

# **Development Control Committee Main Schedule**

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

Part 2 Items 04 - 24

21st August 2009

## Applications Entered on Development Control Committee Schedule

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02.	<u>07/1383</u> A	Recreation Field, The Green, Dalston, Carlisle, CA5 7QB	<u>SG</u>	34
03.	<u>08/1254</u> B	Ben Hodgson Bodyworks, Dalston Service Station, The Square, Dalston, Carlisle, CA5 7QA	<u>DNC</u>	173
04.	<u>09/0358</u> B	Land adjacent to Dalston Service Station, Dalston, Carlisle, CA5 7QA	<u>DNC</u>	211
05.	<u>09/0408</u> A	1-21 West Hill House, St Martins Drive, BRAMPTON, CA8 1TG	<u>SG</u>	229
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07.	<u>09/0538</u> A	3 Chiswick Street, Carlisle, CA1 1HQ	<u>CG</u>	262
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10.	<u>09/0441</u> A	L/Adj to Wreay Syke Cottage, Wreay, Carlisle, CA4 ORL	<u>DNC</u>	354
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12.	<u>09/0514</u> A	293 London Road, Carlisle, CA1 2QW	<u>CG</u>	386
13.	<u>09/0312</u> B	Warwick Mill Business Village, Warwick Mill, Warwick Bridge, Carlisle, CA4 8RR	<u>ARH</u>	394
14.	<u>08/0224</u> C	Gates Tyres, 54 Scotland Road, Stanwix, Carlisle CA3 9DF	<u>SG</u>	419
15.	<u>08/0420</u> C	Little Bobbington, The Knells, Houghton, Carlisle, CA6 4JG	<u>SE</u>	421

## Applications Entered on Development Control Committee Schedule

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16.	<u>08/0586</u> C	Land adjacent to 84, Castlesteads Drive, Carlisle	<u>CHA</u>	423
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## SCHEDULE B: Reports Requiring Further Information

09/0358

Item No: 04

Date of Committee 21/08/2009

**Appn Ref No:**  
09/0358

**Applicant:**  
J. J. Lattimer Limited

**Parish:**  
Dalston

**Date of Receipt:**  
01/05/2009

**Agent:**  
Swarbrick Associates

**Ward:**  
Dalston

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

**Grid Reference:**  
336831 549981

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

**Amendment:**

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### REPORT

**Case Officer:** Dave Cartmell

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

At the May Committee Members resolved to defer consideration of the proposal to enable submission of outstanding consultation responses, the submission of a Tree Survey by the applicants and the expiry of the period for representations and to await a further report on the application at a future meeting of the Committee.

Amended plans for the car park and the for the related convenience store/dwellings (Ref 08/1254) have been submitted and re consultation, and re notification of neighbours, is currently underway.

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

**Flood Risk Zone**

**Local Plan Pol LE19 - Conservation Areas**

**Local Plan Pol CP4 - Agricultural Land**

**Local Plan Pol T2 - Parking in Conservation Areas**

**Local Plan Pol CP5 - Design**



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

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

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

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

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

**Local Plan Pol LE8 - Archaeology on Other Sites**

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

**Cumbria County Council - (Highway Authority):** originally responded with a number of comments relating to the application. The latest proposed revisions (July 2009) have generated the following advice which applies also to the associated application for the proposed new Co-op Store:

*"Having reviewed the revised drawings, it is confirmed that there are no objections to the application as shown on drawing no 1384/p/06(e) but the following comments apply:*

- 1. The applicant has once again provided parking space on site for both the residential and retail elements and there is therefore no justification to require a financial contribution for either the parking down the Kingsway nor the pedestrian refuge across the B5299. It is, however, still reasonable to require a contribution towards the installation of a pedestrian refuge on Townhead Road, the improvement of the Bus infrastructure and the advertisement of waiting restrictions. The indicative costs for these works/contributions are calculated at £13,585;*
- 2. The applicant has shown 28 parking spaces. This is in excess of the maximum number of spaces stated in the Parking Guidelines. It is recommended that the applicant produces a plan showing 20 spaces (including the two spaces to the south of the store). This can be done by simply omitting spaces 8-16 from the current plan and then redistributing the parking area east of space number 21;*
- 3. The dropped kerb facility shown on the car parking area is not acceptable and the applicant will need to amend this detail;*
- 4. The applicant will need to provide swept path diagrams showing the servicing turning arrangements can be accommodated within the parking area;*
- 5. Due to the revised servicing arrangements there will be a need to condition the timing of the deliveries, as this will need to happen before the car park is in use, if the turning is to be available.*

No's 2, 3, 4 and 5 above can however dealt with under the conditions below.

It is, therefore, recommended that the following conditions are included in any consent your Council might grant:

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

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

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

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

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

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

5. No vehicles exceeding 9m in length shall access/leave the site after 0900 hours or before 1900 hours on any weekday and Saturdays. All such movements shall leave and access the public highway in a forward direction."

For the avoidance of doubt, neither of the applications the foregoing recommendations relate to can be dealt with in isolation. Both permissions need to be implemented. It would be nonsensical to allow the store without any parking provision (if the applicant does not provide for this parking elsewhere in Dalston), as mentioned in an earlier recommendation to the previous version of this application, or to create the parking without the store. It is strongly recommended that these applications are linked within any consents your Council might grant";

**Development Services Planning & Housing Services - Conservation Section:**  
Comments on the revised proposals received on 7th July are as follows-

"Following the Council's agreement to extend the Dalston Conservation Area I have

*been working on the issues that need to be addressed in order to ensure the area's character and appearance is improved or enhanced and that any proposed development within the area does not harm that character. For the last 12 months I have been in consultation with the Parish Council and the Highway Authority on the issue of parking within the Dalston Conservation Area, in particular looking at the possibility of reducing the amount of parking in the Square in order to improve its character and appearance.*

*When the Co-op was proposing to relocate its store it too was involved in the co-ordinated approach to finding the best solution. A car park off the Kingsway was considered to be an appropriate location as it was off to the side of the heart of the village, was not immediately adjacent to any route through the village and it would not be visually obtrusive provided that it was well screened. Its location here also had the advantage of removing from view the numerous cars that were left parked along the edge of the Kingsway by people taking advantage of the attractive walks along the river and the Green. Dalston has this unusual form which has parkland at its heart with smaller satellites of housing around its rim.*

*Application 09/0350 for this proposal included parking for the Co-op development. This has now been withdrawn and one of the reasons for this is the comment from English Heritage which refers to an unco-ordinated approach to the issue of parking in the village. What appears to be unco-ordinated is actually a result of the Co-op deciding to submit an application for its own parking provision, which it is perfectly entitled to do and its proposal must be judged on its own merits.*

*My view on this site is that it would be unfortunate if it were to be developed for parking. It is prominent from a number of points and the development would change the character of this piece of ground drastically. Currently it is the access point to the Dalston Showfield and it brings the rural character which surrounds Dalston into the centre of the village. This will be lost with this proposal and even with a considerable amount of landscaping it is still going to be visible and I believe this is detrimental to the character of the Conservation Area. This site was never considered as a possible option for such a use when the Parish Council were looking for a site for those cars which were to be decanted out of the Square.*

*The Co-op has made considerable improvements to the development of a new convenience store on the adjacent garage site but one of the consequences of this is that there is likely to be a need for land to turn large lorries. This may mean that part of the site currently being considered would have to provide this turning head. However providing a limited amount of land for this purpose which is only in use at very limited times would not have the same impact as the proposal to turn a much larger area into a car park.*

*I consider that this application should be refused on the grounds that it is detrimental to the character and appearance of the Conservation Area and that it intensifies and expands a use into an area that, currently, has significant rural charm. Rather than seeking ways to enhance the Area this proposal aggravates the situation and destroys an attractive element within the designated area";*

**Development Services Planning & Housing Services - Local Plans (Trees):**  
amended comments regards the above planning application are as follows:

*"Whilst the tree survey and measures set out in the covering letter to safeguard the adjacent trees during construction address my concerns regarding this element of my original comments, main objections to the proposal remain".*

The original comments were as follows:

*"Whilst the applicant states that there are no trees on or adjacent the site their plans show trees immediately adjacent the northern boundary on the site subject to planning application 08/1254. The applicant must submit a tree survey in accordance with BS 5837: 2005 Trees in relation to construction. The holding tree survey submitted as part of the 08/1254 application is not suitable.*

*The location for the proposed car park is within the Dalston Conservation Area on a green field site that from aerial photographs appears to show a ridge and furrow field pattern and is likely therefore to be of archaeological, cultural and historic significance.*

*Dalston is designated in the Carlisle District Local plan as a Local Service Centre. As such it is considered that some journeys to such sustainable locations can be made without cars. The creation of car parks only encourages car use and cannot therefore be considered as sustainable.*

*The loss of this open green area to car parking would have a detrimental impact on the character of the Conservation Area and destroy the pattern of the historic landscape feature that is the ridge and furrow system.*

*In conclusion the proposal is opposed on the grounds that it is contrary to Policies DP1, T2, LE19 and CP3 of the Carlisle District Local Plan 2001 - 2016";*

**Cumbria County Council - (Archaeological Services):** Records indicate that the site lies in an area of architectural potential as it is located on the edge of the medieval village of Dalston with its 12th century Church of St Michael and numerous 18th century dwellings. Earthwork remains survive nearby on the Green that relate to the development of the village. It is therefore considered likely that remains related to the development of the village survive below ground on the site and that they would be disturbed by the construction of the car park. I therefore recommend that any ground works associated with the development should be subject to a programme of archaeological recording. This recording should be carried out during the course of the development (a Watching Brief) and should be commissioned and undertaken at the expense of the developer. This programme of work can be secured through the inclusion of a condition in any planning consent, using the following suggested form of words:

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

**Cumbria Constabulary - Crime Prevention:** have the following observations

regarding the revised proposals, submitted on 7th July, which have been considered from a Community Safety and Architectural Liaison perspective:

*"The proposed site perimeter treatment of the car parking area is not indicated. As previously advised, the boundary treatment must be substantial enough to deter unauthorised access and oblige all visitors to enter via the designated access point. In this rural environment, stock fencing, supplemented by defensive planting would be appropriate provided a landscaping management programme is implemented. The Constabulary is pleased to note the designated provision for motor cycles (ground locking points should be provided!) and the site shall be illuminated.*

*Demarcation for residents parking should be better defined, with the intention of promoting this area as semi-private space.*

*Please refer to previous advice (response dated 13<sup>th</sup> May 2009) in respect of the proposed soft landscaping scheme.*

*With regard to natural surveillance opportunities, casual supervision from the residential units will be minimal, due to the placing of windows overlooking this area. Views from the ground floor shall be impeded by landscaping elements"*

Further comments in relation to boundary treatment were received on 6th August:

*"Clarification of the car park perimeter treatment duly noted. The proposed treatment provides clear demarcation of the space, but is unlikely to deter unauthorised entry to the site from this direction. However, once the landscaping elements become properly established, (as indicated on the drawing) the boundary will present a more substantial deterrent to unwelcome intrusion. Consequently, Cumbria Constabulary is satisfied that this is an appropriate measure for this site";*

#### **Development Services Planning & Housing Services - Access Officer:**

Comments on the revised details for this application:

*"The Design and Access Statement has been noted. Please note the following comments:*

- *Despite the proximity of the disabled car parking bays to the proposed store there is no provision of a setting down point.*
- *The nearest parking provision has been allocated for residents car parking.*
- *If any employee of the proposed store was disabled there would be a requirement to allocate an additional disabled parking space to them.*
- *Given that there are 23 parking spaces for visitors to the proposed store there should be 6% of the total capacity allocated to disabled parking and 4% of total capacity allocated to enlarged standard spaces.*
- *There is no hashed area between the two disabled parking spaces.*
- *There are no paths provided around the proposed parking spaces – visitors must travel across the car parking area. Dropped kerbs are identified on the paths either side of the incoming road – these are not directly opposite each other. With reference to drawing number 1384/p/08rev.C, continuous dropped kerbs on the paths on both sides of the incoming road to the left of the blue vertical broken line would be the preferred option. This would*

*enable wheelchair users to access the path without having to travel on the road in the line of traffic.*

- There is only one Trolley Park within the car parking area. Assuming there are trolleys available within store there would still be the problem of a disabled person returning their trolley to this area. Disabled people would have to travel through the flow of incoming traffic to the car park to return a trolley and this obviously extends the amount of travelling they are required to do – depending on the disability this may overtake an individual. If the recommendation from highways re reducing the number of parking spaces is adopted, it would be possible to either relocate the proposed trolley park or provide a second facility (possibly adjacent to the disabled parking bays). This would resolve this issue.*

*Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. Advice is available within BS8300/2009. Applicants should be aware of their duties within the DDA";*

**Dalston Parish Council:** the following response aggregates comments made in two letters the Parish Council submitted in relation to the amended plans submitted on 7th July 2009. These were discussed at a Parish Council meeting held on 14th July at which a request for a Site Visit by the DC Committee and a "Right to Speak" on this and the related application for the proposed Co-op store car park (08/1254) was reiterated:

*"Dalston Parish Council resolved to object to this application on the grounds that the proposed development was inappropriate in relation to solving the parking problems in Dalston. It was thought that vehicles would, in preference, continue to be parked across the B5299 at the junction with the Kingsway, in the Square and in the existing car park belonging to the Victory Hall and made available primarily for its users.*

*There is also concern that green space on the Show Field was being used as car parking for a convenience store.*

*General comments made at the meeting indicated that, if the application is approved, a pedestrian refuge would be an essential requirement on Townhead Road, there were concerns expressed regarding conservation aspects of a new path across the grass area to the road junction north of the site. Queries were also raised about HGV turning space and the retention of the telephone box in relation to the widened access road."*

Subsequent to the recent Parish Council meeting, its Working Group (which is reviewing parking within Dalston centre in general), organised a site meeting which was attended by Parish Council members, a City and County Councillor, the Highway Officer and the Council's Conservation Officer. From that meeting the Clerk to the Parish Council has written again to clarify its position in relation to car parking:

*"It has already been stated, following a substantial majority vote, that Dalston Parish Council feels that the scale and location of the proposed car park is inappropriate for this sensitive part of the Dalston Conservation Area. This part of the Show Field is a green space that is a significant visual element within the street scene and the proposed car parking will destroy a large part of this feature. No matter how much*

*screen planting is included, the cars will be visible from a number of locations within the Conservation Area and this can only be detrimental to its character.*

*It is suggested that this site is not the most appropriate for conversion into a car park and that there are better alternative sites within the village that will do far less harm to its character. If there is a need for a turning space for HGV's for the store to operate properly, then this could be achieved on a fraction of the area. If this turning area was screened then, for most of the time, there would be no vehicles on view and its impact would be moderate.*

*In agreement with English Heritage, the parking issue should be considered in a coordinated way as it is far too important an issue to be determined in an ad hoc manner, which would be the case if this application is approved. The Parish Council, together with the City Council and Cumbria Highways, has given this matter considerable thought for many years.*

*The Kingsway proposal (09/0350), recently withdrawn, was part of this coordinated approach. As well as discussion with those parties mentioned above, the Co-op parking requirements were also taken into consideration because of the proposal to move the convenience store out of the Square. Although it is accepted that the developer is entitled to apply for planning consent for a separate car park, it is this particular application (09/0358) that has broken the continuity of a coordinated approach.*

*The Parish Council therefore asks Carlisle City Council to refuse this application because of its detrimental impact on the character and appearance of this part of the recently extended Conservation Area which recognizes the importance of the Show Field as a significant element of Dalston's historic character. The appearance of this development which extends into the upper end of the Show Field entrance is incongruous and at odds with what is currently an open and attractive feature";*

**CAAC:** Commented as follows on the original application- the Committee could not give a view on the impact of the car-park on the setting and appearance of the Show Field as there was no information to help with this. However because it was at the back of the Coop development site, the car-park would not be visible from the Green.

Specific comments later addressed the revised proposals received on 7th July:

*"The Committee was not particularly happy about the need to provide a car park. It had no great reservations with this proposal provided that careful and fairly heavy planting was provided. There did however seem to be a need to have a more co-ordinated approach to parking in Dalston, especially when it affects the Conservation Area. The Committee had been expecting just one proposal for parking and were under the impression this was going to be near the Kingsway. The Co-op parking proposal needs to be weighed against other proposals so that the best solution for Dalston is achieved";*

**English Heritage:** the response to the original proposal referred to wider proposals, including the removal of the existing garage buildings and erection of a convenience store (08/1254) and the formation of a car park at Kingsway, and commented as

follows:

The site is located at the prominent junction of Glave Hill and the B5299, close to The Square which is an important space within the Dalston Conservation Area. A related application has been submitted for the erection of a retail store, with two residential units and an associated car park. The existing garage buildings are of limited quality and contribute little to the character of the Conservation Area. However, the current proposals will, themselves, do little to enhance the character of the Conservation Area and would require significant amendment in order to be acceptable. A site on the opposite side of the B5299 is also subject to a current application for a public car park. It is therefore recommended that opportunities are taken for a more co-ordinated approach that could enhance the townscape character of this part of the Conservation Area.

The proposed retail unit fails to respond positively to the character of the area. Buildings that enclose the north side of the B5299, along the western entrance to the village, generally front the public realm. The proposed building has an awkward, oblique relationship and presents a service yard and delivery area to the main public frontage of the site. Any amended proposals should ensure that the building is re-orientated to present a positive frontage to the road and ensure that any service facilities are placed to the rear. The form and proportioning of the building will result in an extremely dominant roofspace, particularly when viewed from The Square. The potential of introducing further residential units above the shop could be considered to create the opportunity for a more complex roofscape and grain of development that is more relevant to the Conservation Area. The existing garage and incidental public landscaped area immediately at the junction with Glave Hill forms a fragmental area of townscape that undermines the stronger identity of The Square. The current proposals only exacerbate the situation and a co-ordinated master plan approach to the garage site, associated car park and adjoining green space could allow buildings to follow the building line of the B5299 and create a stronger corner with Glave Hill that could screen car parking and servicing to the rear.

In summary, the combined impact of the proposals will only result in a more fragmented townscape that fails to respond to the strong character of the Conservation Area. Alternative approaches should be considered for the site and adjoining area, in association with wider car parking requirements, and the current applications should be refused unless a more co-ordinated approach can be developed that responds more positively to the context of the site. It will also be important to ensure that the advice of the County Archaeologist is used to inform any future proposals.

In relation to the revised proposals of 7th July, English Heritage has commented that they represent a positive response to their comments regarding the previous application and, therefore, EH accept the principles of the revised scheme. English Heritage has no further comments to make and is content that the Local Planning Authority resolves any outstanding detailed design issues;

**United Utilities:** responded to the original proposal as follows:

*"There is no objection to the proposal providing the site is drained on a separate*



*system, with only foul drainage connected into the foul sewer. Surface water should discharge to the surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system UU may require the flow to be attenuated to a maximum discharge rate determined by United Utilities.*

The above comments have essentially been reiterated in response to consultation on the revised proposal submitted on 7th July 2009;

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

#### **Representations Received**

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

3.1 The revised application has been advertised by means of site and press notices as well as notification letters sent to neighbouring properties. Objections were received from five persons to the original application stating the following grounds of objection:

1. lighting of the car park will be visible and intrusive into houses at all times of day and night. An avenue of trees alongside Townhead Road is needed to screen the car park;

2. the trolley park will cause lots of noise and other problems;
  3. increased traffic will lead to road safety issues - particularly where there is a distinctive narrowing of the road opposite Glave Hill and there is no footpath on the north side of Townhead Road;
  4. this car park will not ease the parking problems in the village and is likely to be used as a 'park and ride' facility;
  5. strongly oppose the sale of part of the Show Field, which is likely to be further developed;
  6. the plans for the store are too big and will not sit comfortably in the context of Dalston Conservation Area;
  7. opposition to the inclusion of housing units;
  8. severe impact on the property at 1 The Green;
  9. inappropriate form of development in a rural landscape of surface materials (grey paviers) and security measures.
- 3.2 At the time of writing this report, two further letters of objection had been received which reiterated earlier concerns regarding:
1. the long term scenario for the development of the Show Field and advised that some people are unaware of the details of the development proposal;
  2. adverse impact on the character of the Conservation Area- particularly the view from Townhead to the recreation fields;
  3. urbanisation of a rural area;and
  4. road safety and congestion made worse by large delivery lorries

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

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

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

##### **Introduction**

- 5.1 At the Development Control Committee on 29th May 2009 Members resolved to defer consideration of the proposal to await outstanding consultation responses, the submission of a Tree Survey by the applicants and expiry of the period for representations. Subsequently the applicant has submitted revised plans for both the car park and the proposed convenience store/dwellings (related application 08/1254), a Report on which precedes in the Schedule).
- 5.2 This Report relates to a revised application seeking full planning permission for the formation of a car parking area intended to serve the proposed convenience store and three dwellings subject of the Report under application reference 08/1254. The site, which extends to approximately 0.13ha, is roughly rectangular in shape, forms part of the Dalston Show Field and is currently in agricultural use. It is located to the south of Townhead and to the west of the B5299 in the Dalston Conservation Area. It is located in close proximity to the south-western gable of the proposed convenience store/dwellings being considered under application 08/1254. The site is bounded to the north-east by the existing garage and the Victory Hall car park and on its other three sides by the remainder of the Show Field. The southeast corner of the landscaping of the car park boundary appears to overlap a small part of the rear garden of No1 The Green. Clarification of this issue is being sought.

## **The Proposal**

- 5.3 The revised application seeks approval for a car parking area, providing 26 off-street car parking spaces (including two for disabled people) and two motorcycle parking spaces on agricultural land in the Dalston Conservation Area. The layout of the car park has been amended since first submitted, and it has been extended to the southeast by approximately 4 metres to enable an articulated delivery vehicle to turn within the car park.
- 5.4 The car park will be surfaced in natural grey concrete block permeable paviers. In relation to screening, the Design and Access Statement advises that it is intended to provide landscaping to the northwestern and southwestern boundaries. The existing stone boundary wall and timber fencing will be retained at the north-east boundary. To the south-east it is intended to form an earth bund with screen planting (the original proposal also specified timber fencing on the car park boundaries). Clarification of this is being sought from the applicant). Landscaping is proposed within the parking layout to further soften the impact of the car park. The Design and Access Statement indicates that lighting to service the car park and access routes will be fitted with guarding to avoid light pollution.
- 5.5 Access to the car park will be via a reconfigured access along the northern boundary of the proposed convenience store. Surface water will be disposed of via a sustainable drainage system which will allow stormwater to be retained and discharged in a controlled manner to surface water systems.
- 5.6 Although there are no trees within the site, there are trees on the southwest

boundary of the Victory Hall Car Park . The applicant has submitted a report giving details of the trees which, as they are outside the boundary of proposed the car park, are not themselves under the control of the applicant. The root protection area (RPA) of three of the trees extend into the proposed car park which has been designed so as not to encroach into their RPAs although, the report notes, some of the lower branches may require pruning. The report recommends that during development, the RPAs should be protected by a fence.

## **Assessment**

- 5.7 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes, Planning Policy Statements and representations) indicate otherwise. The Development Plan comprises the North West of England Plan Regional Spatial Strategy to 2021, "saved" policies of the Cumbria and Lake District Joint Structure Plan (adopted 2006) and the Carlisle District Local Plan 2001-2016 (adopted September 2008).
- 5.8 In consideration of this application Policies DP1, CP3, CP4, CP5, CP10, CP17, LE8, LE19, LE26 and T2 of the Carlisle District Local Plan are relevant. The relevant aspects of these policies seek to ensure that:
1. appropriate development proposals are focussed in Key and Local Service Centres as identified in the Carlisle District Local Plan;
  2. development respects the character of Conservation Areas;
  3. sites of archaeological significance or high archaeological potential are appropriately evaluated;
  4. the amenity of residential areas is protected from inappropriate development where the use is of an unacceptable scale, leads to an unacceptable increase in traffic or noise or is visually intrusive;
  5. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;
  6. existing trees and shrubs are retained, where appropriate, and appropriate landscaping schemes are implemented;
  7. a Flood Risk Assessment is carried out where development is proposed in a floodplain;
  8. any increase in surface water run-off will not create or exacerbate flooding problems; and
  9. satisfactory access is available and appropriate levels of car parking

provision is made.

