carlisle District Local Plan 2001 - 2016 Economic & Commercial Growth - Policy EC12 - Live/Work Units

The development of live/work units or the conversion of existing premises to live/work units will be considered an appropriate use provided the proposal is:

- 1 located in either of the Key Service Centres of Longtown and Brampton;
- 2 within or adjacent to a Local Service Centre, provided there is a minimum of 25% of the floor area dedicated to employment use (proposals falling under the 25% threshold will be considered against the criteria set out in Policy H1);
- 3 in the form of a conversion of existing premises in the remainder of the rural area and provided those premises are of traditional permanent construction and the character of the original building is retained, and the proposal will provide in the region of 60% residential to 40% employment use.

All live/work proposals should:

- a be well related to an existing group of buildings;
- b be compatible with the surrounding uses and not adversely affect the amenity of neighbouring uses;
- c not lead to an increase in traffic levels beyond the capacity of the surrounding local highway network;
- d be capable of providing adequate access and parking arrangements.

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 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
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

- detering 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
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: 27

Appn Ref No:
10/0792

Applicant:
Persimmon Homes
Lancashire

Parish:
Wetheral

Date of Receipt:
30/08/2010 08:00:24

Agent:

Ward:
Wetheral

Location:
Land adjacent Alexandra Drive, Durranshill Road,
Carlisle

Grid Reference:
342899 555253

Proposal: Erection Of 49 No. Dwellings With Access From Durranshill Road

Members will recall at Committee meeting held on 15th April 2011 that authority was given to the Assistant Director (Economic Development) to issue approval subject to

the completion of a s106 agreement to secure:

- a) the provision of ten affordable units. This comprises five units that would be made available by discounted sale, with the discount set at 30% below open market value, and the five properties available to rent at discounted rates; and
- b) a financial contribution of £136,157.80 towards the provision and maintenance of public open space, including any variation to that figure if agreed by the Council's Neighbourhoods and Green Spaces Manager.

It was also requested the Officers explore the possibility of securing commuted payments through the s106 agreement to enable highway improvements to Durranhill Road. This funding would be commensurate with the increased vehicular and pedestrian movements placed on the highway network as part of the residential/employment land allocations.

This has been completed and the approval issued on 20th October 2011.

Granted Subject to Legal Agreement

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

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

2. The approved documents for this planning consent comprise:
 1. The Planning Application Form received 31st August 2010;
 2. The site location plan received 1st September 2010 (Drawing No.

- PLN_01);
3. The proposed site layout plan received 17th March 2011 (Drawing No. PLN02);
 4. The proposed site layout plan, including the tree survey, received 17th March 2011 (Drawing No. PLN_03);
 5. The house type booklet received 17th March 2011 (Drawing No. PLN_06 Revision B);
 6. The proposed boundary treatment plan received 13th September 2010 (Drawing No. PLN_04);
 7. The topographical survey received 13th September 2010 (Drawing No. 2559-P-02);
 8. Design and Access Statement received 13th September 2010;
 9. Transport Statement received 13th September 2010;
 10. Flood Risk Assessment received 13th September 2010;
 11. Desk Top Contamination Report received 1st September 2010;
 12. Tree Survey received 13th September 2010;
 13. Arboricultural Method Statement received 13th September 2010;
 14. Protected Species Survey received 8th October 2010;
 15. Desk Based Assessment and Geophysical Survey received 11th November 2010;
 16. The Notice of Decision; and
 17. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. 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.

4. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority.

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 full details of hard and soft landscape works, including a phased programme of 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 any part of the development

or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

6. No development shall commence until a management plan detailing the works to be undertaken to those trees covered by Tree Preservation Order No. 254 has been submitted to and approved, in writing, by the Local planning Authority.

Reason: In order to ensure that appropriate management works to the protected trees is undertaken in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those trees and hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. 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 Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

Reason: To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

9. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water drainage system has been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that adequate means of surface water disposal and to prevent increased risk of flooding in accordance with Policies CP10 and CP12 of the Carlisle District Local Plan 2001-2016.