5.9 With regard to the development plan objectives and issues raised by consultees and objectors:

1. it is considered that this is an appropriate form of development for Dalston which is a Local Service Centre;
2. the justification for the car park in this location is that it is to serve the proposed convenience store and two of the three associated dwellings (ref 08/1254). If the latter development is approved, it is considered that the car park will not significantly affect the character of Dalston Conservation Area for the following reasons:
  - (a) the site is largely visually enclosed, particularly from the northeast and southeast by existing and proposed development and existing trees
  - (b) appropriate landscaping and boundary treatment will assist in screening the view of vehicles and the trolley park from the public realm, particularly from Townhead Road. With appropriate peripheral and internal landscaping it is not considered that this relatively small car park will have any adverse impact on the character of the Dalston Conservation Area. Submission and implementation of landscaping details and levels of illumination could be subject to conditions.
  - (c) the car park has been designed to ensure that the trees adjacent to the northeast boundary will not be affected;
3. the potential archaeological importance of the site, which lies within the medieval village, has been recognised and a condition requiring a Watching Brief could be attached;
4. the living conditions of the occupants of dwellings in close proximity (particularly those in The Green but also in Townhead) could clearly be affected by the development. To help minimise disturbance from customer`s and delivery vehicles, the hours of opening and delivery times of the related convenience store (08/1254) could be controlled by conditions. However nuisance from vehicle lights would also have to be addressed by appropriate landscaping and/or fencing. Given the importance of landscaping to this site, particularly its interface with the housing to the southeast, details (including cross sections through the proposed bund) have been requested. Issues with regard to noise and disturbance to adjacent residential properties will be considered in relation to the application for the convenience store and dwellings (08/1254);
5. with regard to the development contributing to creating a safe and secure environment, a response is awaited from the applicant on the issues raised and points of clarification required by the Architectural Liaison Officer with particular regard to site perimeter treatment;
6. the applicant has submitted a Tree Survey indicating that the root

protection areas will not be affected by the development and that tree protection barriers will be erected (conditions required);

7. the site lies on the edge of Flood Zone 2 but is at a higher level. There is no requirement to consult the Environment Agency;
8. the applicant proposes to use permeable pavements which will drain into a sustainable drainage system to allow stormwater to be retained and discharged in a controlled manner to surface water sewers (United Utilities has been consulted on this aspect of the proposal); and

## **Conclusion**

- 5.10 At the time of preparing the report, Officers are in discussion with the applicant's agent to try to resolve the issues raised in consultation responses from the Access Officer, Highway Officer and Conservation Officer through potential revisions to the number of spaces provided, their location and relationship to essential features such as the trolley store. It is hoped that this will enable a reduction in the size of the site required for car parking and re-distribution of the parking spaces so that they impact less on the Showfield. An update will, accordingly, be provided to Members at the Committee Meeting.
- 5.11 Members should also be aware that City and County Councillor Allison has also written, following a recent Site Meeting he chaired attended by some members of the Parish Council, an Officer of the Highway Authority and the City Council's Conservation Officer. He also reserves the "Right to Speak" on this application. The letter weighs up the relative benefits and disbenefits of the proposals without specifically indicating support or opposition. These views probably fairly reflect the general feeling of the local community which seems to be quite evenly split between people who favour the provision of improved store facilities but have some concerns about possible adverse effects associated with the car park and its relationship to Parish Council initiatives.

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

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

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

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

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;
- 6.3 The application is being considered with due regard to the provisions of the above Act.

## **7. Recommendation**

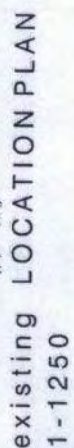
### **Reason For Including Report In Schedule B**

This application has been included on Schedule B as, at the time of preparing the Report, the statutory notification period has not expired and further consultation responses are awaited.

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swarbrick

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BLAINS GARAGE, DALSTON

**PROJECT:**  
Imposed Convenience Store and Restaurant

including Car Park 3000

1384/p/09 164A

DATE: \_\_\_\_\_

RECEIVED  
-7 JUL 2007  
2007/0350

[illegible]







## SCHEDULE A: Applications with Recommendation

09/0408

Item No: 05

Date of Committee: 21/08/2009

**Appn Ref No:**  
09/0408

**Applicant:**  
Riverside Carlisle

**Parish:**  
Brampton

**Date of Receipt:**  
09/06/2009

**Agent:**  
Day Cummins Limited

**Ward:**  
Brampton

**Location:**  
1-21 West Hill House, St Martins Drive,  
BRAMPTON, CA8 1TG

**Grid Reference:**  
352655 560921

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**Proposal:** Reconfiguration Of Existing Bedsits/Flats To Provide 12No. Flats And 2No. Houses; Including The Erection Of Entrance Porches, Two Storey Extensions To Both Side Elevations And Alterations To Positioning Of Window Openings

**Amendment:**

---

### REPORT

**Case Officer:** Sam Greig

### Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as the housing stock subject of the application was previously owned by Carlisle City Council prior to it being transferred to Carlisle Housing Association in December 2002.

### 1. Constraints and Planning Policies

#### **Tree Preservation Order**

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

#### **Airport Safeguarding Area**

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

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

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

**Local Plan Pol CP5 - Design**

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

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

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

**Local Plan Pol H2 - Primary Residential Area**

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

**Local Plan Pol H13 - Special Needs Housing**

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

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

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

**Access Officer:** the existing ramp is to be revised and there is to be a ramp and steps from the proposed car parking area. There is no allocated disabled parking bay. It would be good practice to provide at least one disabled parking bay, but given the limited number of bays available, a wider bay to accommodate disabled people or visitors with children would be welcomed.

Tactile warnings to the top and bottom of any external steps with suitable nosings should be provided.

If anyone were to be allocated housing in this facility who was a wheelchair user, ground floor accommodation should be allocated given there is no lift access. Reasonable provision must be made for people to gain access to and to use new or altered sanitary conveniences.

There are obviously constraints to be considered when planning new layouts of existing buildings; however, it would be preferable to see nibs removed where possible within this building, so as not to obstruct turning areas for wheelchair users. This is particularly relevant within the bathrooms. On a practical basis, it would be difficult and possibly unmanageable for a wheelchair user to use the toilet facility within some of the accommodation.

Policy CP15 of the Carlisle District Local Plan 2001-2016 should be complied with as well as Approved Document M. The applicants should be aware of their duties within the Disability Discrimination Act;

**Brampton Parish Council:** awaiting comments;

**Carlisle Airport:** no objections;

**Forestry Commission:** awaiting comments;

**Local Plans (Tree Preservation):** no objections, subject to the imposition of a condition that requires details of the proposed tree protection measures to be provided;

**Northern Gas Networks:** no objections;

**Housing Strategy:** the loss of a sheltered housing scheme is a controversial and emotive issue; however, at the same time, many of the sheltered schemes in the Carlisle area do not meet modern standards (for instance, 16 of the flats in Westhill House are presently bedsits, where residents have shared bathing facilities).

The Housing Strategy Officer has contacted Riverside Carlisle regarding the concerns over what options would be made available for existing residents, and older people in the Brampton area in the future, if this redevelopment goes ahead. Riverside Carlisle has provided the following explanations:

- They have carried out an options appraisal and believe the scheme is no longer viable as there are currently only 8 residents in situ (with another shortly due to move out - which will leave only a third occupancy);
- Demand for the scheme has been in decline for some time due to a high level of refusals owing to a lack of demand for bedsit type accommodation;
- The warden service will be replaced by a "Housing Visitor" service for those requiring it;
- The warden service is unfortunately due to end in September anyway, as the warden's salary is paid by funding from "Supporting People", which is due to cease owing to the low level of occupancy;
- Existing tenants will have the option of a 1 or 2-bedroom self-contained flat in the refurbished Westhill House, or alternatively be given priority for a move to another of Riverside's sheltered units; and
- Tenants in the new scheme (which the Housing Strategy Officer is advised would accommodate "mature" residents - probably aged 50+) would have the option of Careline in their flats.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
1 St Martins Drive	23/06/09	
2 St Martins Drive	23/06/09	Undelivered
27 St Martins Drive	23/06/09	Objection
28 St Martins Drive	23/06/09	Undelivered
29 St Martins Drive	23/06/09	
30 St Martins Drive	23/06/09	Undelivered
31 St Martins Drive	23/06/09	

	32 St Martins Drive	23/06/09	Undelivered
	33 St Martins Drive	23/06/09	
	34 St Martins Drive	23/06/09	Undelivered
35 St Martins Drive		23/06/09	Comment Only
	36 St Martins Drive	23/06/09	Undelivered
	37 St Martins Drive	23/06/09	
	38 St Martins Drive	23/06/09	Undelivered
	39 St Martins Drive	23/06/09	
	1 St Martins Close	23/06/09	
	1 Well Lonning Close	23/06/09	
	17 Well Lonning Close	23/06/09	
	3 St Martins Drive	23/06/09	
	4 St Martins Drive	23/06/09	Undelivered
	5 St Martins Drive	23/06/09	
	6 St Martins Drive	23/06/09	Undelivered
	7 St Martins Drive	23/06/09	
	8 St Martins Drive	23/06/09	Undelivered
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	23 St Martins Drive	23/06/09	
	24 St Martins Drive	23/06/09	Undelivered
	25 St Martins Drive	23/06/09	
	26 St Martins Drive	23/06/09	Undelivered
	6 Crosshill		Objection
Drive			
	69 Longlands Road		Objection
	12 Meade Road		Objection
	The Carlisle and Rural Tenants		Objection
Federation			

3.1 This application has been advertised by means of a site notice and notification letters sent to forty two neighbouring properties. In response four letters of objection have been received. The grounds of objection are summarised as:

1. The proposed development will result in a reduction in the provision of sheltered accommodation for the elderly who require supervision by a warden;
2. There is no evidence of need for the additional car parking spaces;
3. The Development Control Committee should receive reassurances from Cumbria County Council's Social Services Department that it is supportive of the scheme and that it is agreeable to any future Sheltered Housing/Partial Dependency Units (PDU) needs being fully catered by

Carlisle Housing Association;

4. The work is to be carried out whilst the elderly are resident in the building, albeit moved to area where work is not taking place. What investigations have been carried out into the possible presence of asbestos and if asbestos is found how will the residents be safeguarded whilst resident in the building;
  5. The Development Control Committee should be made aware of agreements between the Riverside Group and Carlisle City Council when the stock transfer took place.
  6. The Riverside Group is not delivering the promises it made to its tenants when the stock transfer took place. One of these promises involved upgrading the PDU's within 5 years; however, this has not taken place.
  7. The properties appear to be designed for independent living as opposed to the elderly who have different needs;
  8. Has the Riverside Group offered the Council any guarantees that the properties will remain in their ownership and that they will be available to the elderly; and
  9. The Riverside Group has carried out insufficient consultation with the existing tenants; and
  10. The Development Control Committee should be aware that the City Council will benefit financially through any properties sold by the Riverside Group.
- 3.2 The concerns of the objectors are noted; however, Members should be aware that only the issues highlighted by Points 1 and 2 are material considerations to be taken into account in the determination of this application.
- 3.3 In addition to the above objections one local resident contacted the Council querying the following points:
1. Is there any need for additional car parking;
  2. Will alternative provision be made for the House Martins
  3. Will sympathetic features be incorporated; and
  4. Who will manage the leasing of the tenancies, Riverside Group or S.M.A.R.T.

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

- 4.1 There is no planning history relating to the site.

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

### **Introduction**

- 5.1 This application seeks “Full” planning permission for the reconfiguration and external alteration to the existing residential accommodation at Nos. 1-21 Westhill House, Brampton. The site is situated on the southern side of St. Martin’s Drive and covers approximately 0.19 hectares.
- 5.2 It is identified on the Proposals Map that accompanies the Carlisle District Local Plan as being within a Primary Residential Area and the surroundings to the site are wholly residential. Immediately to the south of the building is a strip of amenity space that is linked with the property.
- 5.3 The building, which is two storey in height, is finished in a combination of white painted facing brick and render, with a concrete tile roof. The existing accommodation currently comprises 16 bedsits, 4 sheltered flats and 1 two bedroom flat, together with limited communal facilities including a residents lounge and shared bathrooms.

### **Background**

- 5.4 The property previously belonged to Carlisle City Council prior to it being transferred to Carlisle Housing Association in December 2002. Carlisle Housing has since become Riverside Carlisle.

### **The Proposal**

- 5.5 It is proposed to reconfigure the existing layout to create 14 units, with each unit having its own bathroom and separate bedroom(s). The new accommodation comprises 10 two-bed flats, 2 one-bed flats and 2 two-bed houses. The only additional floor space provided relates to the stairwell extensions located on either gable of the building, which would serve the two proposed dwellings.
- 5.6 Externally, the size and position of the window openings are modified slightly. Timber clad entrance porches are proposed to the front and rear elevations of the building to provide access to the flats. Similarly designed extensions are proposed to either gable to provide an entrance and stairwell to serve the two dwellings. The building would be re-rendered with self coloured render in accordance with a colour scheme that has yet to be clarified in detail. All new windows and doors to be installed would be upvc framed.
- 5.7 At the rear of the building parking and turning provision for five vehicles is proposed. The applicant has agreed to provide a disabled access bay,

although if Members are minded to approve the application the agent has asked if this issue could be dealt with through the imposition of a planning condition. The parking area would be landscaped and laid with block paving.

## **Assessment**

- 5.8 The relevant planning policies against which the application is required to be assessed are Policies CP3, CP5, CP12, CP15, H1, H2, H4, H13 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.9 The proposals raise the following planning issues:
1. Whether The Principle Of The Proposed Development Is Acceptable.
- 5.10 In policy terms, the land is “Brown Field” land within the settlement boundary of Brampton and it is presently used for residential purposes. As such, the principle of reconfiguring the layout of the accommodation is not an issue, subject to compliance with the criteria identified in Policy H2 and other relevant policies contained within the adopted Local Plan.
2. Whether The Loss Of The Existing Accommodation Is Significant.
- 5.11 The principal issue that this application raises relates to the loss of the sheltered accommodation for the elderly. The objectors to the scheme are not opposed to the accommodation being brought up to modern standards; however, there is a genuine concern that if the scheme is approved it will result in a short fall in sheltered accommodation in the Brampton area.
- 5.12 In order to assess these concerns the Council’s Housing Strategy Officer’s (HSO) views have been sought. The HSO has identified that the existing accommodation is below current standards and that, as a consequence, demand for the accommodation is low.
- 5.13 The HSO has liaised direct with Riverside Carlisle to establish its future intentions for the modernised accommodation. The applicant’s have informed the HSO that the accommodation would still be targeted at the older resident; however, irrespective of whether this application is approved, the existing warden service would be lost due to lack of funding.
- 5.14 Carlisle Riverside has advised the HSO that a “Housing Visitor” service would replace the warden service and that the future occupiers would have the option of Careline in the flats. The concerns of the objectors are understandable; however, in light of the above, there is insufficient justification to refuse this application on the basis that the warden accommodation would be lost.
3. Whether The External Alterations to the Building Are Acceptable.
- 5.15 Individually, the physical alterations to the building are relatively insignificant; however, cumulatively, they have the effect of transforming the external appearance of the building, which is in need of modernisation.



- 5.16 The most striking of the changes is as a consequence of altering the external finish of the building. The original building is to be re-rendered with three different shades of self-coloured render and timber boarding is to be used on the extensions. The finishes are a stark contrast to the white painted finish of the existing building; however, this will lift the appearance of the property and introduce an element of variety into the streetscene.
- 5.17 It is recommended that a condition is imposed that requires full details/samples of the external finishes to be agreed at a later stage. With regard to the colour scheme, Members are reminded that the colours indicated on the proposed elevations can only be treated as indicative as the shading would be restricted by the palate of colours available on the architect's software package. There are other examples in the immediate locality where vibrant colours have been incorporated in to the street scene. Those Members who are familiar with the area may be able to visualise No.6 Elmfield, which is located 60 metres to the south of the junction of St. Martins Drive with Elmfield (the former A69 Trunk Road). The external walling of the property is finished with green painted timber boarding and despite the contrast in the building style, the property sits sympathetically within the streetscene.

#### 4. Impact Upon Neighbouring Residential Properties.

- 5.18 The proposed development involves the reconfiguration of the existing building and utilises existing window openings. As such, there will be no significantly greater impact upon the living conditions of neighbouring residents as a result of loss of privacy. Where new extensions are proposed to accommodate the porches and stairwells, they are sufficiently far away from the neighbouring houses not to result in any loss of light or overdominance.
- 5.19 The proposed car parking provision will result create vehicular movements which wouldn't otherwise take place at the rear of the building; however, the level of activity and anticipated noise generated is unlikely to adversely affect the occupiers of the adjacent property, No.1 St Martin's Close.

#### 5. Highway Issues.

- 5.20 At present there is no in curtilage parking provision to serve the twenty one residential units of West Hill House, although limited parking provision for residents and visitors is available in the roadside lay by's to the north of the building.
- 5.21 The application proposes the creation of fourteen units, which is a net reduction of seven units. As such, the net reduction in the number of units coupled with the provision of five car parking spaces is an improvement on the existing situation.

- 5.22 The Highway Authority has raised no objections to the application subject to the imposition of two highway related planning condition.
- 5.23 The Council's Access Officer has also suggested that the provision of a disabled parking bay would be beneficial, which can also be secured through a suitably worded planning condition.

5. Other Matters.

- 5.24 The objectors have voiced concern regarding the previous conduct of the applicant, Riverside Carlisle, and the potential impact of the building work upon those residents who have opted to stay in the property whilst the redevelopment takes place. Members are reminded that these concerns are not material planning considerations and that they should not prejudice the potential outcome of the application.

## Conclusion

- 5.25 In overall terms, the principle of the development is acceptable. The proposal will bring the accommodation up to modern standards and, in doing so; will improve the quality of living for the future occupiers of these properties, as well as enhancing the external appearance of the building.
- 5.26 The proposed changes to the building can be accommodated without detriment to any neighbouring residential properties. Adequate amenity space and incurtilage parking provision would also be provided.
- 5.27 In all aspects the proposals are compliant with the relevant Local Plan policies.

## 6. Human Rights Act 1998

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

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

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

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

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

- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

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

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

**Reason:** To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

3. No development shall commence until detailed plans illustrating the provision of a disabled car parking bay have been submitted to and approved, in writing, by the Local Planning Authority. The parking area shall be constructed in accordance with the approved plan.

**Reason:** To ensure the provision of disabled parking facilities in accordance with Policy CP15 of the Carlisle District Local Plan 2001-2016.

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.

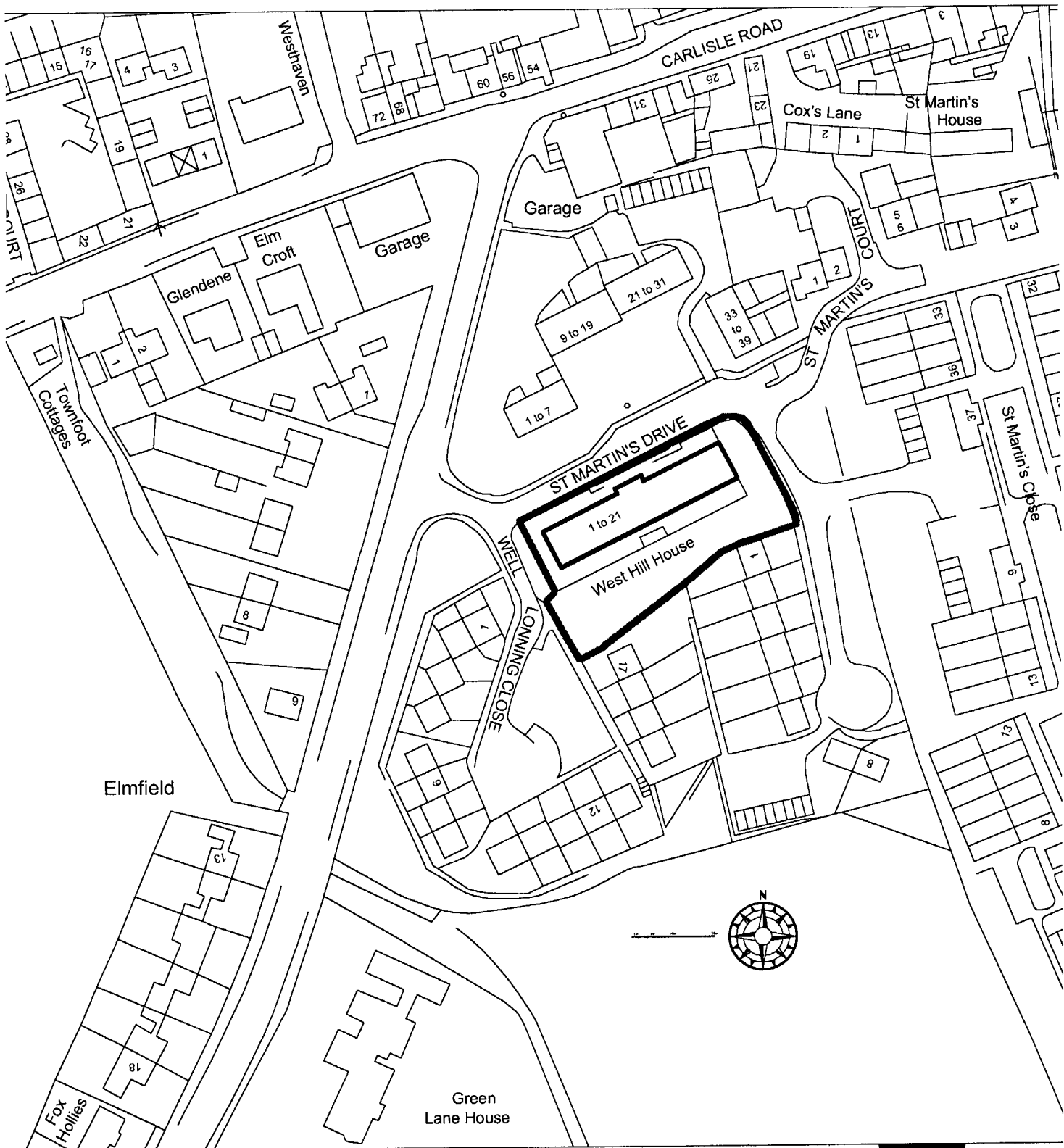
**Reason:** In the interests of road safety and to support Local Transport Plan Policies LD5, LD7 and LD8.