10. In the event that the approved surface water system discharges to the existing water course to the east of the application site, the surface drainage system will be monitored during the construction phase and for a further two years following completion of the development in accordance with a scheme to be submitted to and approved, in writing, by the Local Planning Authority. The results from the monitoring shall be forwarded to the Local Planning Authority and should the results indicate problems caused by the increase of surface water into the drainage system/culvert under the Newcastle to Carlisle railway at NGR 343158/555135 a mitigation scheme shall be submitted to the Local Planning Authority for prior written approval and that mitigation scheme shall be implemented by the developer within 3 months of it having been accepted.

Reason: To ensure an acceptable scheme for surface water disposal in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

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

Reason: In order that the approved development overcomes any problem associated with the topography of the area and safeguards the living conditions of neighbouring residents in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. No development shall commence until a Phase 2 Ground Investigation is undertaken in accordance with the recommendations outlined in Table 6.4 of the supporting Desk Top Study Report produced by Arc Environmental received 1st September 2010.

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

13. The gas monitoring proposed within Table 6.4 of the supporting Desk Top Study Report produced by Arc Environmental received 1st September 2010 shall not be undertaken until the gas monitoring locations, the frequency, the method of monitoring and the details of the company carrying out the monitoring have been submitted to and agreed, in writing, by the Local Planning Authority. The results from the monitoring shall be forwarded to the Local Planning Authority and should results indicate a gassing problem, the Local Planning Authority

shall be notified immediately.

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

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

Reason: To protect the environment and prevent harm to human health in accordance with Policy LE29 of the Carlisle District Local Plan 2001-2016.

15. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological excavation in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To afford reasonable opportunity for the examination and recording of the remains of archaeological interest that survive within the site and to ensure compliance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

16. A programme of archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and submission of the results for publication in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within two years of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development and to ensure compliance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

17. No development shall take place until the applicant has demonstrated how the protected species/wildlife mitigation measures set out in Paragraph D4 of the "Extended Phase 1 and Protected Species Survey" prepared by E3 Ecology Ltd (received 8th October 2010) 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 wildlife in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

18. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 90 metres to the right and 2.4 metres by 78 metres to the left of the access, measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 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 and to support Local Transport Policies LD7 and LD8.

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

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

20. The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing

within twelve months from the occupation of such dwelling.

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

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

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

22. No dwellings hereby approved shall be occupied until the following works have been constructed and brought into full operational use:

1. The creation of a new pedestrian footpath along the southern side of Durranhill Road, which shall link the application site with the existing pedestrian footway on Durranhill Road; and
2. The provision of a pedestrian island on Durranhill Road to the north of Pastures Walk.

Prior to development commencing construction drawings detailing the aforementioned works shall be submitted to and approved, in writing, by the Local Planning Authority.

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

Summary of Reasons for the Decision

The application site is allocated for residential use in the Carlisle District Local Plan and, therefore, the principle of the development is acceptable. The dwellings can be accommodated on the site without detriment to the living conditions of the neighbouring properties through loss of light, privacy or overdominance. The layout of the estate is acceptable and adequate amenity space, incurtilage parking provision would be available to serve the dwellings. The existing hedgerows and trees have been retained where practical and will be supplemented by additional planting.

The new access to be formed and the anticipated level of traffic generated by the proposal would not prejudice highway safety. The fundamental objection that this application raised related to the physical condition of Durranhill Road, its width and suitability to accommodate the present volume of traffic, the speed at which vehicles travel along Durranhill Road and the width of the existing pedestrian footpaths. The foregoing issues, which are not intended to be an exhaustive list of residents concerns, are valid; however, they are existing problems that are a matter for the County Council and Cumbria Constabulary to address.

A s106 agreement has been agreed to secure financial contributions to improve/maintain existing areas of public open space and the provision of affordable housing. The developer will also make a contribution towards the provision of a pedestrian footpath along the southern side of Durranhill Road to provide improved pedestrian links to Rosehill Industrial Estate. These financial contributions proposed have been reviewed by the City Council and they comply with the new tests for S106 agreements, which have been introduced by Regulation 122 of the Community Infrastructure Levy Regulations 2010.