The access and parking/turning requirements shall be substantially met

5. 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

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Client	Riverside Carlisle		
Project	Proposed alterations & extensions to West Hill House, Brampton		
Drawing Title	Site Location Plan		
Drawn	PS	Checked	SS
Scale	1:1250	Date	30/04/09
Project No	2895	Drawing No	01
		Rev	*

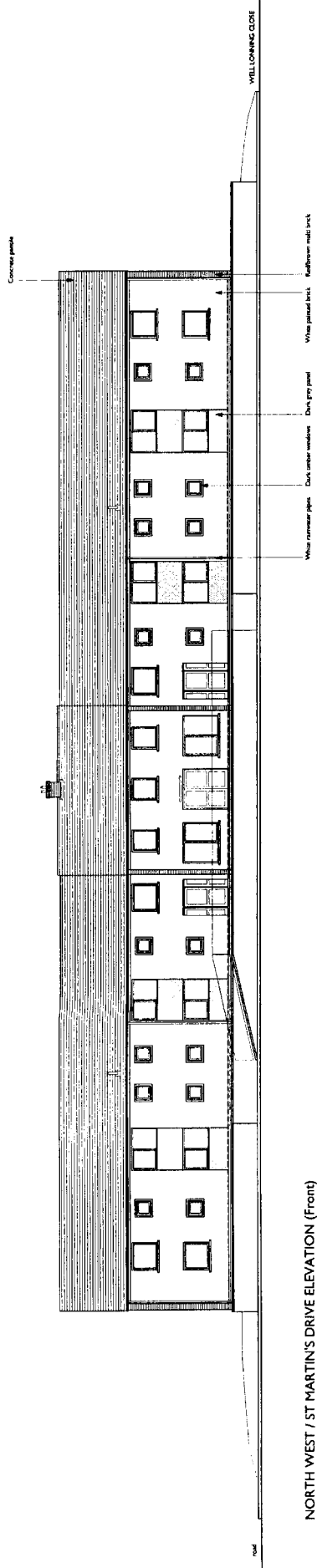
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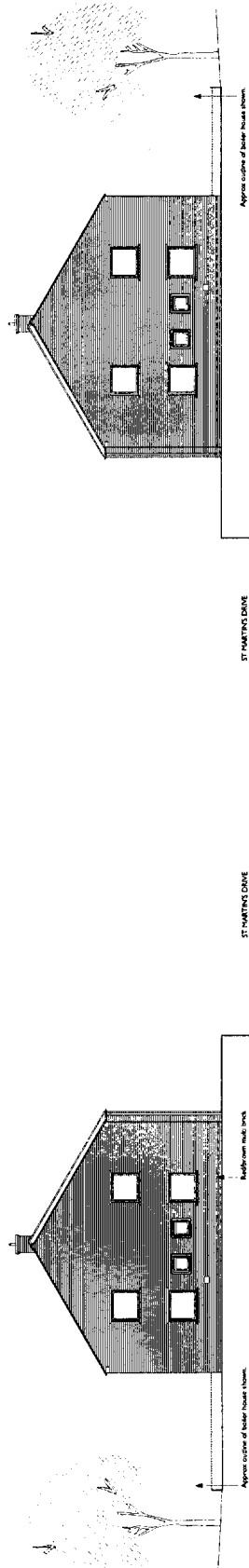






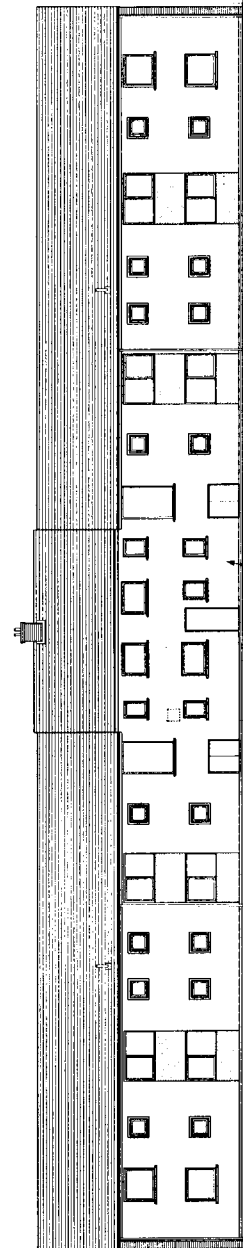


NORTH WEST / ST MARTIN'S DRIVE ELEVATION (Front)



NORTH EAST ELEVATION

SOUTH WEST / WELL LONNING CLOSE ELEVATION



SOUTH EAST ELEVATION (Rear)

PLEASE NOTE  
This drawing is a preliminary  
draft of the proposed design.  
Check all dimensions on site.

1m 5m 10m 20m

A	1/20/2018	1/20/2018	1/20/2018
Rev	Date	By	Comments
1			

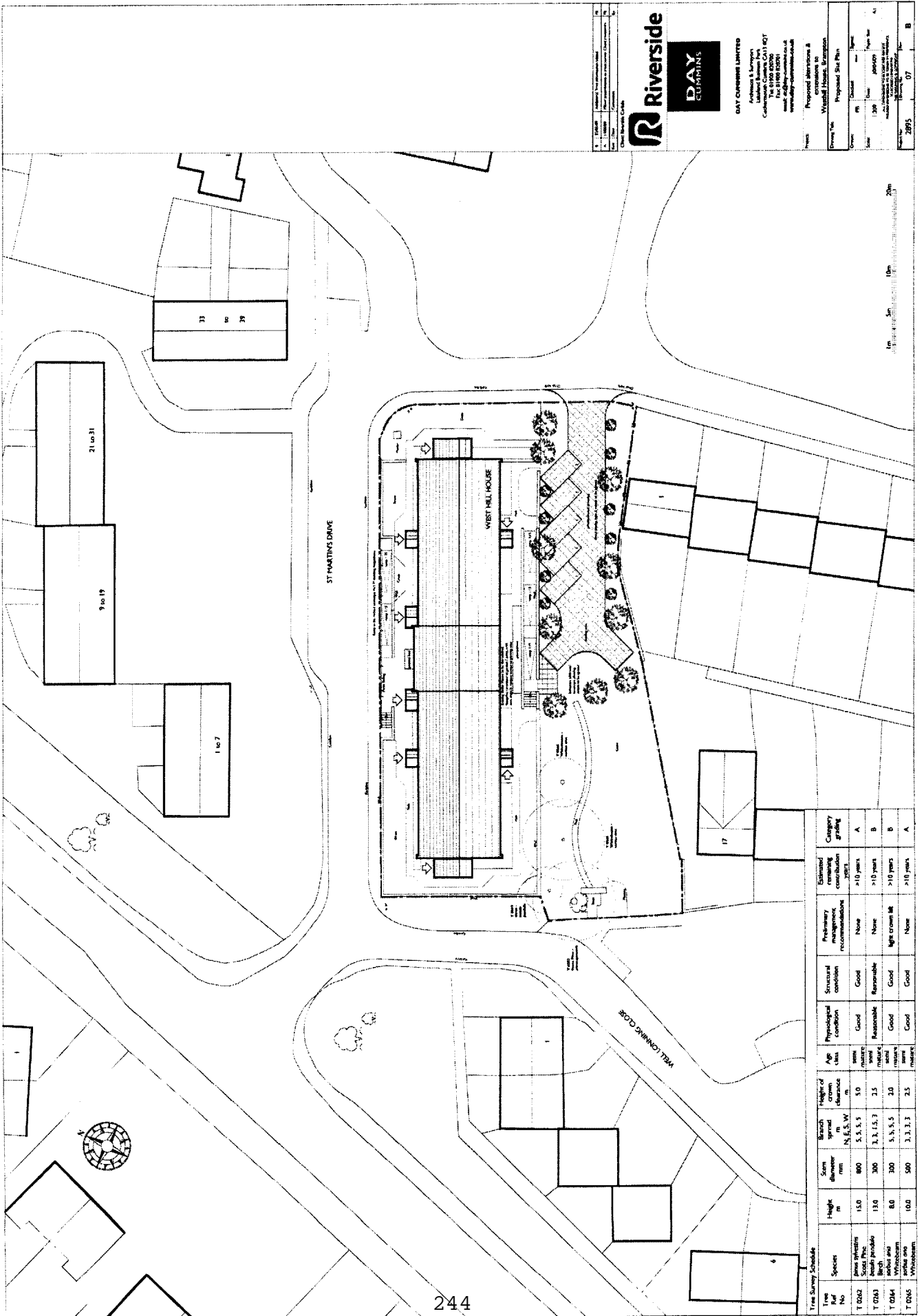
Client: Riverside Centre

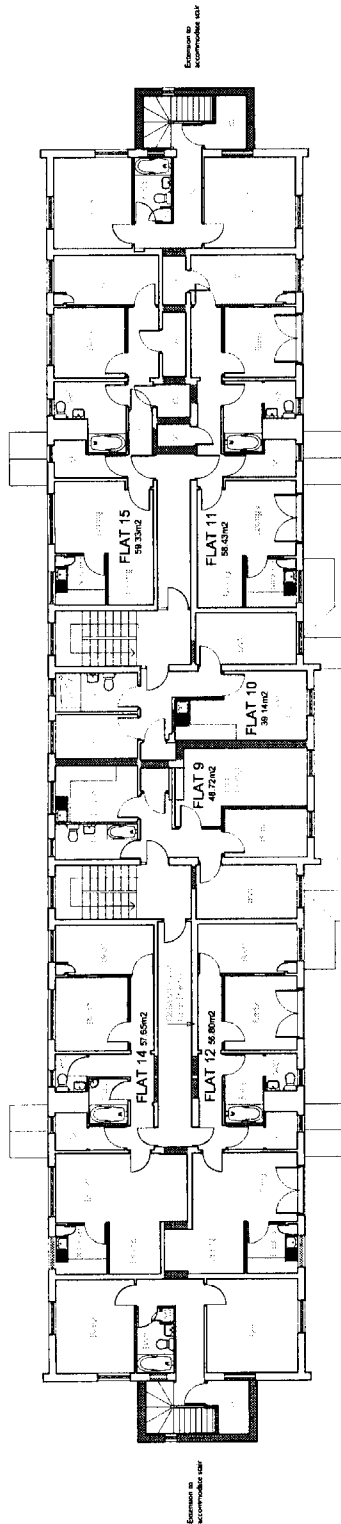


**DAY CUMMINS LIMITED**  
Architects & Surveyors  
Limerick Business Park  
Catherinevale Road, Limerick, Co. Limerick  
Tel: 01 675 827070  
Fax: 01 675 827071  
www.day-cummins.co.uk

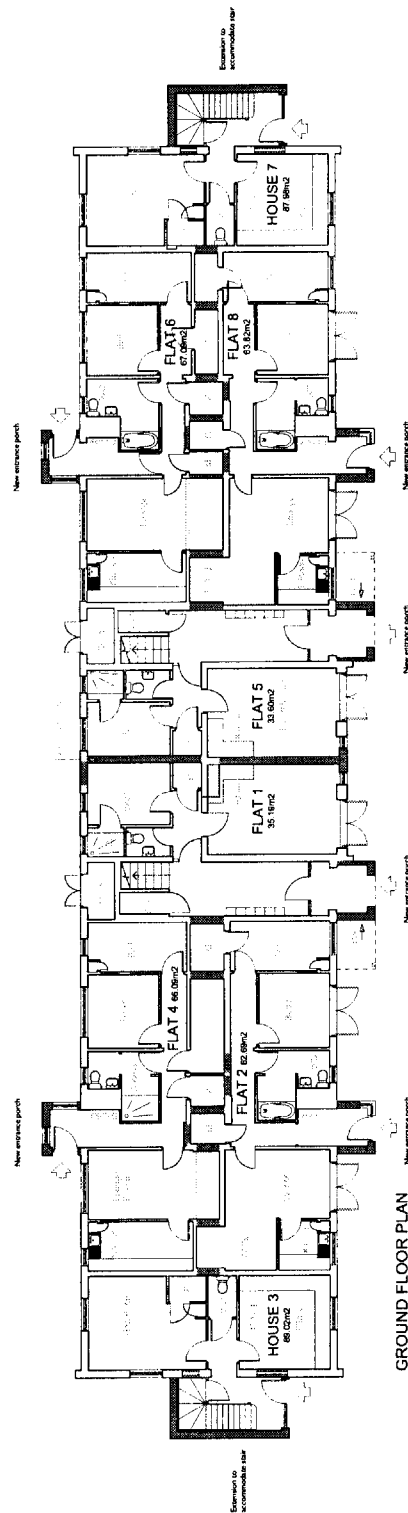
Project: Proposed alterations to  
Wellonning Close, Limerick  
Version: 1.0  
Drawing No: 28955

Existing Elevations	
Drawing No	Version
28955	01
A	





FIRST FLOOR PLAN  
1:100



GROUND FLOOR PLAN  
1:100

- Schedule
- ☐ 2No. One Bed Flats
  - ☐ 10No. Two Bed Flats
  - ☐ 2No. Two Bed Houses

Total 14 Units

Note: Flat 1 could be used as communal lounge



C	20/05/16	Final plan for construction (Client comments)	1/1
B	16/04/16	Final plan for construction (Client comments)	1/1
A	16/04/16	Final plan for construction (Client comments)	1/1
0	16/04/16	Final plan for construction (Client comments)	1/1

Client: Riverside College

**Riverside**

**DAY CUMMINS**

**DAY CUMMINS LIMITED**  
Architects & Surveyors  
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



## SCHEDULE B: Reports Requiring Further Information

09/0517

**Item No: 06**

Date of Committee 21/08/2009

**Appn Ref No:**  
09/0517

**Applicant:**  
Hayton Reading Room  
Chairman

**Parish:**  
Hayton

**Date of Receipt:**  
13/07/2009

**Agent:**  
SPACE Designed  
Solutions Ltd

**Ward:**  
Hayton

**Location:**  
Reading Room, Hayton, Brampton, CA8 9HT

**Grid Reference:**  
351012 557752

**Proposal:** Single Storey Side Extension To Provide Function Room, WC Facilities  
And Disabled Access

**Amendment:**

---

### REPORT

**Case Officer:** Angus Hutchinson

### Reason for Determination by Committee:

The application is reported to Committee in view of the number of objections received.

### 1. Constraints and Planning Policies

#### Tree Preservation Order

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

#### Airport Safeguarding Area

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

#### Local Plan Pol CP2 - Biodiversity

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

#### Local Plan Pol CP5 - Design

#### Local Plan Pol CP6 - Residential Amenity

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

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

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

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

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

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

**Cumbria County Council - (Highway Authority):** comments awaited;

**Hayton Parish Council:** no wish to make any comments;

**Carlisle Airport:** no objection to this proposal;

**Forestry Commission:** comments awaited;

**Development Services Planning & Housing Services - Access Officer:** the design and access statement has been noted for the above application.

Under the current proposals there is to be a continuation of the existing ramped path to a level access threshold (entrance), giving level access internally to all rooms. There is also provision of stepped access.

Please note the following comments:

- It will be determined when this proposal is submitted to Building Control whether or not hand rails are required for the ramped area up to the entrance door. The gradient will be a factor towards this decision.
- Handrails should be provided to either side of the stepped access to assist ambulant disabled people.
- The threshold of the escape door set of the proposed new function room should be level to the external path.
- It is noted that there is an office alcove provided in meeting room 1 as there is no longer an actual office. If a visitor to the centre requires assistance adequate signage should be present at the main entrance to direct visitors to the appropriate location.
- There is a room labelled “children” adjacent to the disabled WC – I am assuming this is a toilet area for the children of the nursery – I would also assume that if baby changing was required it would be located in this room.
- The disabled WC should be a unisex provision without baby changing facilities and fitted to comply with BS8300/09 and AD M. Consideration should be given to differing pan heights to accommodate children and adults using this facility.
- It is preferred if an additional alarm indicator is sited remotely for the disabled WC in a permanently staffed area of the building.

- Attention to lighting – especially in the new glazed link area and externally. There should be no shadows or pools of light etc.

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

**Cumbria Constabulary - Crime Prevention:** comments awaited;

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

**Environmental Quality:** comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
Croft Cottage	21/07/09	
Greenriggs	21/07/09	Undelivered
Croft View	21/07/09	Objection
View Cottage	21/07/09	Objection
The Old Post Office		
Holly House	21/07/09	Objection
Millbrook		Objection
Applegarth		Objection
The Nurses Cottage		Objection

3.1 This application has been advertised by means of notification letters sent to nine neighbouring properties. At the time of preparing the report seven written objections have been received during the notification period, the writers identifying the following grounds:

1. There are no parking facilities for residents currently, so, with the increase in parking on the road, and with the constant passing of farm machinery, double parking (which I foresee happening) the proposals will cause a major issue. Its bad enough during school run!!;
2. The applicant wishes to cut down a fine copper beech tree, whatever its age or purpose for existence (which is protected by a TPO), to provide an extension (that almost no one in the village wants) to the building is acceptable;
3. The farcical history surrounding this application involving the so-called 'Reading Room Committee' and the WI pale into insignificance when compared to the consequences of the local failure to consider the relevant parking and traffic issues;



4. The fact that the reading room is on a blind bend and that absolutely no provision is being made for the extra cars wanting to park on an already dangerously congested narrow bend is disgraceful. I am sure that the Highways Authority will come up with their usual blithe comments about appropriate splays and traffic speeds, comments which will be based purely on supposition rather than any experience of the reality of the situation. Yet again the lives of the villagers of Hayton will be put at risk in the cause of politics and material gain;
5. The Reading Room is sited at the eastern end of the village, fronting on to a narrow and busy road just below a bend coming from Townhead. There are already concerns about the increasing amount of traffic and the speed at which cars are driven. Traffic has increased in the last few years due to a new housing development, the road from which accesses the village directly in front of the Reading Room. More development is expected in the future;
6. Residents at this end of the village use roadside parking. As the Reading Room is used as a pre-school, parents dropping off and picking up children have already caused problems. When the WI hold meetings, there are cars parked on both sides of the street. Were the Reading Rooms to be developed and extended as a function venue, there is no provision - or space - for car parking facilities and the situation, especially late at night, would be very dangerous for both motorists and pedestrians;
7. At present there is a protection order on an attractive and historic beech tree in the Reading Room grounds. Although one councillor has claimed that it's roots are damaging the present building, there is no evidence to sustain this and in fact other councillors have disagreed with him;
8. In this day and age when children are increasingly leading sedentary lives, to extend and develop the Reading Room would limit the amount of outdoor space available for the pre-school children to use a narrow strip at the front of the building;
9. In the opinion of many, this development would be detrimental, rather than add to, the quality of life of the village as it is in an unsustainable location;
10. At a recent, well attended meeting of the Hayton Parish Council, it was agreed that the Parish Council would not make any objection to the continuation of the preservation order on the copper beech tree which is situated in the gardens of the Reading Rooms. There was a clear awareness by those present at the meeting that this decision could be a significant component of any future considerations which might preclude building work being undertaken in the immediate vicinity of this preserved tree. I am in complete agreement with this decision by the Parish Council, which supports my previous letter to the Council's Tree/Landscape Officer, which confirmed that I am in favour of maintaining this preservation order. Above all other considerations, I believe the TPO is an important instrument to preserve this tree as a valuable, and much appreciated amenity of the village, now and for future generations;

11. I am opposed to this development of the Reading Rooms because it would lead to an intolerable increase in extra vehicular and pedestrian usage which would bring an increase in traffic to one of the busiest and potentially dangerous corners in the village of Hayton: as a resident in this area of the village, I am extremely concerned because I am convinced that the increased traffic associated with this proposal would inevitably bring increased danger to both pedestrians and car users. Even with the existing levels of traffic, my family and I regularly witness worrying situations where there is a strong likelihood of an accident occurring due to traffic congestion and parking in the vicinity, on parts of the road leading downhill into the village, which is an area of restricted visibility. The problem in this regard will undoubtedly be worse in future, as planning approval has already been given for further development of buildings at Stonehouse Farm, Hayton, and all the traffic from that development, plus the additional traffic associated with the proposed 70-seater functions room will have no alternative except to use the junction opposite the Reading Room site;
12. There is no compelling requirement or need for such a Village Hall development in Hayton, as there are many existing, and under utilised, alternative facilities in the village and surrounding areas, which can cover all eventualities, more than adequately. I, and my family, attended a public meeting earlier in 2008, which more than a 100 villagers attended and 90% of those who attended did actively object to such development of the Reading Room. As a result the decision was taken to disband the steering group at that meeting. In view of these conclusions reached by democratic voting at that meeting which I and many others witnessed, I am worried and very concerned that the proposals in this development plan seem to ignore the wishes and declared views of the majority of villagers who voted. I think this is undesirable and fundamentally unsafe, not least because of the possibility of an unwelcome disregard for the wishes of the majority of the interested villagers of Hayton;
13. Hayton branch of the Women's Institute had a hall in Hayton which fell into disrepair and it was intimidated by them at the time that they did not wish to any longer have the commitment of maintaining a WI Hall and that they would be quite happy using the reading room for their meetings. The WI sold their property for development. Now, having their money from the sale of their premises they were desirous to spend that money in the village of Hayton otherwise it would have to go to WI headquarters. A steering group was formed and eventually in 2008 at a very well attended public meeting in Hayton Reading Room when about 100 villages attended, ninety percent objected to any development of the reading room and subsequently the steering group was disbanded. However, this has apparently not prevented a small group of people in the WI then deciding that they would go ahead and build a large extension to the reading room for use as a WI hall, ignoring the results of the steering group consultation. There is no requirement for a village hall in Hayton. We already have the Reading Room. A large hall at the village school which is available for functions, a village marquee available to anyone wishing to

use it and a village green (walnut field) for it to be erected upon, and has been used very successfully for both pantomime and a play, the village church;

14. There are also already existing village halls at Talkin, Heads Nook and the Downagate Centre at Warwick Bridge which would be readily available for anyone wishing to avail themselves of the premises which more than adequately covers all eventualities. I can see no possible reason to undertake a large extension to the reading room other than to enable Hayton WI to use their money from the sale of their old premises rather than return it to their national headquarters. The WI are happy to fund the building but they are then going to dump it in the lap of Hayton Parish Council, the trustees, to thereafter maintain it, when the Reading Room committee even now cannot maintain the guttering and spouts of the present building. They have never been cleaned out for at least three years to my knowledge.
15. Any development of the Reading Room would lead to extra usage and obviously a great increase in vehicular traffic. The location of the Reading Room on one of the busiest and most dangerous corners in the village would I feel quite certainly lead to an increase in danger to both pedestrians and car users and would have a real likelihood of a serious accident occurring due to parking in the vicinity and on a part of the road that leads downhill into the village in an area of restricted visibility. Planning approval has already been given for further development of buildings at Stonehouse Farm, Hayton and all the traffic from that development would use the junction at the reading room.
16. Mr Cain, chairman of the Reading Room Committee and present when the vote to retain the beech tree was made, has already made a statement that the roots of the beech tree had already damaged the building, an allegation that his fellow councillors found no evidence of, as reported in the Cumberland News of Friday 17th July 2009.
17. A democratic decision taken by members of the Parish Council who represent the people of the Parish of Hayton to retain the copper beech tree planted to commemorate the Queens Silver Jubilee in 1977 is to be ignored by a minority of people who wish to build something the majority of the village do not want. That apparently is the desire of Councillor Cain and his supporters and members of the WI wishing to prevent their money going to their Headquarter for use in other charitable concerns.

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

- 4.1 In 1993, under application 93/0293, planning permission was given for alteration and extension to the existing outbuildings to provide sanitary facilities and storage.

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

### **Introduction**

- 5.1 Hayton Reading Room is located on the southern side of the Hayton/Townhead Road, opposite the junction of the highway leading to The Woodlands, and provides the eastern approach to the Village. To the immediate east and south there are open fields with a field access and the garden serving Croft Cottage to the west. On the opposite side of the road there are domestic properties in the form of the Nurses Cottage, East View, The Old Post Office, East View Cottage and Croft View. Parking restrictions are not in place along this part of the Hayton/Townhead Road which is part of the National Cycle Route. The road and pavement are respectively just over 5 metres and less than a metre in width.
- 5.2 The Reading Room is constructed externally from sandstone with slate roofing and has an overall floorspace of 145 sq. metres. The other notable features relate to the way the existing building has been cut into the site as it rises in a southerly direction away from the road; the presence of a copper beech tree subject of a Tree Preservation Order; mature ash and sycamore trees along the western boundary with the field access; a stone boundary wall with wire fencing above fronting the road; and a metal rail fence delineating the eastern and southern boundaries. A notice board identifies use of the Reading Room by Hayton Pre-School Group.
- 5.3 The Woodlands currently serves a total of 10 dwellings although Members should also be aware that under application 07/0088 authority has been given to issue approval for the conversion of farm buildings to create an additional 11 dwellings at Stonehouse Farm.