In all aspects the proposal is considered to be compliant with the objectives of the relevant 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 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 CP10 - Sustainable Drainage Systems

Sustainable drainage systems (SUDS) should be incorporated into development proposals when the following conditions apply:

- 1 The development will generate an increase in surface water run-off; and
- 2 The rate of surface water run-off is likely to create or exacerbate flooding problems

Where SUDS are incorporated the following details shall be provided:

- 1 The type of SUDS; and
- 2 Hydraulic design details/calculations; and
- 3 Pollution prevention and water quality treatment measures together with details of pollutant removal capacity; and
- 4 Operation, maintenance and adoption details (SUDS structures will not be adopted by the statutory sewerage undertaker unless maintenance and legal agreements are in place).

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 - 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 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
Housing - Policy H5 - Affordable Housing**

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

**Carlisle District Local Plan 2001 - 2016
Housing - Policy H16 - Residential Land Allocations**

To provide for housing needs an additional 4955 dwellings are required between April 1st 2002 and March 31st 2016. This figure takes account of the number of outstanding permissions at 1st April 2002. Making allowances for windfall sites provision, land for a further 2190 dwellings is allocated for primary residential purposes, providing for a variety of housing needs. The additional sites, are set out in the table below and subsequent paragraphs. All housing developments will be closely monitored to ensure that the scale of residential development relates to the Structure Plan requirement.

RESIDENTIAL ALLOCATIONS FOR THE URBAN AREA

	Brown field	Green field	Total
Structure Plan Target	2275	1225	3500

Allowance for Raffles dwellings demolished					540		540
(A) Overall Requirement					2815	1225	4040
(B) Permissions 01/04/02-31/03/05					1016	25	1041
(C) Windfall allowance @ 50 per annum					550		550
Total to be allocated A – B + C					1249	1200	2449
(D) Sites to be allocated:	ha	B/fld	G/fld	Total			
Rome Street/Railway Land	2.10	48		48			
77-87 Burgh Road	0.79		28	28			
Land adjacent H K Campbell School	0.90	33		33			
Wakefield Road/Lowry Hill	1.86	60	20	80			
Key Safety Systems Norfolk Street	1.32	100		100			
Carrs Field, Caxton Road	3.82		125	125			
Lindisfarne Street	3.1	130		130			
Nelson Street	2.0	103		103			
Milbourne Street	0.38	30		30			
Cavaghan & Gray London Rd	2.1	104		104			
Laings Site Dalston Road	1.74	90		90			
Penguin Factory Westmorland Street	0.64	64		64			
Hilltop Heights	0.31	80		80			
Harraby Green Road	1.05	45		45			
St Nicholas	0.42	50		50			
Deer Park	3.9	60		60			
Carlisle Racecourse/Lowry Street	0.33	43		43			
Carleton Clinic (Former Garlands Site)	4.19	100		100			

Durranhill	4.80	100		100			
Morton Development	38.31		800	800			
Raffles replacement	10.6	500		500			
(D) Total allocated					1740	973	2713
over/under allocation (+/-)					+491	-227	+264

The negative/positive figures in this table illustrate that the Council will seek to achieve higher brownfield targets by allocating sites above the 65% threshold in the Structure Plan.

RESIDENTIAL ALLOCATIONS FOR THE RURAL AREA

					Brown field	Green field	Total
Structure Plan Target					366	549	915
(A) Overall Requirement					366	549	915
(B) Permissions 01/04/02-31/03/05					284	179	463
Total to be allocated A – B					82	370	452
(C) Sites to be allocated:	ha	B/fld	G/fld	Total			
Longtown South of Moor Road	0.88		26	26			
Longtown Sawmill	1.96	78		78			
Longtown between Mill Street/Burn Street/A6071 (Suttons)	0.65	24		24			
Highway Depot Station Road Brampton	0.8	32		32			
(D) Total allocated					134	26	160
over/under allocation (+/-)					+52	-344	-292

Note the Brownfield rural target has been exceeded however annual targets will still have to be met from any remaining permissions available.

Carlisle District Local Plan 2001 - 2016 Local Environment - Policy LE8 - Archaeology On Other Sites

On land for which there is no archaeological information, but where there are reasonable grounds for believing remains to be present, the City Council will ensure that the archaeological aspects of development proposals are examined and

evaluated before planning applications are determined. Planning permission will not be granted without adequate assessment of the archaeological implications.

Carlisle District 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
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.

Carlisle District Local Plan 2001 - 2016
Leisure & Community Uses - Policy LC4 - Children's Play and Recreation Areas

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:

Outdoor playgrounds 150m² per hectare

Informal playspace 270m² per hectare

In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required.

On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space currently being carried out by the City Council as required by PPG 17.

Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.

Item no: 28

Appn Ref No:
10/0164

Applicant:
Top Notch Contractors Ltd

Parish:
Carlisle

Date of Receipt:
19/02/2010 16:01:32

Agent:
Hyde Harrington

Ward:
Denton Holme

Location:
102 & 104 Denton Street, Carlisle

Grid Reference:
339742 555044

Proposal: Redevelopment Of Former Prince Of Wales Public House & Conversion Of 102 Denton Street To Create 16no. Apartments & 1no. Commercial Unit With Associated Parking & Servicing

Members will recall at Committee meeting held on 17th December 2010 that authority was given to the Assistant Director (Economic Development) to issue approval subject to the satisfactory completion of a Section 106 Agreement concerning the funding the implementation of a Traffic Regulation Order and the payment of the commuted sum of £3538 towards improvement to outdoor sports facilities.

This has been completed and the approval was issued on 21st October 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 Permission comprise:

1. the submitted planning application form;
2. drawing number 70384/01/A dated 22nd July 2010;
3. drawing number 70384/02 dated 19th February 2010;
4. drawing number 70384/05 dated 19th February 2010;
5. drawing number 70384/06 dated 19th February 2010;
6. drawing number 70384/07 dated 19th February 2010;
7. drawing number 70384/15/E dated 12th October 2010;

8. drawing number 70384/16/E dated 12th October 2010;
9. drawing number 10034-02/B dated 22nd July 2010;
10. drawing number 10034-03/B dated 22nd July 2010;
11. drawing number 10034-07/A dated 22nd July 2010;
12. Design and Access Statement dated 22nd July 2010;
13. Flood Risk Assessment (FRA) dated 3rd March 2010, referenced GAN 2/86, compiled by Geoff Noonan
14. Letter from Taylor and Hardy of 11th October 2010 (Ref MEH/J/C06/150)
15. the site location plan dated 22nd July 2010;
16. the Notice of Decision; and
17. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

3. Prior to commencement of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Local Transport Plan Policies: LD5, LD7, LD8.

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

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

5. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall

be constructed and completed in accordance with the approved plans and maintained operational thereafter.

Reason: To ensure a satisfactory means of surface water disposal in accordance with the objectives of Policies CP10, CP12 and LE27 of the Carlisle District Local Plan, in the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8.

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

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

7. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved 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 and in accord with Policy CP5 of the Carlisle District Local Plan.

8. Before the development commences on site full details of all hard and soft surfaces proposed, screen fencing and/or walling, all street furniture, including the entrance gates, lighting columns and the luminaires shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with such approval and thereafter retained as such.

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

9. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 3rd March, referenced GAN 2/86, compiled by Geoff Noonan as revised by drawing number 70384/15/E.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with the objectives of Policy LE27 of the Carlisle District Local Plan.

10. The commercial unit hereby approved shall not be used other than for purposes falling within Class A1 (Shops) or Class 2 (Financial and Professional Services), of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality and to ensure accordance with Policies H2 and EC7 of the Carlisle District Local Plan.

11. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared in accord with Policy CP5 of the Carlisle District Local Plan.

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

Reason: To ensure that a satisfactory landscaping scheme is implemented and that it fulfils the objectives of Policy CP5 of the Carlisle District Local Plan.

13. Prior to the commencement of development, the applicant shall submit revised details of the on-street parking places to be provided on Denton Street to form a single bay of eleven spaces.

Reason: To ensure a minimum standard of parking provision is made for vehicles visiting the site and support Local transport Plan Policies S3, LD7 and LD5 (draft).

14. The first and second floor secondary living room windows on the gable facing the rear of houses in Mowbray Street shall be obscure glazed and non-opening (unless the parts of the window which can be opened are more than 1.7m above the floor of the living room).

Reason: To prevent overlooking of adjacent properties in accordance with the objectives of Policy H2 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

This is an application for Full Planning Permission for the redevelopment of the site of the former Prince of Wales Public House, and the conversion of number 102 Denton Street, to form 16no. apartments and 1no. commercial unit with secure car parking to the rear of the development and the provision of parking and servicing lay-by's to the Denton Street Frontage. The 'L-shaped' site, which includes the lane to the rear of numbers 16-34 Morley Street, is located on the corner of Denton Street and Northumberland Street within an area of mixed commercial and residential use.