### **Background**

- 5.4 The current application proposes the erection of a "function room" extension measuring 7 metres by 11.6 metres with a new glazed entrance lobby and reconfiguration of internal layout including provision of new w.c. facilities. Externally the proposed extension is to be constructed with red sandstone and a wet dash render. The ridge height of the existing building is 6.6 metres in comparison to the proposed of 7.6 metres. The proposal, if approved, would lead to the removal of the copper beech subject of the Tree Preservation Order.

- 5.5 The application is accompanied by a Design and Access Statement that explains amongst other things:
1. The Reading Room Management Committee have identified that due to long standing commitments/lettings from the nursery group and their use of the kitchen and adjacent space as a dining area, booking opportunities are severely limited - demand exceeds supply. The proposed extension seeks to provide a base for village functions and meetings without disturbance to the nursery including separate entrances, improved sanitary and catering facilities and full disabled access to the whole building;
  2. The proposed extension is in proportion with the Reading Room but somewhat taller. This is to provide adequate means of providing sufficient replenishment air to 60-70 occupants, as well as offering opportunities for acoustic absorption;
  3. It is alleged that the beech tree subject of the TPO has now reached a size that it is beginning to invade the foundations of the existing building and thus it's eventual demise is inevitable;
  4. The Committee are in the fortunate position of having sufficient financial resources gifted to them to allow them to contemplate building an extension to this already successful facility at the necessary expense of the tree - an application to take down the tree will be presented to the Council in due course;
  5. There is no provision on the site either as existing or under the new proposal as there is not enough land available in the ownership of the Reading Room Committee. Currently disabled access is possible from the road level to the door of the Reading Room but a step into the property precludes full disabled access. This situation will be resolved in the proposal with a continuation of the existing ramped path to a level access threshold giving level access internally to all rooms;
  6. The extension to the Reading Room is proposed as a timber frame structure that will be heavily insulated. This will give a low energy usage building that will be heated by Air Source Heat Pumps, thus reducing the building's reliance on fossil fuels.
- 5.6 The submitted forms indicate that the proposed hours of use are: 08.30 - 23.00 hrs Monday to Friday; 08.30 - 03.00 hrs on Saturday; and 08.30 - 23.00 hrs Sunday and Bank Holidays.
- 5.7 The applicant's agent has confirmed that the alternative options considered were either a building to the "rear", "front" or do nothing. In the case of the "rear" this was abandoned on cost grounds, and the "front" discounted because of concerns re. overlooking/overbearing impact on the dwelling opposite. The do nothing option was not considered to be appropriate because there is strong demand through the week for a village facility.

- 5.8 A submitted report on "Tree Condition and Management Survey of the Copper Beech Tree" prepared by Treescapes Consultancy Ltd concludes that the tree appears to be in good health; it requires no safety management work; and that a structural engineer investigate the cracks in the western gable wall to establish the cause.

## **Assessment**

- 5.9 When assessing this application it is considered that the main issue revolves around whether the advantages of the proposal outweigh the disadvantages with regard to the loss of the beech tree subject of the TPO; impact on the character of the area, highway safety, and the possible adverse effects on the living conditions of neighbouring residents. At the time of preparing the report the formal observations of interested parties are awaited. In relation to the loss of the beech tree and impact on the character of the area Members should appreciate that there is an existing row of mature hedge trees that will still be retained by the proposal. However, and irrespective of the awaited observations, there are major reservations over the proposed hours of use and the absence of car parking for what would appear to be a more intensive use of the enlarged premises.

## **Conclusion**

- 5.10 An updated report will be made to Members following receipt of the observations of interested parties.

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

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

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

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

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

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

- 6.3 Further consideration will be given to this matter following receipt of the awaited comments from interested parties.

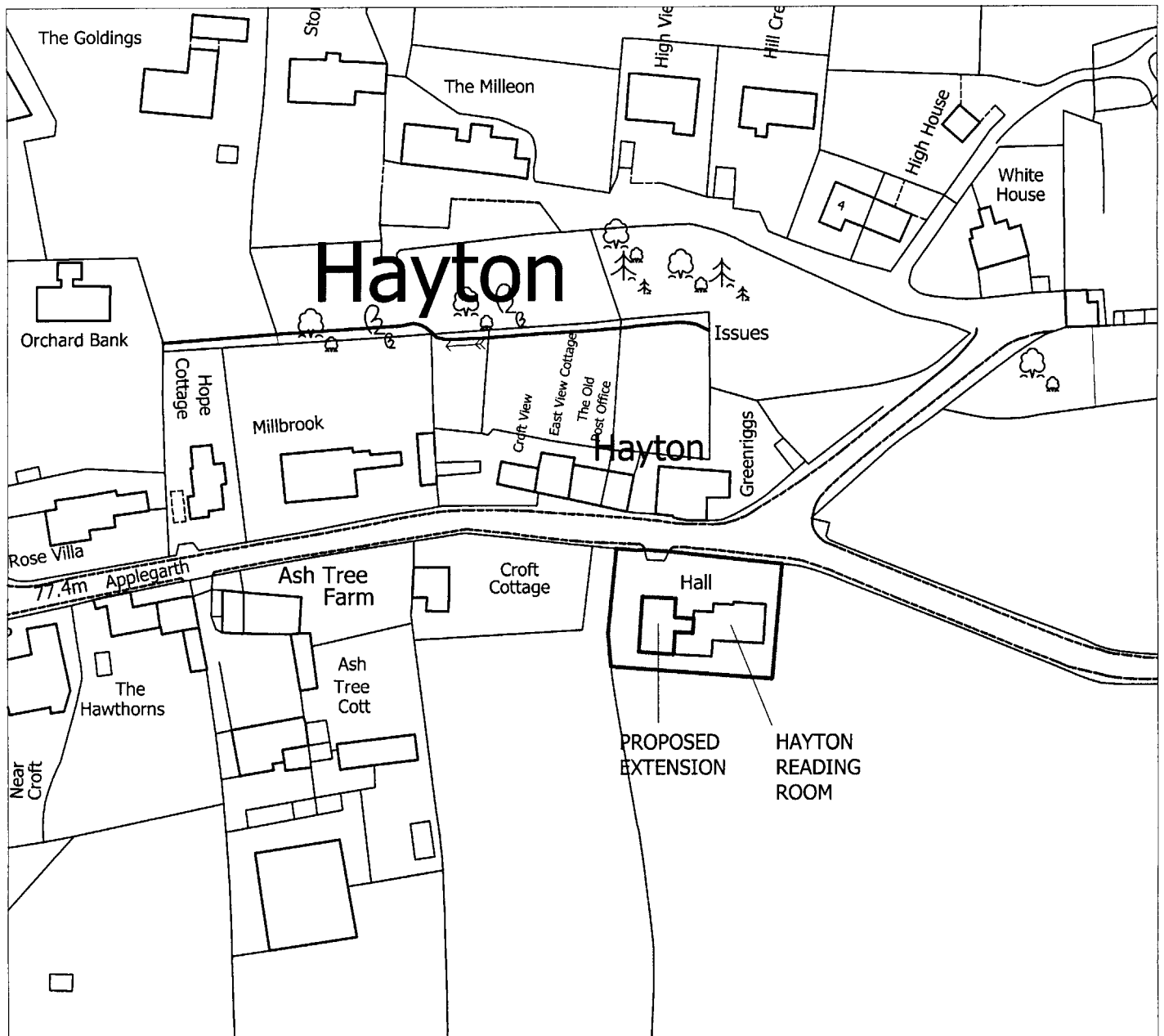
## **7.    Recommendation**

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

The comments of consultees are awaited.

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# SPACE

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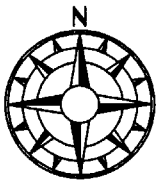
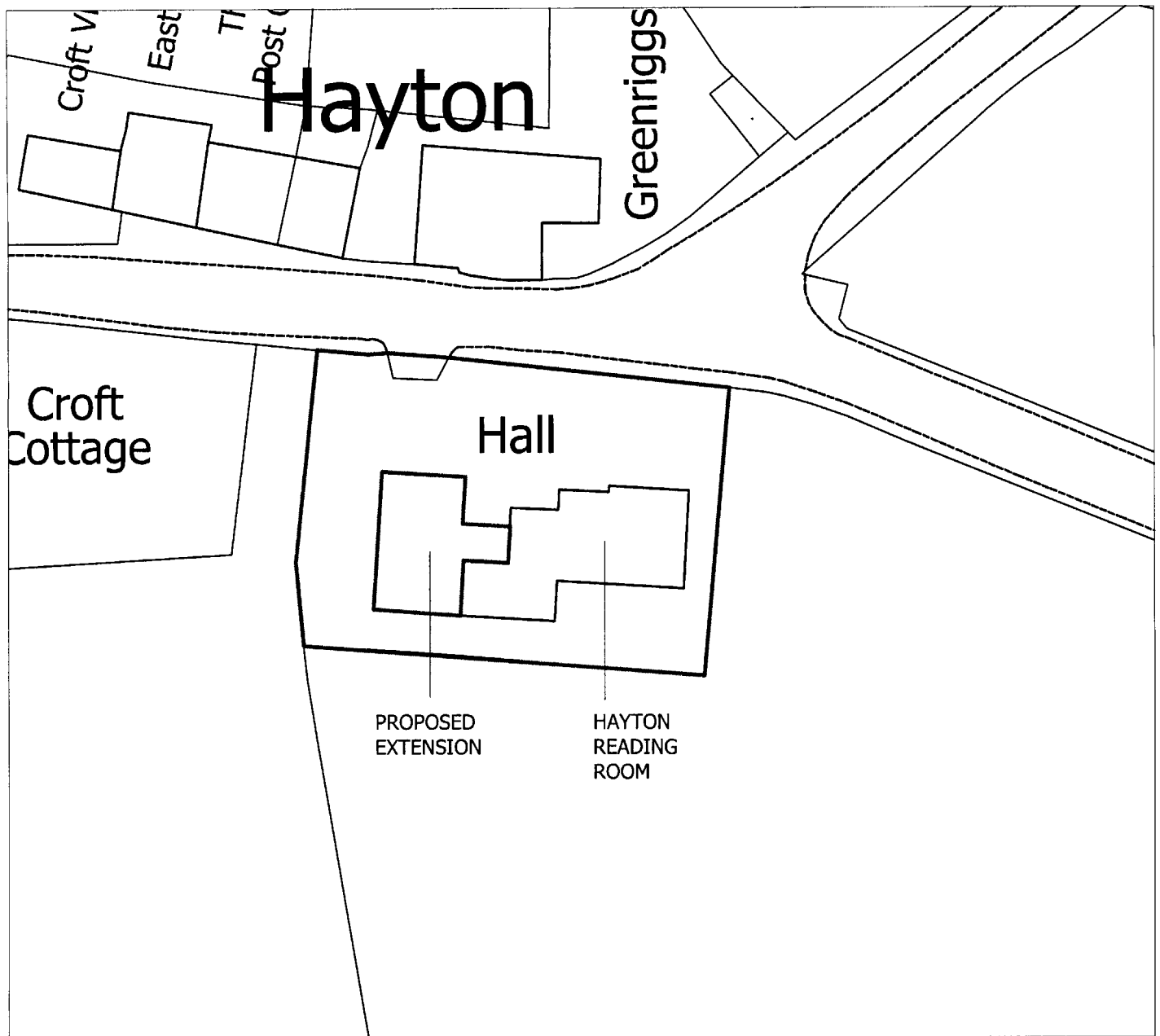
PROPOSED EXTENSION & ALTERATIONS TO HAYTON  
 READING ROOMS, HAYTON

For  
 The Committee

LOCATION PLAN

SCALE 1: 1250

DRAWING No: 0809.09.01



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PROPOSED EXTENSION & ALTERATIONS TO HAYTON  
 READING ROOMS, HAYTON

For  
 The Committee

BLOCK PLAN

SCALE 1: 500

DRAWING No: 0809.09.05

A perspective drawing of a building with a gabled roof and a large arched window. The building is labeled "Boundary line" and "New and Old".

70) ELEVATION

PLAN AS EXISTING  
Scale 1:100

Haydon Reading Room

Small Room

Open to be removed

Open to be removed

50

259

NO NOT SCALE, use figured dimensions only. In case of discrepancy on drawings refer to SPECIFICATION for dimension. Contact numbers below.



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**PROPOSED EXTENSION & ALTERATIONS TO HAYTON  
READING ROOMS, HAYTON**

The Project Engineer is:  
**Mrs Margaret Hayton**  
Hayton Reading Rooms, 60-62 High Street, Hayton, York YO26 7AA.

**The Committee**

**PLAN AND ELEVATIONS AS EXISTING**

SCALE 1/100

DRAWING NO: 0809.09.04





## SCHEDULE A: Applications with Recommendation

09/0538

**Item No: 07**

Date of Committee: 21/08/2009

**Appn Ref No:**  
09/0538

**Applicant:**  
Mr J Gordon

**Parish:**  
Carlisle

**Date of Receipt:**  
03/07/2009

**Agent:**

**Ward:**  
Castle

**Location:**  
3 Chiswick Street, Carlisle, CA1 1HQ

**Grid Reference:**  
340452 555907

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**Proposal:** Change Of Use From Residential To Use Class D1

**Amendment:**

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### REPORT

**Case Officer:** Colin Godfrey

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

This application has been brought before the Development Control Committee due to the receipt of four letters of objection during the consultation period.

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

##### **Listed Building**

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

##### **Conservation Area**

The proposal relates to land or premises situated within the Portland Square/Chatsworth Square Conservation Area.

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

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

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

**Local Plan Pol LE13 - Alterations to Listed Buildings**

**Local Plan Pol LE15 - Change of Use of Listed Buildings**

**Local Plan Pol LE19 - Conservation Areas**

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol EC1 - Primary Employment Areas**

**Local Plan Pol EC3 - Office Development**

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

**Cumbria County Council - (Highway Authority):** Taking into account the property's city centre location and existing use, it is considered that the proposal will be unlikely to have a material affect on existing highway conditions. It is, therefore, confirmed that the Highway Authority has no objection to the proposal.

**Environmental Services - Environmental Quality:** awaiting comments;

**Development Services Planning & Housing Services - Conservation Section:** there is no objection to the principle of change of use, and the proposals submitted are generally as discussed on site with the applicant and his agent. There is a need to satisfy fire regulations, and therefore details of any new fire doors or screens and any method of upgrading of existing doors will need to be confirmed either prior to the application being determined or as a condition of any approval. Similarly if Building Control require any upgrading of intermediate floors, then that too should be included as a prior request or condition.

It is understood that there is to be some addition to the existing plumbing services. The route and extent of these new services should be confirmed to ensure that there is no damage to any of the existing architectural features. Similarly fixing details of the new platform lift need to be confirmed (wall or stair mounted).

The quality of the existing door which leads to the lower entrance area and which is shown to be removed will need to be checked again, otherwise a condition needs to be added to record the door and frame (drawing & photo) if it is to be discarded altogether, or details of where the door and frame are to be stored needs to be confirmed.

Finally, an elevation detail of the wall plaque is needed for LBC sake showing size, fixing & style. This is unlikely to be an issue, but it should only be fixed to mortar joints and not brickwork.

Upon provision of revised information, the following response was received:

Further to previous comments of 23rd July 2009, it is confirmed that additional information has been added to the Design and Access Statement for this application



which details the properties provision for access for all.

The photographs taken by the Planning Officer show the pavement to the front and side of this property. It would be prudent for the applicant to contact highways regarding wheelchair users access of the pavement as there appears to be no dropped kerbs. The path to the side entrance of the property also appears to be very narrow.

**Development Services Planning & Housing Services - Access Officer:** The design and access statement for the above planning application has been noted.

Regarding Access - it states:

There is no change to the existing access points into the building. Within the building a platform lift will be installed in the lobby of the side access to the building to assist disabled clients.

The plans show that the platform lift will assist wheelchair users to access the disabled toilet which is on a differing level of the ground floor. Dental treatment can be accommodated on the ground floor for anyone with mobility issues.

Please note the following:

AD M 3.48 Wheelchair platform stair lifts are only suitable where users can be instructed in their safe use and where management supervision can be ensured.

The provision of a disabled toilet should be fitted in compliance with AD M and noting BS8300/09 as unisex provision.

The front elevation shows stepped access and although the design and access statement states there is no change to the existing access points into the building, the applicant should be aware of their duties under the DDA. If access is being considered within a building for disabled people, provision should be available to actually access the building. Additional information should be added to the access and design statement to confirm if there is provision of a portable ramp or how a disabled person/wheelchair user is to access the premises. If advice is required it can be sought from the access officer for Carlisle City Council.

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

**Development Services Planning & Housing Services- Local Plans:** Further to your consultation on the above application the following comments are made:

No. 3 Chiswick Street falls within a defined primary residential area. Policy H2 of the Local Plan states that proposals for non residential uses will be permitted in Primary Residential Areas (PRA's) provided they do not adversely affect residential amenity due to unacceptable noise, smell, safety and health impacts or excessive traffic generation. Paragraph 5.11 lists Dentist's surgeries amongst the uses that would normally be considered acceptable in Primary Residential Areas as they are unlikely

to affect residential amenity. Whilst the proposed change of use does not provide any parking provision this is not considered to be an issue due to the location being highly accessible by a number of modes of transport and high levels of public parking in the form of on street disc zone parking and car parks within the city centre.

As the property is a Listed Building it must be demonstrated that the building can be appropriately converted without any detrimental effect on the architectural and historic interest of the building. Provided this is the case it is considered that the principle of this proposal is acceptable in respect of planning policy.

### 3. Summary of Representations

#### Representations Received

Initial:	Consulted:	Reply Type:
1 Chiswick Street	06/07/09	Objection
5 Chiswick Street	06/07/09	Objection
2 Chiswick Street	06/07/09	
33 Spencer Street	06/07/09	
35 Spencer Street	06/07/09	
15 Chiswick Street		Objection
24 Chiswick Street		Objection
18 Chiswick Street		Objection
7 Chiswick Street		Objection
Beck House		Objection

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 5 neighbouring properties. Seven written representations have been made - four during and three outside of the consultation period - which are summarised below;

1. there would be increased parking problems should it become a commercial property;
2. there are no other real commercial enterprises on Chiswick Street;
3. there are plenty of offices spaces going empty in the city, use one of them and not a residential area;
4. don't change the outside, it's Listed for a reason;
5. change of use may set a precedent for further applications of change of use being granted;
6. the presence of a business like a doctor or dentist would make it even more difficult for residents to find a parking place despite their parking permit;
7. an internal lift would not make it any more user friendly for a disable person as it has front and backdoor steps into the building - it would

change the building so much it would interfere with the Listed Building status;

8. Chiswick Street is within the Conservation Area of the City Centre and currently listed within the Carlisle and District Local Plan for residential use only. If the City Council wishes to keep residents and communities in those properties it is important to retain the status;
9. despite a down turn in the housing market a loss of housing stock in Chiswick Street would quickly lead to shortages of central residential property. There are none currently being built here and since it is a Conservation Area area applications for building affordable new homes is unlikely to be approved;
10. recent alterations to the road have lead to a narrowing of Chiswick Street outside Number 3. This was to reinforce the bus and weight restrictions, currently in force but often ignored. The narrowing of the street plus the crossing point will exclude parking for clients visiting number 3 Chiswick Street. Staff at the proposed development will presumably also require facility for parking;
11. Chiswick Street is so far unspoiled by commercial buildings and their associated regulations for access etc. It would be terrible to see a building lost in what should always remain a residential street - the change of use would have an inevitable negative impact on Chiswick Street;
12. The proposed changes to the door and construction of a ramp would have an unacceptable impact on the building's facade;
13. If the changes are made it is less likely that a family will ever live in the building in the future;
14. we chose to buy on a residential street and would like it to remain that way;
15. the extremely inadequate parking facilities already cause upset and distress to all the current residents of the street. As you will be aware from the numerous requests you receive to remove the 2 hour parking limit and either make it 'residents only' or reduce it to 30 minutes, parking on the street is almost impossible. Should No.3 become a dental surgery, I as a city centre clinic proprietor can assure you that there will be by no means ample car parking facilities for the patients or the staff. Being familiar with this property I can also confirm that there will be no parking available for any staff or patients of the surgery apart from on the front street;
16. We live in a Conservation Area. This means we should conserve what we have. This building is Listed so the door should most definitely not be enlarged and if we can't put in double glazing, then they should not install a lift!;
17. As the correct decision was made by yourselves to decline the proposal

of allowing No.5 Chiswick Street becoming a Doctor's surgery, I trust that you will make the right decision once more when considering this ludicrous idea;

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

- 4.1 In 1994, under application reference 94/0009, Listed Building Consent was given for alterations to a yard, staircase and landings.
- 4.2 In 1998, under application references 98/0901 and 98/0909, Planning Permission and Listed Building Consent was given for restoration of street frontage ironwork metal railings, gates and first floor balconies.
- 4.3 In 2001, under application reference 01/0440, Listed Building Consent was given for the replacement of steps with sandstone versions.

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

##### **Introduction**

- 5.1 This application seeks approval for the change of use of 3 Chiswick Street, a terraced property located close to the junction with Spencer Street. The property, which is a Listed Building and also falls within the Portland Square/Chatsworth Square Conservation Area, is part of a terrace of 16 houses, 14 of which are located on Spencer Street with the remainder on Chiswick Street. All of these are currently in residential use. The property is constructed from Flemish bond brickwork with light headers on a chamfered plinth with stone detailing and a slate roof.

##### **Background**

- 5.2 The application seeks approval to change the use of the property from a residential dwelling to a Dental practice (Use Class D1). The proposal will result in no change to the external appearance of the building other than the erection of a wood and brass plaque to the front. This element of the proposal is assessed under Listed Building Consent application 09/0539. Internal changes are limited to the enlarging of the W.C. to allow use by disabled people and the insertion of a platform lift to the ground floor. Internal doors are also to be upgraded to provide 30 minutes fire protection standard. Other than these changes, the layout will remain as at present and provide a treatment room, waiting room and reception to the ground floor and sterilisation room, waiting room, treatment room and bathroom to the first floor. Access to the property will be via the existing entrances. No dedicated parking spaces are to be provided.

##### **Assessment**

- 5.3 The relevant policies against which this application is required to be assessed are Policies DP1, LE13, LE15, LE19, CP6, EC1 and EC3 of the Carlisle District Local Plan 2001-2016.

- 5.4 The proposal raises the following planning issues;
1. Whether The Principle Of Change Of Use Is Acceptable
- 5.5 The property falls within a Primary Residential Area as defined by Policy H2 of the Carlisle District Local Plan 2001-2016. This policy states that proposals for non-residential uses will be permitted in Primary Residential Areas where they do not adversely affect residential amenity i.e. through unacceptable, noise, smell, safety and health impacts or excessive traffic generation. Paragraph 5.11 specifically lists Dentist's surgeries amongst uses that would normally be considered acceptable in Primary Residential Areas. While no objections have been received on the basis of noise, smell or health and safety, concerns have been expressed that the proposal will lead to parking problems in the area. It is acknowledged that the practice does not have any dedicated parking spaces, however, a disc parking scheme (2 hours), is in operation on Chiswick Street. Similar limited on-street parking is available in the immediate area. In addition, as the property is located on the edge of the city centre, it is well served by public transport and also within walking distance of a number of car parks. On this basis, and given that the Highways Authority have raised no objection to the proposal, it is not considered that sufficient justification exists to refuse the application on highways grounds.
- 5.6 As noted, it is considered that the proposal meets the requirements of Policy H2 of the Carlisle District Local Plan. However, the principle of conversion must also be assessed against other relevant policy. Policy EC3 of the Local Plan relates to office development. This policy states that outside of the Primary Office Area, proposals for office development will be expected to satisfy the sequential test set out in Policy DP1. However, due to the close proximity of the proposal to the Primary Office Area - the boundary being to the western side of Spencer Street - the Council's Local Plans Section have advised that the formal application of the test would not be necessary in this instance and have raised no objection. As such, it is considered that the principle of conversion is acceptable.
- 5.7 Concern has been raised that the proposal will result in the loss of a residential property within close proximity to the city centre and will also set a precedent for future applications of a similar nature. This is in the context where properties on Chiswick Street are generally in residential use. Again, the Council's Local Plans Section has raised no objection to the change of use. It should also be stressed that all applications are considered on an individual basis and any future application for change of use would be assessed on its own merits and against relevant plan policy.
2. Whether The Change Of Use Is Appropriate To The Listed Building And Wider Conservation Area
- 5.7 A number of objections have been received on the basis that the proposal will negatively impact on the character of the Listed Building. As noted however, the proposal will result in no change to the external appearance of the property other than the erection of a wood and brass sign (assessed under

application reference 09/0539). Although some internal changes are also proposed - again assessed under application reference 09/0539 - the Conservation Officer is satisfied that the proposals will not adversely affect the character of the building or the wider Conservation Area and considers the proposed use compatible with the buildings listed status. As such, it is not considered that grounds exist to refuse the application on the basis of the impact on the Listed Building or wider Conservation Area.

### 3. Access

- 5.8 The front entrance to the property is accessed via two steps. Access for disabled people/wheelchair users would therefore be via a side entrance which has a level access. From this point the proposed platform lift would allow access to the disabled toilet, treatment room, waiting room and reception. The Council's Access Officer has been consulted on the proposal and has confirmed that she has no objection. She has however recommended that the applicant contacts the Highway Authority as the pavement to side of the property is narrow and does not provide dropped kerbs and may therefore not be suitable for wheelchair users. As this relates to the public highway outside of the application site, it is recommended that an informative note to the applicant be attached to any permission which may be granted.

### Conclusion

- 5.9 In overall terms the principle of conversion of the property is acceptable. The proposal will not lead to an unacceptable adverse impact on the living conditions of neighbouring residents, the local highway network or the character of the Listed Building or Wider Conservation area. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies. The application is therefore recommended for approval.

## 6. Human Rights Act 1998

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

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

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

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows

the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

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

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

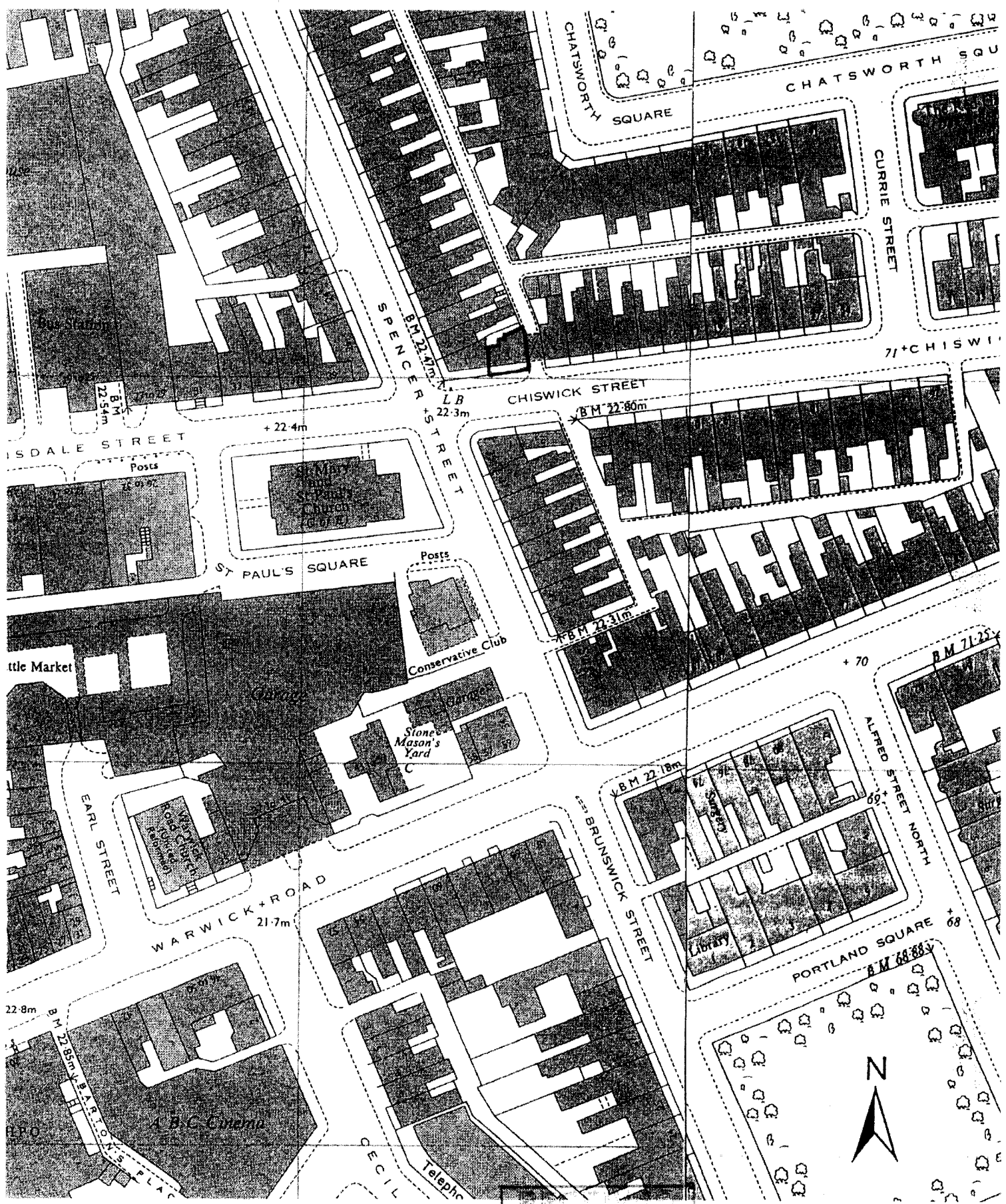
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

2. The 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 \*[insert Policy e.g. Policy H14 of the Carlisle District Local Plan if dealing with an extension to a dwelling] are met and to ensure a satisfactory external appearance for the completed development.

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- 3 JUL 2009

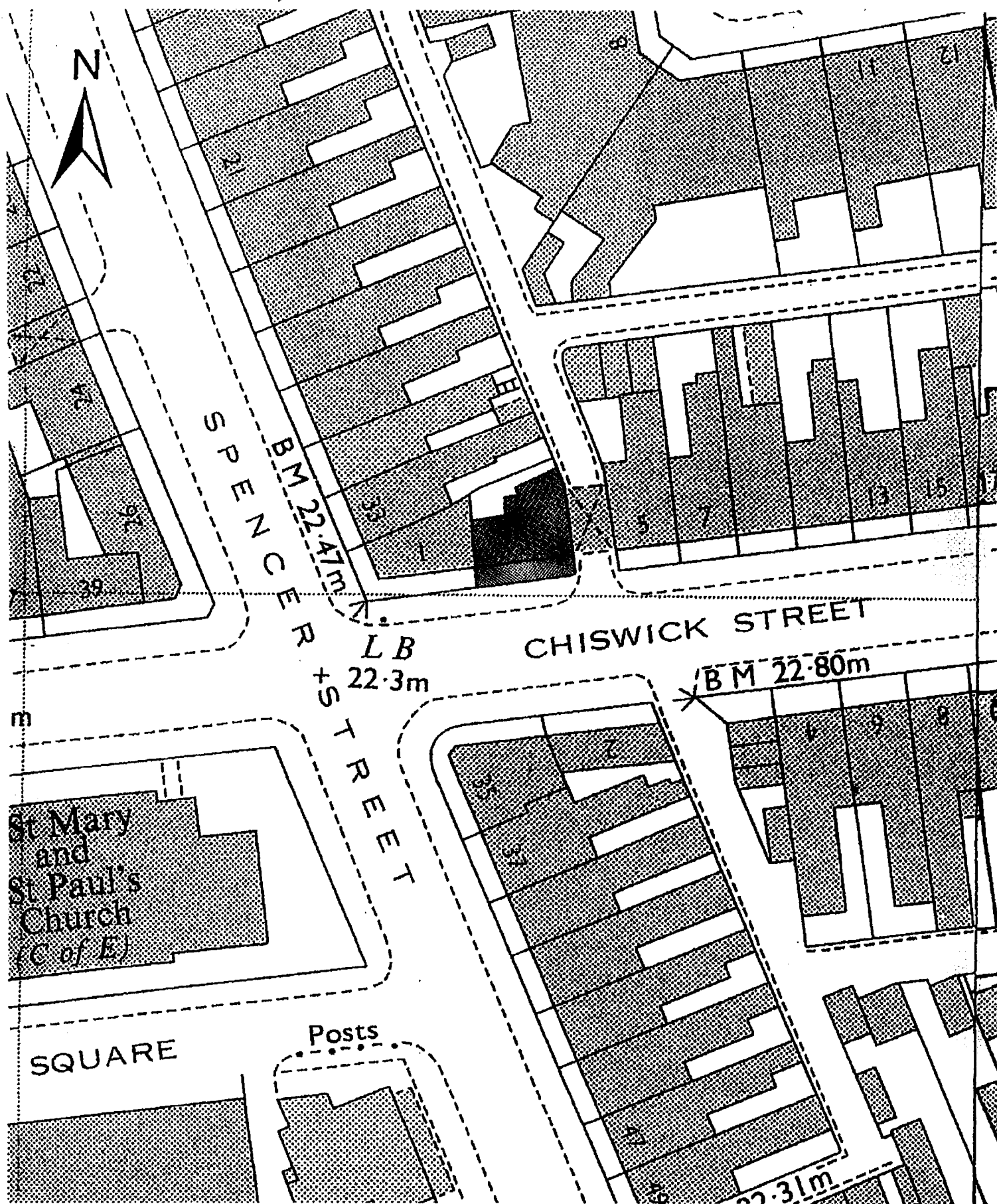
PROPOSED CHANGE OF USE

2009/0538 LOCATION PLAN

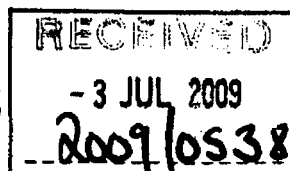
3 CHISWICK STREET - CARLISLE

SCALE : 1-1250





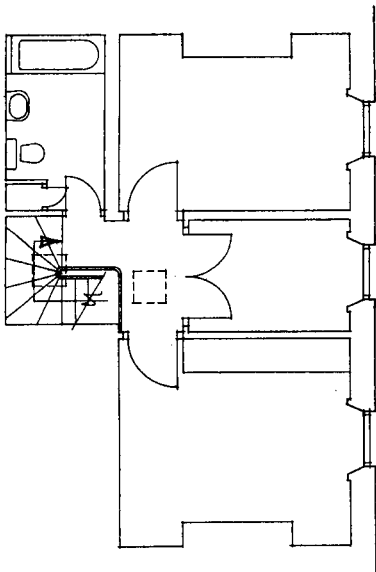
**PROPOSED CHANGE OF USE**



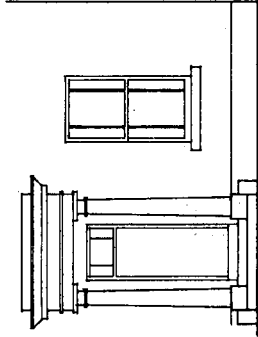
**SITE PLAN**

**3 CHISWICK STREET - CARLISLE**

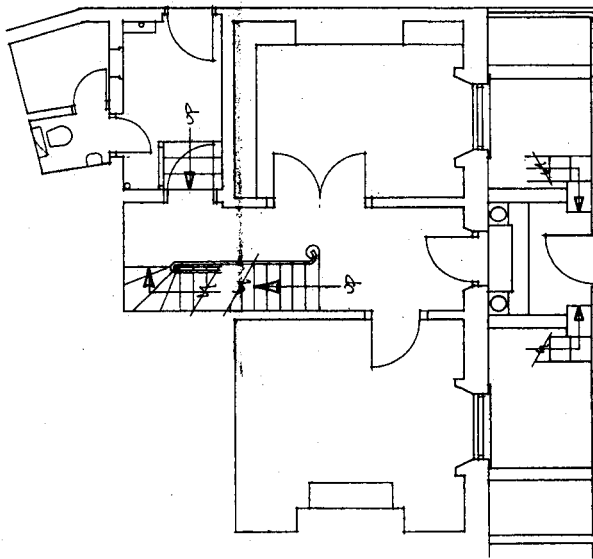
**SCALE : 1-500**



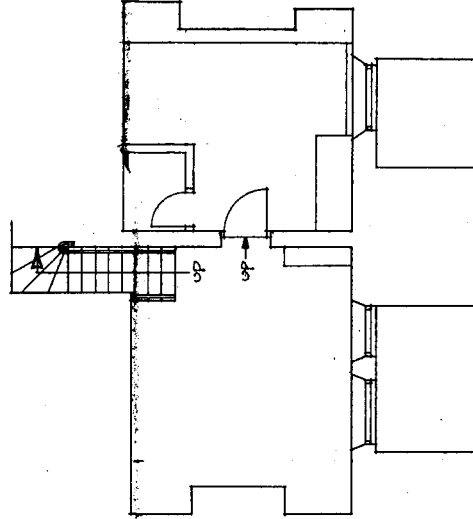
FIRST FLOOR PLAN



PART FRONT ELEVATION



GROUND FLOOR PLAN

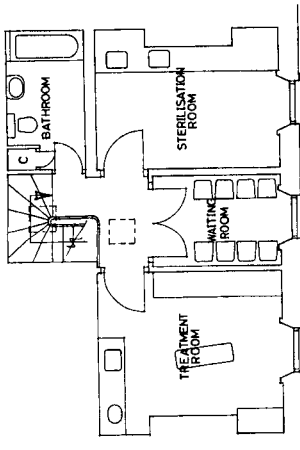


LOWER GROUND FLOOR PLAN

AS EXISTING

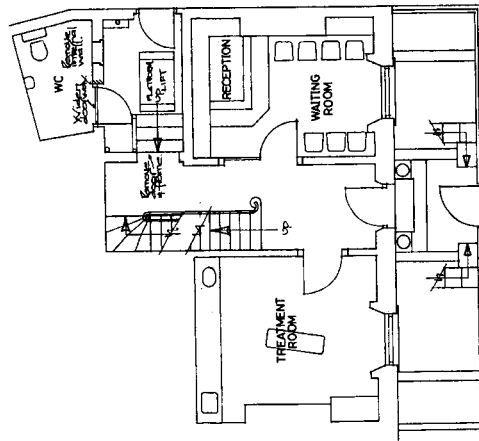
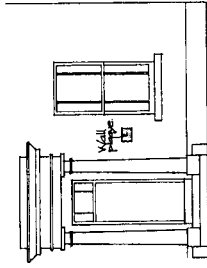
RECEIVED  
-1 JUL 200  
2007 MS39

PROPOSED CHANGE OF USE 3 CHISWICK STREET CARLISLE	
CONN. No. 1892 /1 SCALE 1-50 DATE JUNE 2009	JASON BENTON ARCHITECTURAL SERVICES 47 SOUTHALL ROAD SOUTHALL URBAN TEL 01892 500000

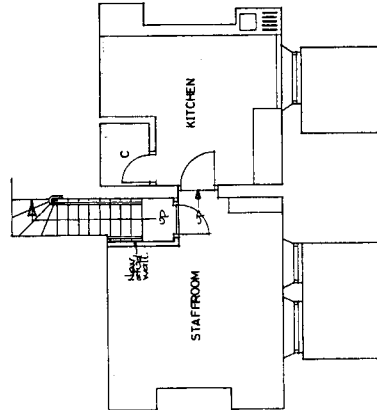


FIRST FLOOR PLAN

PART FRONT ELEVATION



GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN

ALL dimensions are in millimetres and are to the centre of the wall unless otherwise stated. The wall thickness will give the internal dimensions of the room.

AS PROPOSED

RECEIVED  
14 JUN 2009  
3:00 PM

PROPOSED CHANGE OF USE  
3 CHISWICK STREET  
CARLISLE  
DRAW No: 1892/2  
SCALE: 1:50  
DATE: JUNE 2009

**DESIGN & ACCESS STATEMENT**  
**FOR**  
**PROPOSED CHANGE OF USE**  
**AT**  
**3 CHISWICK STREET - CARLISLE**

**USE :**

The proposed use is as a dental practise.

**LAYOUT :**

There is no change to the basic layout of the rooms, merely a different use for the rooms. The ground floor WC is to be enlarged to comply with disabled standards, by removing the wall between the existing WC and the adjoining store.

**SCALE :**

There is no change to the scale of the building.

**APPEARANCE :**

The only change to the exterior of the building is the addition of a brass and wood plaque fixed beside the main entrance door into the building, stating the use of the premises and the hours of opening.

**LANDSCAPING :**

No landscaping is proposed.

**ACCESS :**

There is no change to the two existing pedestrian access points into the building.

The frontage stepped access is usable by able bodied clients, whilst the side entrance to the premises, off the lane, has a level threshold access, usable by disabled and wheelchair clients.

The side entrance will have a push-button call system to enable client's to request assistance from staff, if necessary, to access the building.

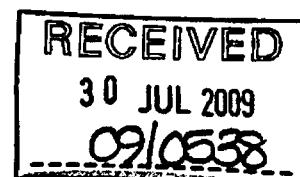
As all client's visit the surgery by appointment only, staff will be aware of any client requiring assistance into the building, and will be available to offer help if required.

A platform lift will be installed in the lobby of the side entrance to the building to enable disabled or wheelchair client's to access the main ground floor area.

The facilities available to client's on the ground floor are the same as those available on the first floor. Disabled or wheelchair users will have the use of the ground floor facilities in the building.

**CRIME PREVENTION :**

No additional measures are proposed.



## SCHEDULE A: Applications with Recommendation

09/0539

**Item No: 08**

Date of Committee: 21/08/2009

**Appn Ref No:**  
09/0539

**Applicant:**  
Mr J Gordon

**Parish:**  
Carlisle

**Date of Receipt:**  
03/07/2009

**Agent:**

**Ward:**  
Castle

**Location:**  
3 Chiswick Street, Carlisle, CA1 1HQ

**Grid Reference:**  
340452 555907

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**Proposal:** Change Of Use From Residential To Use Class D1, Including Removal Of Internal Wall And Widening Of Doorway, Removal Of Door And Frame And Installation Of Platform Lift And Fixing Of Wall Plaque (LBC)

**Amendment:**

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### REPORT

**Case Officer:** Colin Godfrey

### Reason for Determination by Committee:

This application is brought before the Development Control Committee as it is linked to the associated application for planning permission (application 09/0538) which is before the Committee due to the number of objections received.

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

#### **Listed Building**

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

#### **Conservation Area**

The proposal relates to land or premises situated within the Portland Square/Chatsworth Square Conservation Area.

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

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

## **Local Plan Pol LE13 - Alterations to Listed Buildings**

## **Local Plan Pol LE15 - Change of Use of Listed Buildings**

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

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

**Environmental Services - Environmental Quality:** awaiting comments;

**Conservation Officer, Development Services:** no objection to the principle of change of use, and the proposals submitted are generally as discussed on site with the applicant and his agent. There is a need to satisfy fire regulations, and therefore details of any new fire doors or screens and any method of upgrading of existing doors will need to be confirmed either prior to the application being determined or as a condition of any approval. Similarly if Building Control require any upgrading of intermediate floors, then that too should be included as a prior request or condition.

I understand that there is to be some addition to the existing plumbing services. The route and extent of these new services should be confirmed to ensure that there is no damage to any of the existing architectural features. Similarly fixing details of the new platform lift need to be confirmed (wall or stair mounted).

I cannot now recall the quality of the existing door which leads to the lower entrance area and which is shown to be removed. I will need to check this again, otherwise a condition needs to be added to record the door and frame (drawing & photo) if it is to be discarded altogether, or details of where the door and frame are to be stored needs to be confirmed.

Finally, an elevation detail of the wall plaque is needed for LBC sake showing its size, method of fixing & style. This is unlikely to be an issue, but it should only be fixed to mortar joints and not brickwork;

**Development Services Planning & Housing Services - Access Officer:** the Design and Access statement for the above planning application has been noted.

Regarding Access - it states:

There is no change to the existing access points into the building. Within the building a platform lift will be installed in the lobby of the side access to the building to assist disabled clients.

The plans show that the platform lift will assist wheelchair users to access the disabled toilet which is on a differing level of the ground floor. Dental treatment can be accommodated on the ground floor for anyone with mobility issues.

Please note the following:

3.1 This application has been advertised by means of site and press notices as well as notification letters sent to 5 neighbouring properties. Four written representations have been made during the notification period and are summarised below:

1. don't change the outside, it's Listed for a reason;
2. the presence of a business like a doctor or dentist would make it even more difficult for residents to find a parking place despite their parking permit;
3. an internal lift would not make it any more user friendly for a disabled person as it has front and backdoor steps into the building - it would change the building so much it would interfere with the Listed Building status.

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

- 4.1 In 1994, under application reference 94/0009, Listed Building Consent was given for alterations to a yard, staircase and landings.
- 4.2 In 1998, under application references 98/0901 and 98/0909, Planning Permission and Listed Building Consent were given for the restoration of street frontage ironwork metal railings, gates and first floor balconies.
- 4.3 In 2001, under application reference 01/0440, Listed Building Consent was given for the replacement of steps with sandstone versions.

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

##### **Introduction**

- 5.1 This application seeks consent for the change of use of 3 Chiswick Street, a terraced property located close to the junction with Spencer Street. The property, which is a Listed Building and also falls within the Portland Square/ Chatsworth Square Conservation Area, is part of a terrace of 16 houses, 14 of which are located on Spencer Street with the remainder on Chiswick Street. All of these are currently in residential use. The property is constructed from Flemish bond brickwork with light headers on a chamfered plinth with stone detailing and a slate roof.

##### **Background**

- 5.2 The application seeks approval to change the use of the property from a residential dwelling to a dental practice (Use Class D1). The proposal will result in no change to the external appearance of the building other than the

erection of a wood and brass plaque to the front. Internal changes are limited to the enlargement of the W.C. to allow use by disabled people and the insertion of a platform lift to the ground floor. Internal doors are also to be upgraded to provide 30 minutes fire protection standard. Other than these changes, the layout will remain as at present and provide a treatment room, waiting room and reception to the ground floor and sterilisation room, waiting room, treatment room and bathroom to the first floor. Access to the property will be via the existing entrances.

## **Assessment**

- 5.3 The relevant policies against which this application is required to be assessed are Policies LE13 and LE15 of the Carlisle District Local Plan 2001-2016.
- 5.4 As such the main issue is considered to be whether the proposal is appropriate to the character and appearance of this Listed Building
- 5.5 As noted, the proposal will result in no change to the external appearance of the property other than through the erection of a wood and brass plaque. Internally, changes are restricted to the provision of a platform lift, enlargement of the existing W.C. and the upgrading of existing doors to provide increased fire protection. A number of objections have been received on the basis that the proposal will adversely affect the character of the building. However, the proposals have been developed following the advice of the Conservation Officer who has confirmed that he has no objection to any element of the proposal. He has, however, requested that suitable conditions are attached to any permission which may be granted to ensure that details of internal fixtures and location of services are provided in advance of works, to ensure that the character of the property is fully respected.