In consideration of this application Policies DP1, CP3, CP5, CP6, CP7, CP9, CP12, CP15, CP16, CP17, 17, EC7, EC8, EC10, H2, H4, H5, LE27, T1 and LC8 of the Carlisle District Local Plan are relevant.

With regard to the objective of the Development Plan and issues raised by consultees and representations:

1. the principle of redevelopment for mixed residential and commercial development accords with the provisions of the Development Plan as it is vacant brownfield site within a neighbourhood centre of Carlisle;
2. the applicant obtained planning permission for the site (application reference 04/1196) for the demolition of the Prince of Wales public house for mixed residential and commercial development together with the provision of a secure car park and on-street parking bays. Demolition has taken place, and it is therefore considered that as implementation has commenced the planning permission is extant. As the existing (extant) permission did not include the provision of an element of affordable housing (or a contribution thereto) it is considered that it would be unreasonable to invoke the requirements of Policy H5 whereby *"all allocated and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing"*;
3. with regard to flood risk, to allow necessary development within Flood Zone 2 and 3, the Exception Test to justify development within a Flood Zone under PPS25, requires that: (1) the development provides wider sustainability benefits to the community that outweigh flood risk; (2) the development is on developable previously-developed land; and (3) that the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

The Environment Agency is satisfied that these criteria have been met.

The applicant proposes to discharge surface water to a main sewer.

United Utilities have advised that (1) surface water should be discharged to a soakaway /watercourse/surface water sewer and may require the consent of the Environment Agency and (2) if surface water is allowed to be discharged to the public surface water sewerage system it may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. A condition is therefore attached requiring submission of details of proposals for disposal of surface water.

4. it is considered that the revised proposals respond more fully to the local context in terms of appropriate materials and architectural details. The ridge height of the new building is approximately 1.8 metres above that of the adjacent Denton Street buildings whilst the chamfered section of the building on the Denton Street/Northumberland Street corner is 1.3 metres higher to create an elevated corner feature similar in character to the building containing the Spar shop further north on Denton Street. Although the 11.8 metre high ridge line is higher than the properties on the opposite side of Northumberland Street, it is not considered that it adversely impacts on the character of the local streetscene. The Urban Design Officer has no objection to the amended proposal but recommends that setts be used to form part of the surface of the access to the rear car park.

The extent permission 904/1196) did not require the trees to the rear of the site to be retained. The Tree Officer has advised that they have been badly pruned and are of little importance. He considers however that it would be a good idea to include some replacement planting as part of a landscaping scheme.(Appropriate conditions are attached).

5. an extant planning permission exists for a three storey residential development and the lateral separation of the proposed apartments from existing terraced houses on the opposite sides of Denton Street and Northumberland Street is no less than the situation prior to the demolition of the Prince of Wales. An overlooking situation therefore previously prevailed. The proposed replacement building lies to the northeast of the two houses opposite the development in Northumberland Street. Although the replacement building is higher it is not considered that the revised proposal will have a significant adverse affect on the living conditions of adjacent occupiers in Denton Street or Northumberland Street.

With regard to the relationship between the revised proposals and the properties in Morley Street, the lateral separation is the same as previously approved (13 - 14 metres). The proposed development lies to the southeast of the rear elevation of the houses in Morley Street and again it is not considered that the additional height (1.8m) will have a significant adverse affect on the living conditions of adjacent occupiers in Morley Street.

However, there are two additional windows in the western gable elevation and while the proposed development is still of three storeys, unlike the extant permission which contained kitchen and bedroom windows, the

Cumwhinton	Raughton Head
Dalston	Rockcliffe
Gilsland	Scotby
Great Corby	Smithfield
Great Orton	Thurstonfield
Hallbankgate	Warwick Bridge
Hayton	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 re 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 CP7 - Use Of Traditional Materials

In order to sustain the local environment consideration will be given to locally sourced traditional materials to maintain the local character of buildings and their environment.

Within conservation areas the City Council will seek to ensure that existing traditional materials are reinstated following repairs to roads, pavements, kerbs and underground services.