## **Conclusion**

- 5.6 In overall terms it is considered that the proposal will not lead to an unacceptable adverse impact on the character of the Listed Building and the proposed use of the building is compatible with the building's status. In all aspects the proposal is considered to be compliant with the objectives of the relevant Local Plan policies. The application is therefore recommended for approval.

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

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

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



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

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

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

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

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

1. The 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. Details of all new or upgraded fire doors and screens, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

3. Details of upgrading of intermediate floors, in the form, of quarter or full-size drawings including sections, shall be submitted for prior approval by or on behalf of the local planning authority before any development takes place.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

4. The door and frame to the lower entrance area shall be removed and stored under cover, in a location to be confirmed in writing to the Local Planning Authority, for re-use.

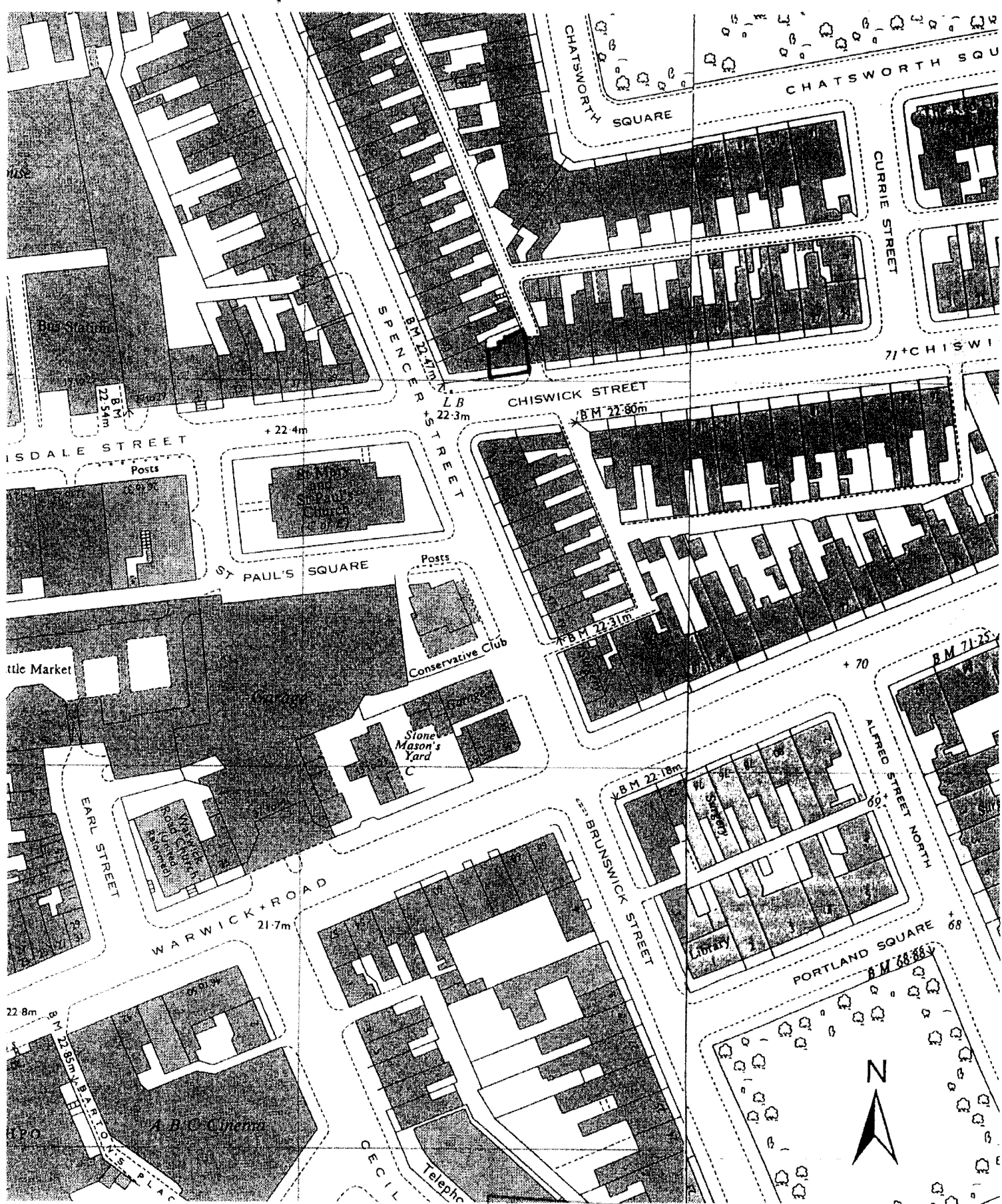
**Reason:** To maintain the architectural integrity of the building and the amenities of its surroundings in accordance with Policy LE13 of the Carlisle District Local Plan.

5. A detailed plan showing the route and extent of new plumbing services shall be submitted for prior approval by or on behalf of the local planning authority

before any development takes place.

**Reason:** To ensure the works harmonise as closely as possible with the existing building in accordance with Policy LE13 of the Carlisle District Local Plan 2001-2016.

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PROPOSED CHANGE OF USE

RECEIVED

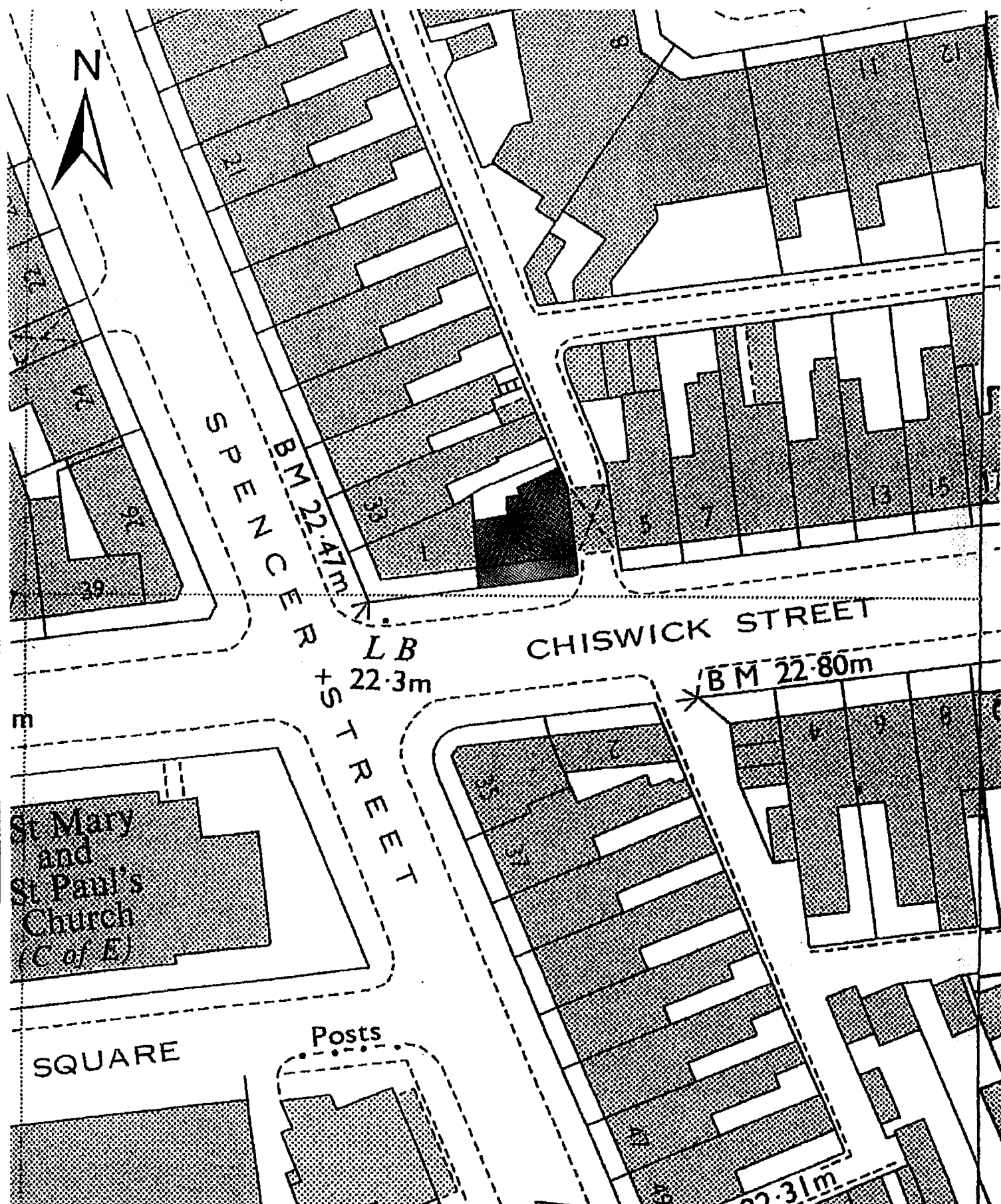
- 3 JUL 2009

2009/0539

LOCATION PLAN

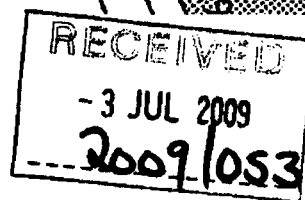
3 CHISWICK STREET - CARLISLE

SCALE : 1-1250



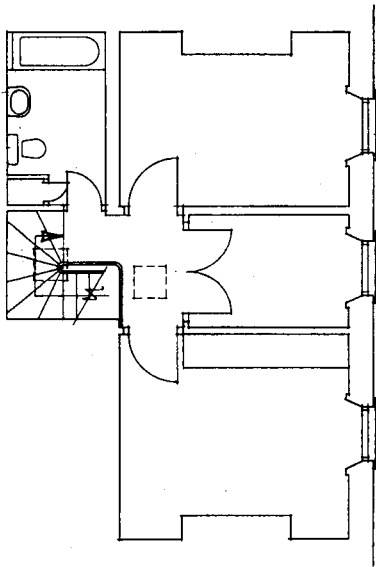
**PROPOSED CHANGE OF USE**

**3 CHISWICK STREET - CARLISLE**

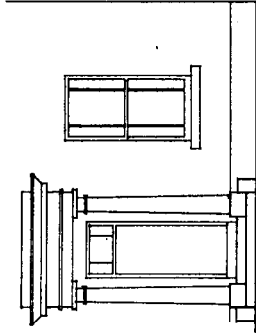


**SITE PLAN**

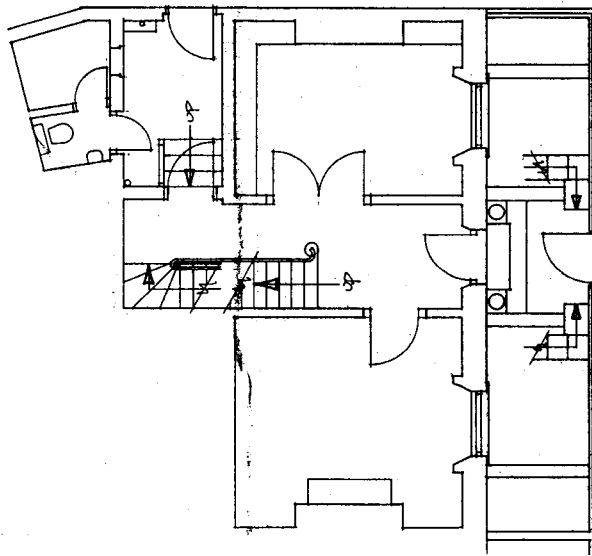
**SCALE : 1-500**



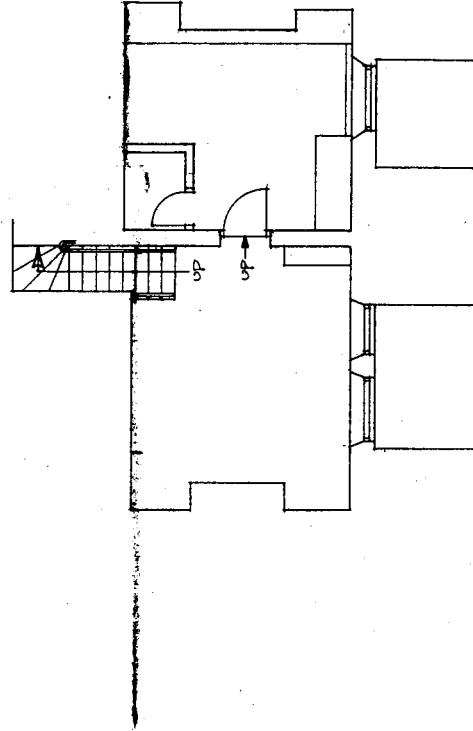
FIRST FLOOR PLAN



PART FRONT ELEVATION



GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN

AS EXISTING

RECEIVED  
- 3 JUL 2009  
2009/16539

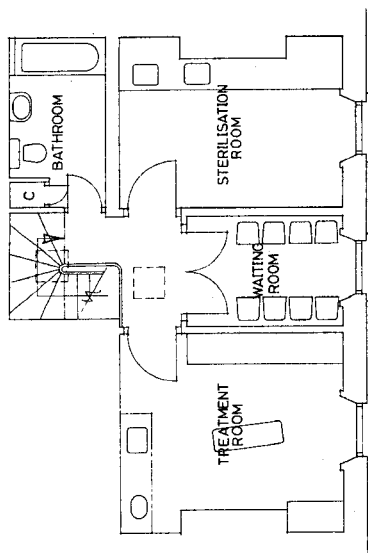
PROPOSED CHANGE OF USE  
3 CHISWICK STREET  
CARLISLE

DATE: No. 1892/1

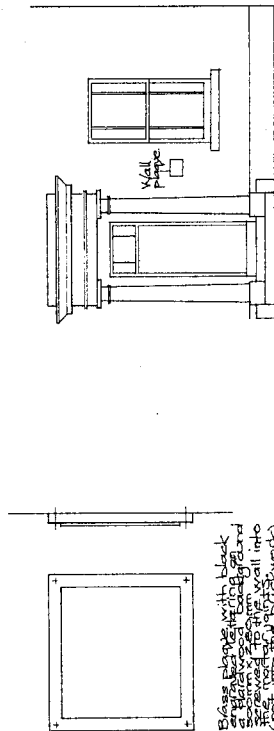
SCALE: 1-50

DATE: JUNE 2009

JOHN BROWN  
ARCHITECTS  
47 BOSTONS ROAD  
CARLISLE CA9 3JG  
TEL: 01276 511111

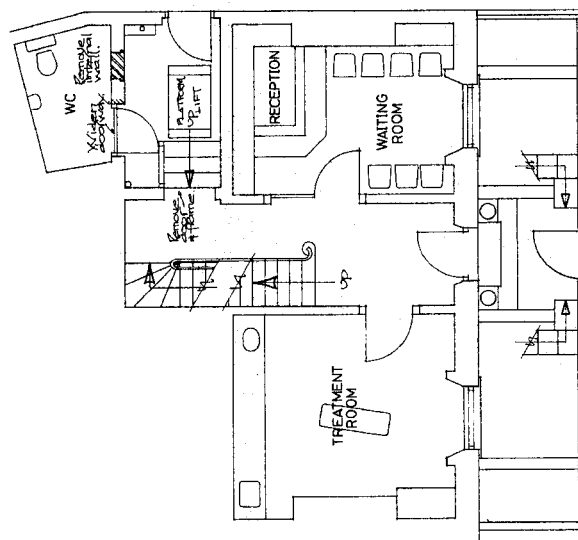


FIRST FLOOR PLAN

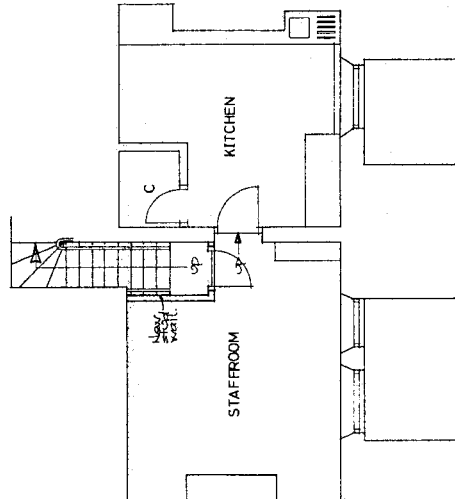


PLAQUE ELEVATIONS  
scale 1-5

PART FRONT ELEVATION



GROUND FLOOR PLAN



LOWER GROUND FLOOR PLAN

All internal doors and ground and first floor doors to be made with black stone and set into wall. A black stone plaque to be set into the wall into the brickwork (not into the brickwork).



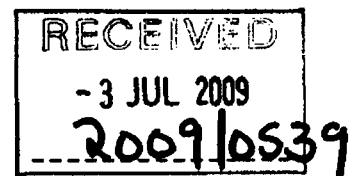
AS PROPOSED

REVISIONS:  
4-8-03 Wall plaque

PROPOSED CHANGE OF USE  
3 CHISWICK STREET  
CARLISLE

DRG. No. 1892/2  
SCALE 1-50  
DATE JUNE 2009

**DESIGN & ACCESS STATEMENT**  
**FOR**  
**PROPOSED CHANGE OF USE**  
**AT**  
**3 CHISWICK STREET - CARLISLE**



**USE :**

The proposed use is as a dental practise.

**LAYOUT :**

There is no change to the basic layout of the rooms, merely a different use for the rooms. The ground floor WC is to be enlarged to comply with disabled standards, by removing the wall between the existing WC and the adjoining store.

**SCALE :**

There is no change to the scale of the building.

**APPEARANCE :**

The only change to the exterior of the building is the addition of a brass and wood plaque fixed beside the main entrance door into the building, stating the use of the premises and the hours of opening.

**LANDSCAPING :**

No landscaping is proposed.

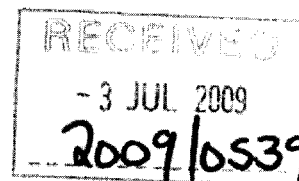
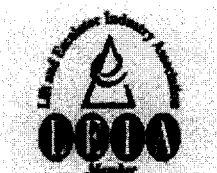
**ACCESS :**

There is no change to the existing access points into the building. Within the building a platform lift will be installed in the lobby of the side access to the building to assist disabled clients.

**CRIME PREVENTION :**

No additional measures are proposed.

[Home](#) [Passenger Lifts](#) [Platform Lifts](#) [Goods Only Lifts](#) [Escalators & Moving Walkways](#) [Lift Maintenance, Repair](#)

[> Home Page](#) [> Platform Lifts](#) [> Product Range](#) [> Stairiser](#)

[Home Page](#)
[Platform Lifts](#)
[Why Choose Stannah Platform Lifts?](#)
[Platform Lift Product Range](#)
[Technical Datasheets & Literature Downloads](#)
[DDA & Part M / Section 4.2 of the Technical Handbook \(Scotland\)](#)
[News & Case Studies](#)
[Lift Service & Support](#)
[Contact Us](#)


## Stairiser Inclined Platform Lift

The Stannah Stairiser can provide public access for wheelchair use over straight or curve premises, ensuring your building says 'welcome' to all visitors. They are designed for occ: simple to operate. Platform Stairlifts are ideal for buildings that have restricted space and conventional passenger lift or vertical platform lift. They can be either wall or stanchion m

### The Stairiser range includes:

#### Stairiser SX

For travel over straight stairs, internally and externally.

#### Stairiser CR

For travel over curved stairs, internally and externally.

### Key features of the Stairiser range include:

Simple to use and can be easily operated by the wheelchair user and/or a companion

Fully automatic, with electrically controlled folding platform and barrier arms

Barrier arms surround and protect the user, locking down before the platform moves

Platform stops automatically when its sensitive surfaces detect obstructions

Safe access to and from the lift platform with ramps that rise to secure the wheelchair when the platform is in motion

The lift platform folds neatly away against its smooth operating rail when not in use, leaving the maximum width of the stairway for pedestrians – ideal for a busy building

Fold down seat available as an option



**Stairiser SX**  
Platform wheelchair lift for straight stairs

[Passenger Lifts](#) / [Platform Lifts](#) / [Goods Only Lifts](#) / [Escalators and Moving Walkways](#) / [Lift Serv](#)



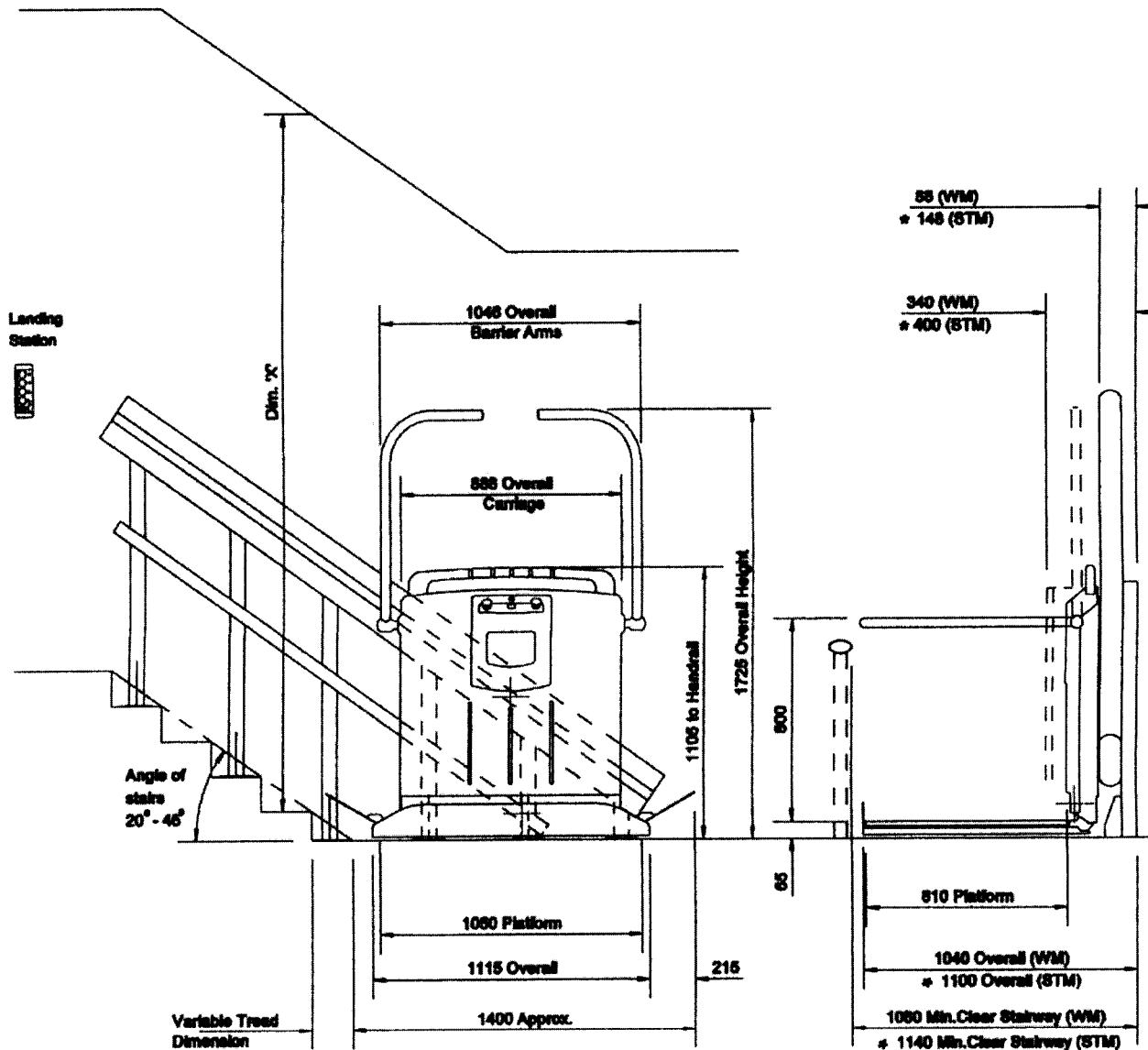
**Notes:**

This data sheet is for guidance only and must not be used for proper working drawings. Please contact Stannah Lifts for particular details before proceeding. Owing to our policy of continual improvement we reserve the right to alter specifications and dimensions without prior notice.

For guidance only

# THE STANNAH STAIRISER SX

Straight Rail  
Wheelchair Platform Stairlift 1050 x 810  
End Access



## Minimum Headroom Required

Angle of Stairs	Dim 'X'
20°	2117
25°	2224
30°	2342
35°	2478
40°	2629
45°	2810

## Stairlift Specification Complies with the International Standard ISO 9386-2

Rated load:	230Kg (50 stone).
Drive:	Rack & Pinion.
Speed:	0.1m/sec. Nominal.
Travel:	Up to 20 metres.
Angle of Stairs:	20° - 45° Maximum.
Site:	Straight stairs without intermediate landing. Interior & Exterior models available.
Fitting:	Wall mounted (WM) or Stair Tread Mounted (STM).
No. off stops:	2
Power supply:	Dedicated 240v single phase AC. 10amp fused spur.
Pit:	Not required.

WM = Wall Mounted

STM = Stair Tread Mounted  
(Support Stanchions)

## INFORMATION

SHEET  
No.ASL 320

24.06.04

## SCHEDULE A: Applications with Recommendation

09/9033

Item No: 09

Date of Committee: 21/08/2009

**Appn Ref No:**  
09/9033

**Applicant:**  
Hanson Quarry Products  
Europe Ltd

**Parish:**  
Hayton

**Date of Receipt:**  
20/07/2009

**Agent:**  
Cumbria County Council

**Ward:**  
Hayton

**Location:**  
Low Gelt Quarry, Low Gelt Bridge, Brampton,  
Carlisle CA8 1SY

**Grid Reference:**  
352091 558547

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**Proposal:** Extension To Sand And Gravel Workings Onto Land Comprising A  
Motocross Arena With Restoration To Agriculture And Woodland

**Amendment:**

---

### REPORT

**Case Officer:** Richard Maunsell

### Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee at the request of the Chair of the Committee and the Portfolio Holder for Infrastructure, Environment and Transport.

### 1. Constraints and Planning Policies

#### Airport Safeguarding Area

#### Public Footpath

The proposal relates to development which affects a public footpath.

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

#### Local Plan Pol DP10 - Landscapes of County Importance

#### Local Plan Pol CP1 - Landscape Character

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

#### Local Plan Pol CP4 - Agricultural Land

AD M 3.48 Wheelchair platform stair lifts are only suitable where users can be instructed in their safe use and where management supervision can be ensured.

The provision of a disabled toilet should be fitted in compliance with AD M and noting BS8300/09 as unisex provision.

The front elevation shows stepped access and although the design and access statement states there is no change to the existing access points into the building, the applicant should be aware of their duties under the DDA. If access is being considered within a building for disabled people, provision should be available to actually access the building. Additional information should be added to the access and design statement to confirm if there is provision of a portable ramp or how a disabled person/wheelchair user is to access the premises. If advice is required it can be sought from the access officer for Carlisle City Council.

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

**Development Services Planning & Housing Services- Local Plans:** No. 3 Chiswick Street falls within a defined Primary Residential Area (PRA). Policy H2 of the Local Plan states that proposals for non residential uses will be permitted in PRA's provided they do not adversely affect residential amenity due to unacceptable noise, smell, safety and health impacts or excessive traffic generation. Paragraph 5.11 lists Dentist's surgeries amongst the uses that would normally be considered acceptable in Primary Residential Areas as they are unlikely to affect residential amenity. Whilst the proposed change of use does not provide any parking provision, this is not considered to be an issue due to the location being highly accessible by a number of modes of transport and high levels of public parking in the form of on street disc zone parking and car parks within the city centre.

As the property is a Listed Building it must be demonstrated that the building can be appropriately converted without any detrimental effect on the architectural and historic interest of the building. Provided this is the case, the principle of this proposal is acceptable in respect of planning policy.

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
1 Chiswick Street	07/07/09	
5 Chiswick Street	07/07/09	
2 Chiswick Street	07/07/09	
33 Spencer Street	07/07/09	
35 Spencer Street	07/07/09	
18 Chiswick St		Objection
5 Chiswick St		Objection
15 Chiswick Street		Objection
24 Chiswick Street		Objection

**Local Plan Pol CP6 - Residential Amenity**

**Local Plan Pol CP11-Prot.Groundwaters &Surface Waters**

**Local Plan Pol CP13 - Pollution**

**Local Plan Pol LE2 - Sites of Special Scientific Interest**

**Local Plan Pol LC8 - Rights of Way**

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

## **3. Summary of Representations**

### **Representations Received**

Initial:

, Greystone Cottage

Consulted:

Reply Type:

Comment Only

- 3.1 This application is a consultation on a County Council planning application and therefore it is not necessary for the City Council to carryout consultations.

## **4. Planning History**

In terms of Low Gelt Quarry, the following planning history applies:

- 4.1 Planning permission was granted in 1987 for the extraction and processing of sand and gravel, installation of processing plant and septic tank, construction of office and weighbridge and new access to public highway.
- 4.2 In 1997, planning consent was granted to extend the operation of the quarry until December 2007.
- 4.3 Planning permission was further granted in 2007 to vary the planning condition to extend the expiry date from 31 December 2007 to 31 December 2009.

With regard to the motocross site, the following planning history is applicable:

- 4.4 In 1998, temporary planning permission was granted for the use of land for moto cross on 14 days each year, to include 11 Sundays, together with associated car parking and ancillary structures plus over night parking by competitors in cars, motor caravans and caravans.

- 4.5 Planning permission was granted in 1999 for the renewal of permission for the use of the land for motocross on 10 days each year together with associated car parking and ancillary structures plus overnight car parking by competitors in cars, motor caravans and caravan.
- 4.6 In 2004, an application for planning consent was refused for the variation of a planning consent to include two additional moto cross days for 2004 only.
- 4.7 Planning permission was granted in 2008 for a variation of condition 2 of permission 99/0066 for the continuation of use of land for agriculture and motorcross on 10 days per year together with associated car parking and ancillary structures plus overnight car parking by competitors in cars, motor caravans and caravans.

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

### **Introduction**

- 5.1 This application is a County Matter upon which the City Council has been formally consulted and seeks planning permission for the extension to Low Gelt Quarry, Low Gelt Bridge, Brampton. Low Gelt Quarry is an existing sand and gravel working centred approximately 1km north east of the centre of the village of Hayton and 2km south west of Brampton. The site is accessed from a minor road that links to the A69T which is a short distance to the north. The site is located open countryside, to the east of the quarry lies the River Gelt which runs through dense woodland that forms part of Gelt Woods Site of Special Scientific Interest (SSSI) and Gelt Woods Nature Reserve.
- 5.2 The application site area comprises the existing quarry and access road of approximately 10 hectares in size; the western extension to the mineral working area of approximately 7 hectares; resulting in a combined site area identified by the planning application boundary of 17 hectares. The quarry extracts glacial sand and gravel suitable for concrete, mortar, general building and asphalt purposes. The extracted material provides building and concreting sand for the applicant's regional concrete batching and asphalt plants.
- 5.3 Planning permission is sought to extend the boundary of the existing quarry westwards to incorporate an area of land that is presently used on a regular basis for the purpose of holding motocross racing events. It is stated that the mineral extraction will take place in phases working from east to west and from south to north and would be approximately 20 metres deep. During the course of excavations works, a bridleway that runs north to south between the existing quarry and motocross sites, would be temporarily diverted and reinstated on completion of the works.
- 5.4 Vehicles entering and exiting the site will continue to use the existing vehicular access that serves the quarry.

- 5.5 Although the development relates only to a physical extension of the existing quarry some operational and restoration elements of the scheme will affect the existing quarry, whose planning permission is time limited. Therefore the planning application boundary for these proposals encompasses both the existing site and the proposed extension, with the intention of securing a consolidated permission. Should planning permission be forthcoming, advance planting would be undertaken along the western field boundary of the site consisting of a double staggered hedgerow and occasional trees.
- 5.6 The relevant Local Plan policies against which the application would normally required to be assessed are Policies DP1, DP10, CP1, CP3, CP4, CP6, CP11, CP13, LE2 and LC8 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.

## **Assessment**

### **1. The Principle Of Development**

- 5.7 The Local Plan defers to the Council Minerals and Waste Local Plan (May 2000) for this type of development. With reference to this document, Policies 1, 2, 4, 7, 9, 11, 12, 13, 14, 19, 20, 21, 22, 23, 27 and 31 are applicable. A list of the Policy contents are reproduced following this report.
- 5.8 Planning policies are supportive of mineral extraction where there is a demonstrable need and subject to consideration and mitigation of other associated issues. In this instance, the applicant has produced a Supporting Statement, within which it is argued that:
- without an extension to the existing permitted reserves, Low Gelt Quarry will be exhausted by 2009-10;
  - no alternative major replacement reserves have been secured for the long-term future of the applicant's Low Gelt and Faugh quarries;
  - Low Gelt produces a variety of sands which are distributed across the region and beyond;
  - the small scale annual output and modest extension will facilitate the fulfillment of the landbank requirement through the period of the merging plan period; and
  - few environmental constraints have been identified within the Environmental Statement and the restoration proposals will secure habitat benefits.
- 5.9 The proposed extension is located immediately adjacent to an existing quarry use. It is apparent that the development of the site will meet the continuing needs of the construction industry and other customers of the product. Furthermore, the quarry will contribute to the maintenance of a minimum landbank of 7 years of sand and gravel in accordance with planning policy requirements.

### **2. The Effect On The Character And Appearance Of The Landscape Of County Importance**

- 5.10 Planning policies require that development proposals should ensure that there is no detrimental impact on the distinctive landscape character and features of the area; and that the proposal preserves or enhances the special features and character of the particular landscape within which it is to be sited. Development required to meet local infrastructure needs which can not be located elsewhere will be permitted provided it is sited to minimise environmental impact and meet high standards of design.
- 5.11 The proposed extension would occupy land that is currently use as a motocross race track. This has resulted in significant alteration to the landscape and the due to the characteristic nature and footprint that the race track has left on the land. Glimpsed views of the site are possible from the A689; however, the site is much better screened from the neighbouring A69 due to the topography of the land adjacent to the A69 being relatively high and due to the presence of existing trees. Nonetheless, views of the site are possible from the Brampton roundabout on the A69 when viewing the site from the north.
- 5.12 The applicant is proposing landscaping prior to the implementation of the use of the site to mitigate any visual impact. It is also argued that in effect, any visual impact of the quarry would be no worse than the existing use of the land for motocross race meetings. The Supporting Statement clarifies that the operational use of the site would be extended by approximately ten years followed by up to two years of restoration and five years of aftercare.
- 5.13 The accompanying Environment Statement recognises that the development will impact on the landscape character but that the magnitude of the impact would be low as element of the landscape character could be easily replicated i.e. landform and vegetation cover. The resulting remodelling of the landscape together with landscaping and aftercare following the completion of the use of the site is likely to improve the contribution to the visual character and appearance of the Landscape of County Importance in comparison to the existing use.
2. The Effect On The Living Conditions Of The Occupiers Of The Neighbouring Properties
- 5.14 Planning policies seek to protect the occupiers of neighbouring residential properties from unacceptable levels of noise and disturbance. Due to the location of the proposed extension with the nearest noise sensitive property known as 'Rowan Hill' which is located to the north of the application site; the development would be no nearer in relative terms than the existing quarry activities.
- 5.15 The proposed hours of operation would be 0700 hours until 1900 hours on Mondays to Fridays and 0700 hours until 1300 hours on Saturdays which is in accordance with the current permitted working hours at the existing quarry. The previous planning consent contained a condition restricting noise levels. A further noise survey was undertaken in 2007 which illustrates that the operation on the site did not breach this restriction.

- 5.16 The position of the access and the level of activity will remain unaltered. Accordingly, subject to the imposition of suitable conditions, it is not considered that the living conditions of the occupiers of nearby residential properties would be adversely affected through unacceptable levels of noise, dust or disturbance to such a degree as to warrant recommending refusal of this proposal.

### 3. The Potential Impact On The Site Of Special Scientific Interest

- 5.17 Whilst the application site itself is not with the Site Of Special Scientific Interest (SSSI), Gelt Woods which is located to the north-east of the quarry and the River Gelt which is located to the east, are designated as SSSIs.
- 5.18 The quarry is worked 'dry' (above the water table). Monitoring equipment within the site indicates that the mineral extraction within the sand deposit, which at its lowest level would be 5 metres above the highest recorded water table level. The mineral processing does not require any washing of the material. Machinery and fuels are stored adjacent to the weighbridge, where there is a designated plant storage area, which is metalled to limit the potential for pollution from the storage of fuels.

### 4. Biodiversity

- 5.19 There are no ecological designations within the application boundary and an ecological assessment has not identified any protect species though a potential bat habitat has been identified for assessment and further consideration of badgers is proposed. In addition, the proposal seeks to introduce 800 metres of species rich hedgerow, of which there are currently none, along the lines of the existing field boundaries. In addition, the restoration scheme would include coniferous species of trees within the wooded area to promote the local red squirrel population.

### 5. Highway Issues

- 5.20 The site currently employs two full-time members of staff together with twelve drivers employed by haulage contractors. On the basis of a flat output of mineral from the site, the departure rate from the site equates to between two and three lorry loads an hour. It is not envisaged that production would increase from the site but that the extension of the site will increase its lifespan; therefore, it is not considered that development of the land would result in a significant increases in traffic to or from the site.

### 6. Impact On The Public Right Of Way

- 5.21 A public right of way crosses through the centre of the site from north to south. The footpath links Greenwell to the south-east with Low Gelt Bridge to the north. The northern part of the route through the application area occupies a sunken lane with restricted access through 'kissing gates'. Planning policies seek to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. 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.

- 5.22 The Footpath Officer from the County Council has been involved with discussions between the applicant and the Planning Authority. Subject to the provision of an adequate alternative footpath route and the reinstatement of the original footpath following the completion and restoration of the site, the proposal would not restrict the ability of the public to access this area.

## **Conclusion**

- 5.23 In overall terms there is no objection to the principle of the extension of the quarry which is required to fulfill future mineral extraction requirements. Whilst there may be some impact on the character and appearance of the area this will be small in scale where there is existing scarring. The restoration and aftercare scheme will be of benefit to the character of the landscape and the local habitat. Subject to the imposition of appropriate conditions, these issues can be safeguarded along with the living condition of the occupiers of nearby residential properties in accordance with the objectives of the relevant Local Plan policies.

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

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

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

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

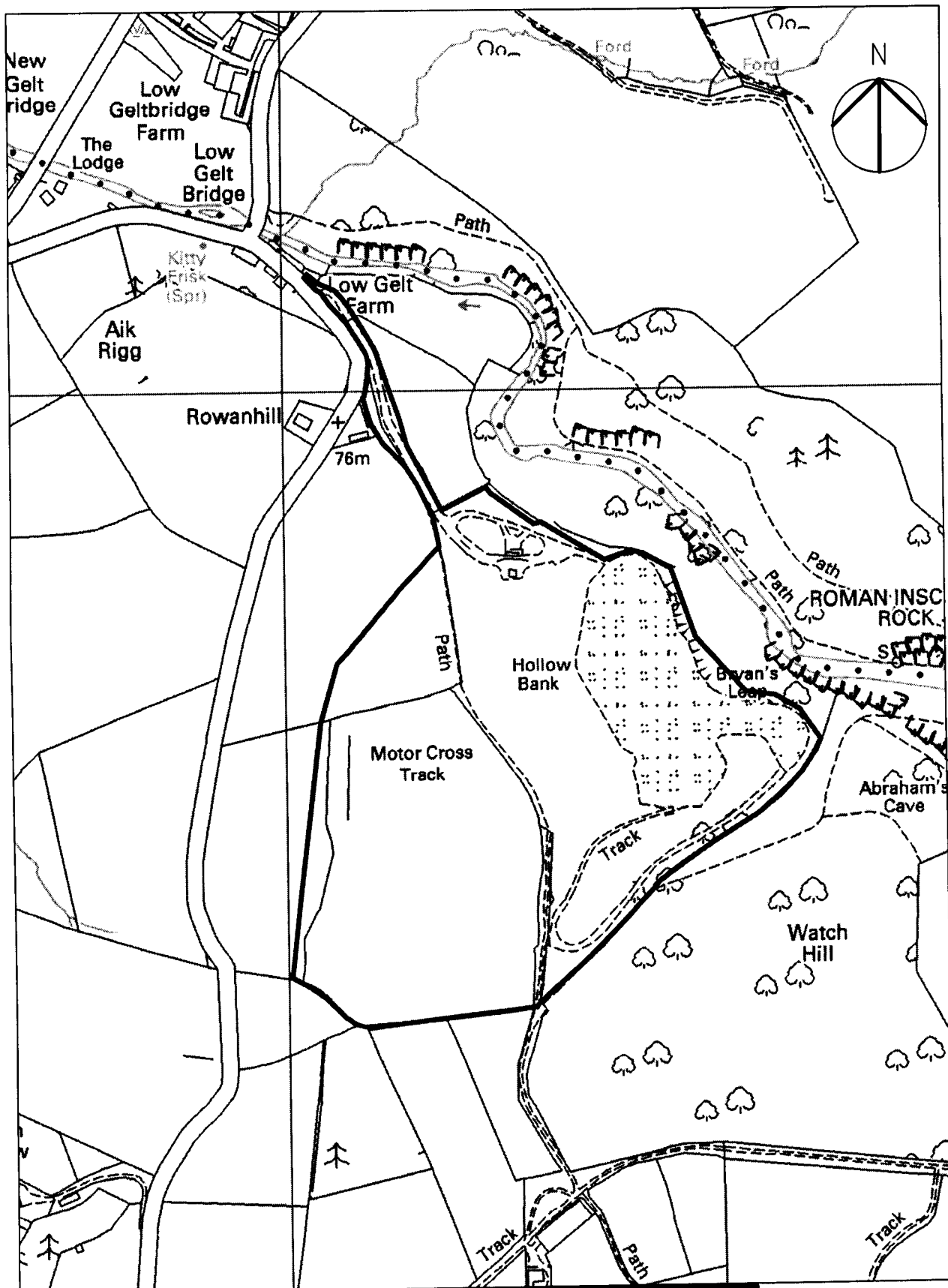
**Article 8** recognises the "Right To Respect for Private and Family Life";

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

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

## **7. Recommendation - Observations**

1. There is no objection to granting planning permission subject to suitably worded conditions that require the provision of an aftercare and maintenance scheme; restrict the operating hours; impose noise level restrictions; and require further investigation of bat and badger habitats and provide suitable mitigation measures.
-



Drawing Title

# **HANSON AGGREGATES LOW GELT QUARRY SITE LAYOUT PLAN**

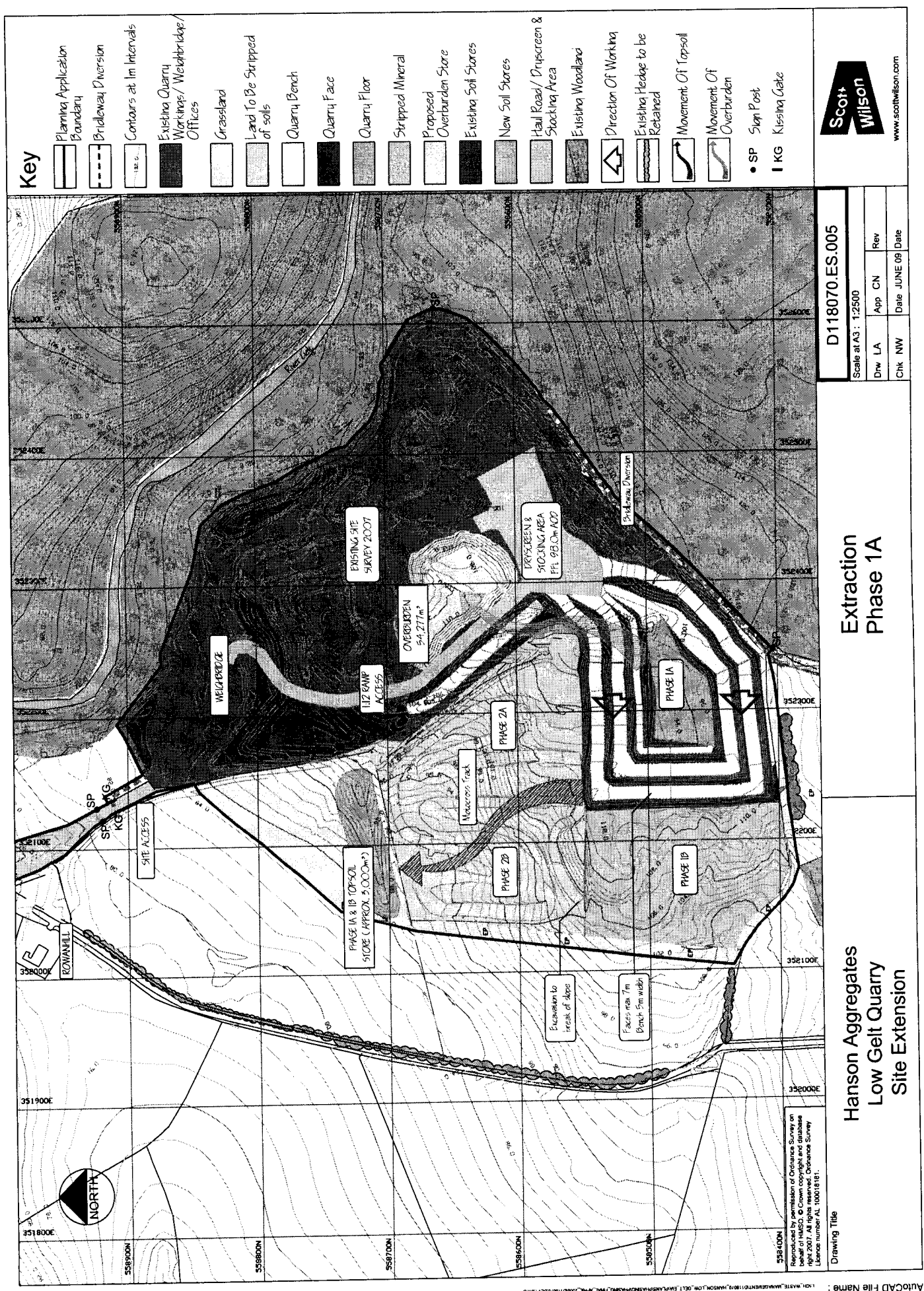
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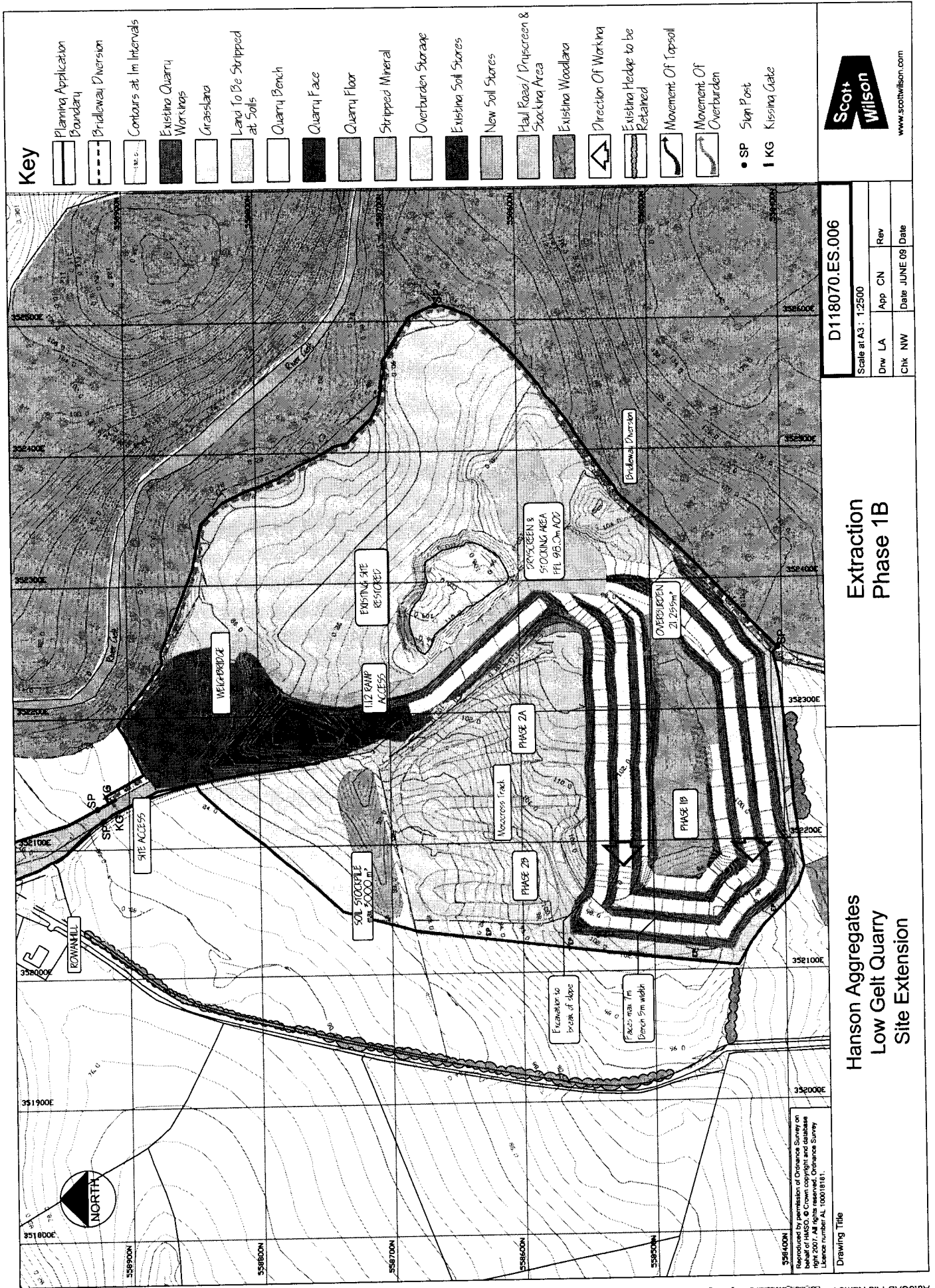
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Drw RM	App CN	Rev
Chk CN	Date DEC 08	Date