Carlisle District Local Plan 2001 - 2016
Core Development Policies - Policy CP9 - Development, Energy Conservation And Efficiency

Development proposals should take into account the need for energy conservation and efficiency in their design, layout and choice of materials. The principles should be introduced in the early stages of the design process in order to consider the orientation of buildings to maximise solar gain coupled with high levels of insulation to reduce heating costs. The efficient and effective use of land, including the reuse of existing buildings and the use of environmentally sustainable materials should also be encouraged. Landscaping schemes also may be used to shelter buildings in exposed positions to reduce heat loss.

These elements will contribute to the energy efficiency of a new development. Developers should also consider the possible incorporation of photovoltaic cells, active solar panels and other small-scale sources of renewable energy. Consideration should be given to recycled materials, waste minimisation and recycling measures within the design.

Designers will be encouraged to include systems for collecting roof water to enable its re-use.

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

- detering 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 **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 **Economic & Commercial Growth - Policy EC8 - Shopfronts**

Well designed and appropriate shopfronts whether original or reproduction should be retained wherever practicable and if necessary restored when the opportunity arises. New shopfronts should relate in scale, proportions, materials and decorative treatment to the relevant facade of the building and where appropriate, to adjacent buildings and/or shopfronts.

Within a conservation area changes to shop fronts and new shop fronts **will be** acceptable only where the design contributes to the preservation and enhancement of the area's character and appearance, and provided the following criteria are met:

- 1 retain or restore any original or period features; and
- 2 relate well in scale, height, proportions, materials and detailing to other parts of the building adjoining shop fronts and to the street scene generally; and
- 3 not involve a single shop front spanning two or more frontages; and,
- 4 not involve the use of inappropriate modern shop front features such as plastic canopies, large plate glass display windows or roller shutters.

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.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H4 - Residential Development On Previously Developed Land And Phasing Of Development

In order to achieve the higher target of 65% brownfield permissions in the urban area, applications for greenfield development in addition to any allocations in H16 will not be granted planning permission. A sequential approach to site development will be applied and, in the context of Policy DP1, brownfield sites in unsustainable locations will not be given priority over more sustainably located greenfield sites. Permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.

Carlisle District Local Plan 2001 - 2016

Housing - Policy H5 - Affordable Housing

The City Council will negotiate with developers for an element of affordable housing to be included in the majority of housing developments.

All allocated housing sites and windfall sites of 10 or more dwellings in the urban area will be expected to make a contribution of 30% of units on-site towards affordable housing. Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision.

In the rural area the contribution to affordable housing will be:

- 1 25% of housing on large sites (over 0.8ha or 25 dwellings)
- 2 20% of housing on medium sites (over 0.3ha or 10 dwellings)
- 3 10% of housing on small sites (over 0.1ha or 3 units)

The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.

Carlisle District Local Plan 2001 - 2016

Local Environment - Policy LE27- Developed Land In Floodplains

Development on previously developed land which is at risk of flooding will only be permitted provided that a Flood Risk Assessment has been submitted with the planning application that confirms:

- 1 no other lower risk alternative site exists in the case of proposed development in

- Zone 3 (High Probability of river and/or sea flooding); and
- 2 flood defence measures to the appropriate standard are already in place or can be provided; and
 - 3 adequate flood plain storage capacity can be provided; and
 - 4 the development will not interfere with flood flows nor increase flood risk elsewhere; and
 - 5 access and egress could be reasonably maintained at times of flood risk; and
 - 6 adequate flood warning and evacuation procedures will be provided; and
 - 7 mitigation measures will be provided where necessary; and
 - 8 the building materials are appropriate for a flood risk area.

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.

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC8 - Rights Of Way

Carlisle City Council will seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.

Carlisle District Local Plan 2001 - 2016

Leisure & Community Uses - Policy LC4 - Children's Play and Recreation Areas

New family housing developments of 40 or more dwellings will be required to include, pro rata, the following standards of play space provision:

Outdoor playgrounds 150m² per hectare

Informal playspace 270m² per hectare

In addition to the above, on development sites of 5 hectares or over, 0.1 hectares of sports ground development per hectare will be required.

On smaller housing sites the developer will be required to make commuted payments towards the provision of play space in the locality if there is a deficiency of play space in the local area judged against the Audit of Open Space currently being

carried out by the City Council as required by PPG 17.
Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.