www.scottwilson.com

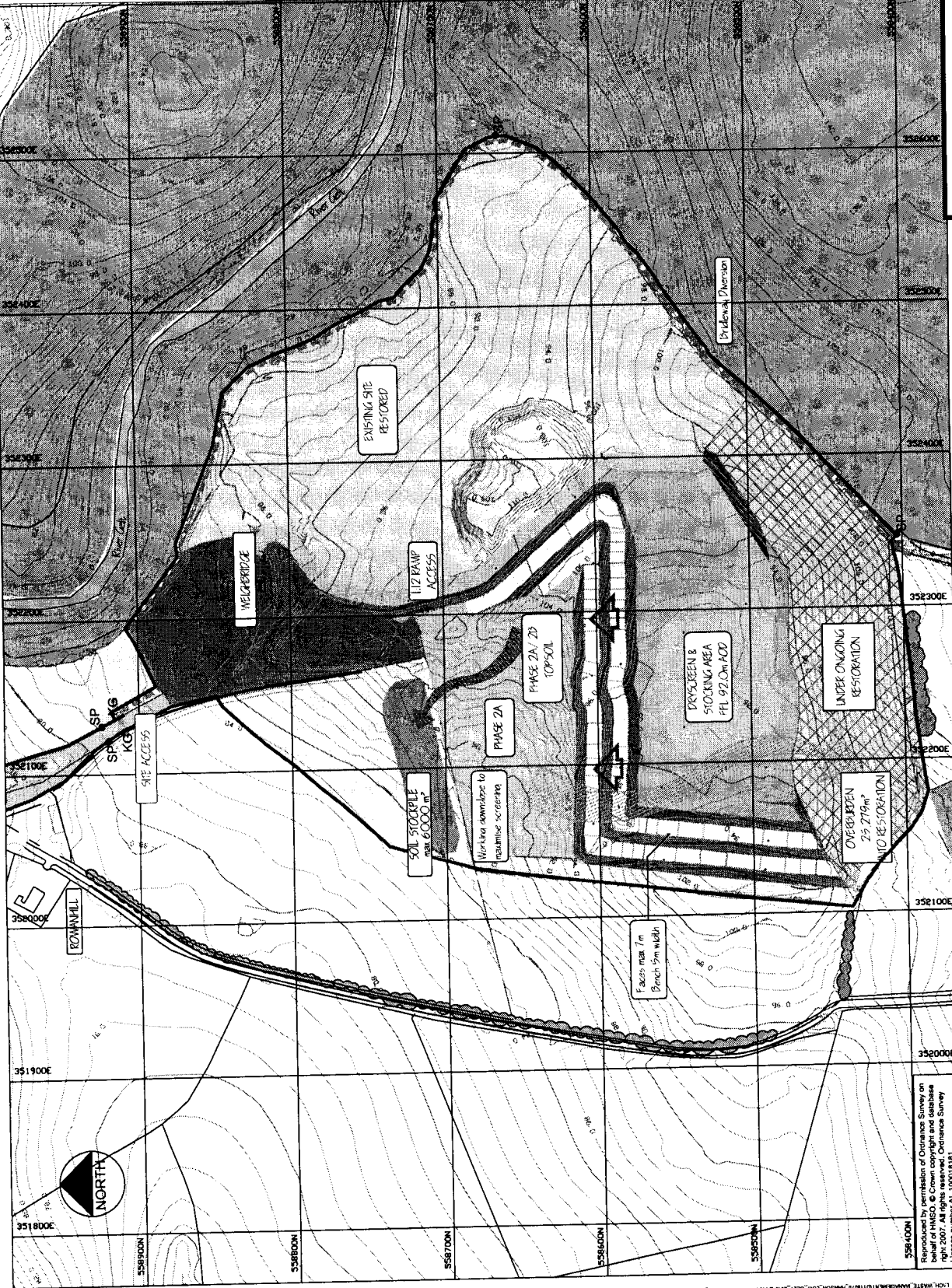






# Key

- Planning Application Boundary
- Bridleway Diversion
- Contours at 1m intervals
- Existing Quarry Workings
- Grassland
- Land To Be Stripped
- Quarry Bench
- Quarry Face
- Quarry Floor
- Stripped Mineral
- Overburden storage
- New Soil Stores
- Haul Road/ Drystack & Stocking Area
- Existing Woodland
- Direction Of Working
- Existing Hedge to be Retained
- Movement Of Topsoil
- Movement Of Overburden
- Ongoing Restoration
- SP Sign Post
- | KG Kissina Gate



D118070.ES.007

Scale at A3 : 1:2500

Dw	LA	App	CN	Rev
Chk	NW	Date	JUNE 09	Data

## Extraction Phase 2A

## Hanson Aggregates Low Gelt Quarry Site Extension

Drawing Title

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Hanson Aggregates  
Low Gelt Quarry  
Site Extension

Extraction  
Phase 2B

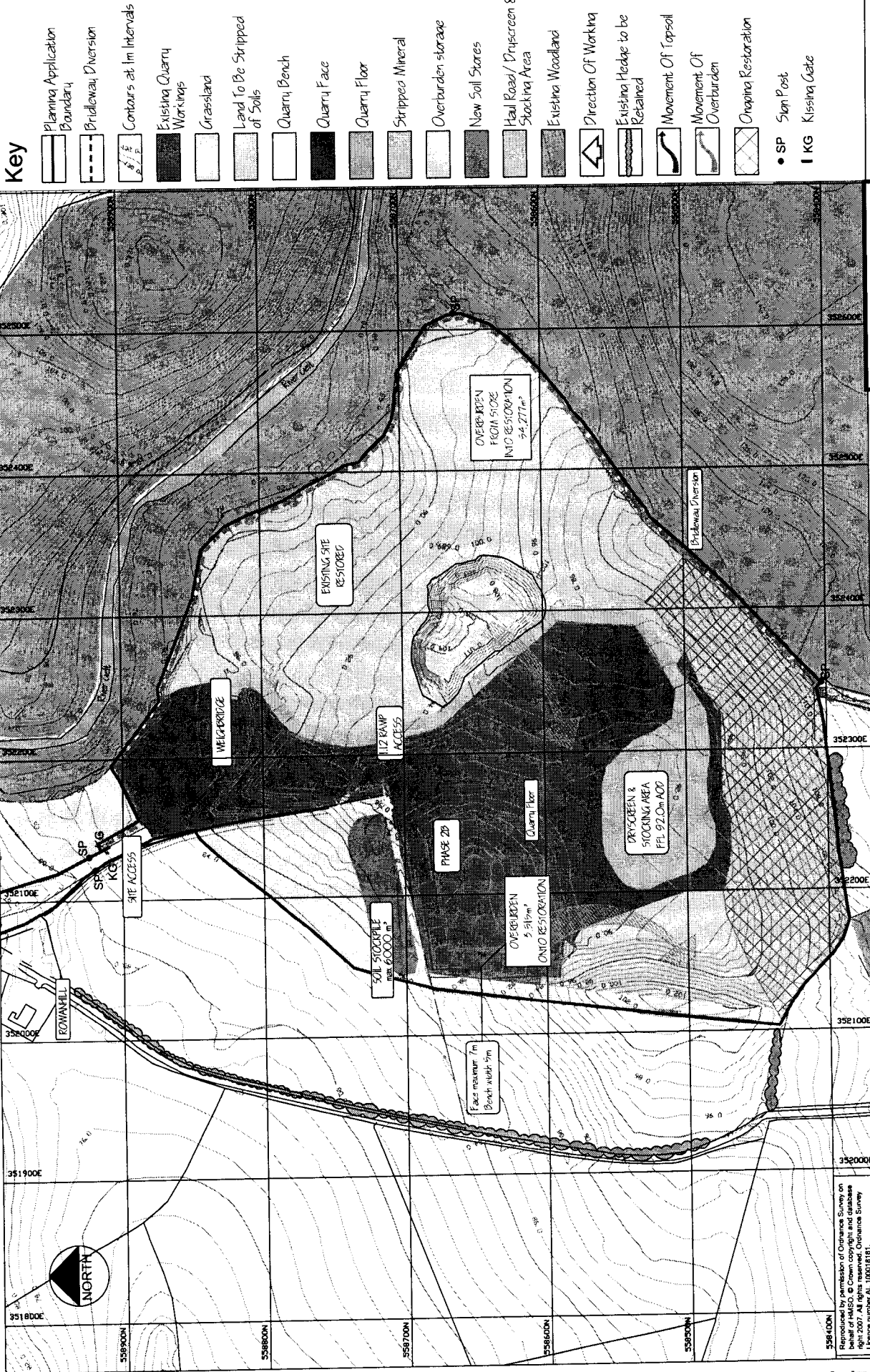
D118070.ES.008

Scale at A3 : 1:2500

Dwn	LA	App	CN	Rev
Chk	NW	Date	JUNE 09	Date



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Key





**LOW GELT QUARRY**  
**BRAMPTON, CUMBRIA**  
**EXTENSION TO EXISTING SAND AND GRAVEL WORKINGS,**  
**AND SUBSEQUENT RESTORATION TO AGRICULTURE, AND**  
**WOODLAND.**

**APPLICATION FOR PLANNING PERMISSION**

**JUNE 2009**

**FINAL**

**Hanson Quarry Products Europe Ltd**

**Clifford House  
York Road  
Wetherby  
West Yorkshire  
LS22 7NS**

**Scott Wilson Ltd**

**Royal Court  
Basil Close  
Chesterfield  
Derbyshire  
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## Revision Schedule

### LOW GELT QUARRY

### PROJECT D118070

	Date	Details	Prepared by	Reviewed by	Approved by
01	Feb 2009	Client Review	<b>Chris Nicoll</b> Principal Planner	<b>John Hollister</b> Head of Planning (Minerals and Waste)	<b>John Hollister</b> Head of Planning (Minerals and Waste)
FINAL	June 2009	Final Application	<b>Chris Nicoll</b> Principal Planner	<b>John Hollister</b> Head of Planning (Minerals and Waste)	<b>John Hollister</b> Head of Planning (Minerals and Waste)

**LOW GELT QUARRY**

**BRAMPTON, CUMBRIA**

**EXTENSION TO EXISTING SAND AND GRAVEL WORKINGS,  
AND SUBSEQUENT RESTORATION TO AGRICULTURE, AND  
WOODLAND.**

**PLANNING APPLICATION FORMS**

**Hanson Quarry Products Europe Ltd**

**Clifford House  
York Road  
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**Scott Wilson Ltd**

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**LOW GELT QUARRY**

**BRAMPTON, CUMBRIA**

**EXTENSION TO EXISTING SAND AND GRAVEL WORKINGS,  
AND SUBSEQUENT RESTORATION TO AGRICULTURE, AND  
WOODLAND.**

**SUPPORTING STATEMENT**

**JUNE 2009**

**Hanson Quarry Products Europe Ltd**

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**Scott Wilson Ltd**

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## SCHEDULE OF PLANS

D118070.SS.001	Site Location Plan
D118070.SS.002	Layout Plan
D118070.SS.003	Application Boundary and Land Ownership
D118070.SS.004	Aerial Image
D118070.SS.005	Aggregate Distribution

## DEVELOPMENT PLANS FOR WHICH APPROVAL IS SOUGHT (CONTAINED WITHIN THE ACCOMPANYING ENVIRONMENTAL STATEMENT)

D118070.ES.001:	Site Location Plan
D118070.ES.002:	Layout Plan
D118070.ES.003:	Application Area and Land Ownership
D118070.ES.004:	Aerial Image
D118070.ES.005:	Phase 1A Development Plan
D118070.ES.006	Phase 2B Development Plan
D118070.ES.007:	Phase 2A Development Plan
D118070.ES.008:	Phase 2B Development Plan
D118070.ES.009:	Final Restoration Scheme
D118070.ES.010:	Final Restoration Scheme – Cross Sections
D118070.ES.011	Reinstated Footpath Details



## 1. INTRODUCTION

### 1.1 Scope

This application is for planning permission to extend the area of Low Gelt sand and gravel Quarry at Brampton, in Carlisle District and is submitted by the quarry operator - Hanson Quarry Products Europe Ltd. ('Hanson').

The application is submitted to Cumbria County Council (CCC) for determination, in its capacity as Mineral Planning Authority (MPA).

The proposed extension area comprises 7ha of land adjoining to the west of the existing quarry of 10ha size. It falls across land south of the A69T and west of the River Gelt. Hereafter, the existing quarry is referred to as 'the Quarry' and the proposed extension land is referred to as 'the Site'.

The extension area is presently used on a regular basis for the purpose of holding motocross racing events, which has significantly despoilt the quality of the land and consequently would significantly restrict agricultural uses in the future.

The mineral extraction will take place in phases and be approximately 20m deep. Restoration would return the site to grassland, broadleaf woodland and species rich hedgerow. A bridleway running through the site would be temporarily diverted and then reinstated in its original position.

Although the development relates only to a physical extension of the existing quarry some operational and restoration elements of the scheme will affect the existing quarry, whose planning permission is time limited. Therefore the planning application boundary for these proposals encompasses both the existing site and the proposed extension, with the intention of securing a consolidated permission.

The Quarry is a small scale quarry, extracting a glacial sand (and gravel) of varying grades and suitable for concrete, mortar, general building and asphalt purposes. The deposit lies above the natural water table so that no dewatering is required. The sand is dug by mobile excavator and only requires dry screening before sale. It is therefore considered a very low key operation the environmental impact of which is limited in scope.

Photoplates contained in Appendix A and the aerial image on Plan D118070.004 are provided to illustrate the Quarry, the Site and surrounding area.

### 1.2 Content

The application comprises:

- the completed application forms;
- this supporting statement; and
- the drawings listed in the schedule at the end of this supporting statement.

### 1.3 Environmental Statement

The application is accompanied by an Environmental Statement (ES). The ES has been prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

### 1.4 Design and Access Statement

A requirement for planning applications to be accompanied by a Design and Access Statement was introduced under Section 42 of the Planning and Compulsory Purchase Act 2004 and the enabling Order that took effect on 10<sup>th</sup> August 2006.

Article 4C of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) sets out the various categories of planning application to which the above requirement does not apply. Applications for 'mining operations' are one of the exclusions.

It follows that a Design and Access Statement is not required in connection with this application.

### 1.5 Consultations

The following organisations were consulted during the preparation of this application and the accompanying Environmental Statement:

- Cumbria County Council;
- Carlisle District Council;
- Cumbria Wildlife Trust;
- Natural England;
- the RSPB; and
- the Environment Agency.

### 1.6 About the Applicant

Hanson is the UK's second largest aggregates producer and the market leader in concrete pipe and block manufacture. A subsidiary of international building materials group Hanson plc, the Company employs around 6,000 people at over 700 locations across Europe.

Hanson was acquired in August 2007 by Heidelberg Cement and is now part of the Heidelberg Cement Group.

Operations in Cumbria are managed from Hanson's regional team based at Wetherby, North Yorkshire.

Low Gelt Quarry is a small scale sand (with some gravel) quarry working extracting building and concreting sand for Hanson's regional concrete batching and asphalt plants.

---

It also provides materials direct to a significant number of local construction companies and farmers.

The proposed extension to the Quarry at Low Gelt will continue the principle of mineral extraction and simple screen processing that has taken place at the Quarry since it opened in 1997.

## **2. CASE FOR THE PROPOSED DEVELOPMENT**

### **2.1 Introduction**

The potential for an extension to the sand and gravel working at Low Gelt is raised by the Cumbria Minerals Local Plan 2004 (MLP).

While the land is not identified in the MLP as a specific area for future extension, planning policy prefers extensions to existing sites that may be required to maintain local supplies, a balanced market and minimise road haulage as preferable to opening new sites, see Chapter 6 below.

In addition to private customers for building and mortar sand the Quarry is the sole source of concrete sand supplying Hanson's regional concrete plants (seven of) and asphalt plant at Shap quarry. Approximately 90% of output is utilised in Cumbria, Dumfries and the North East of England as indicated by Aggregate Distribution Plan D118070.SS.005. Existing reserves will be exhausted in 2009 and thus an extension to provide continuity in production over the next 10 year period is essential.

The Quarry produces some of the aggregate materials essential to the construction industry; including house building, commercial and retail development, and infrastructure projects such as schools, hospitals and roads.

### **2.2 Context**

This application for planning permission falls to be determined by Cumbria County Council in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, having due regard to the development plan and other material planning considerations - including national planning policies and other relevant existing and emerging policies and guidance.

The development plan establishes that there are five main tests to be applied when the County Council determines this application (see section 6.1 below).

### **2.3 Conclusions**

The assessment of the need for further planning permissions for sand and gravel extraction in Cumbria (set out in section 3.4 below) and the assessments of relevant environmental and transportation effects carried in the ES that accompanies this application, together serve to demonstrate that the development proposed in this application complies with these tests, since:

- there is a need to permit the extraction of further sand and gravel reserves at Low Gelt;
- output is relatively small scale at up to 150,000 tonnes per annum;
- the quarry supports a local need and a wider contribution to Cumbria's and wider regional needs;
- mineral planning permissions at existing sand pits within Cumbria will expire within the plan period of the RSS (2016);

- 
- HGVs access is almost directly onto the A69T strategic highway network creating minimal impact;
  - there will be no unacceptable traffic impacts on local the residents;
  - the impact on hydrogeology and ecology is acceptable;
  - the restoration scheme will restore the site to agriculture and amenity woodland to aid local biodiversity, and,
  - site assessment has not identified the presence of any archaeological remains that require preservation.

### 3. THE APPLICATION SITE

#### 3.1 Introduction

Low Gelt Quarry is an existing sand and gravel working centred approximately 1km north east of the centre of the village of Hayton and 2km south west of Brampton in Cumbria as shown by plans D118070.SS.001 and 002. The site is accessed from a minor road that links to the A69T a short distance to the north.

The proposed extension area encompasses approximately 7ha of open land forming a low hill. The proposed site boundary is defined by established field boundaries. The majority of the Site has been used as a venue for motorcycle (motocross) events; the land in this area is sparsely vegetated, bare and clearly marked, see D118070.SS.003 and 004.

For reference purposes the Site comprises the following areas;

- the Site – the western extension to the mineral working area of approximately 7ha;
- the Quarry - existing Quarry and access road of approximately 10ha in size; and,
- the Combined Site of 17ha identified by the planning application boundary;

#### 3.2 Surroundings

To the east of the Quarry lies the River Gelt, which at this point runs through a gorge set in dense woodland that forms part of the Gelt Woods Site of Special Scientific Interest (SSSI) and the Gelt Woods Local Nature Reserve. The gorge is characterised by its unusual red sandstone cliffs and semi-natural woodland often with a damp interior supporting a wide range of mosses, liverworts, ferns and birds.

Watch Hill, a broadleaf woodland forms part of Gelt Woods and occupies neighbouring high ground to the southeast of the Quarry. The wood comprises a part replanted ancient woodland and is identified as a local bio-diversity action plan target habitat.

Managed and unmanaged pasture lies to the north, west and south of the Site.

The closest sensitive residential properties are:

- Rowanhill, located approximately 40 metres from the limit of extraction, north-west of the Site; and,
- Green Hollow, located approximately 310 metres from the limit of extraction, south-west of the Site.

Public footpath No. FP 117003 runs along the boundary between the Quarry and the Site. The path links Greenwell (2km to the southeast) with Low Gelt Bridge to the north. The northern part of the route through the application area occupies a sunken lane, with 'kissing gates' provided at each end.

The lane used for access from the A69 south of Gelt Bridge and lying to the west of the Site comprises part of National Route 72 of the national cycle network.

### 3.3 Geology and Mineral Quality

The regional solid geology is mapped by BGS Sheet 18 plus MAU Report No.45. The geological sequence present is glacial till over St Bees sandstone of the Triassic age.

The Quarry lies within part of the Brampton Kame Belt an extensive area of glacial till running from Brampton to Hornsby in the south. The sand deposit was considered by Hanson's predecessors Tilcon<sup>1</sup> to form part of one such kame, which are characterised by stratified sand and gravel of highly various thickness and composition, including silt, clay and fine sand lenses. The base of the sand and gravel is marked by a thick sequence of boulder clay over the St Bees sandstone.

The sandstone bedrock is exposed in the gorge through which the River Gelt flows 100m to the east of the existing quarry. BGS Sheet 18 records dips in the gorge at 6° to the northwest.

Site investigation has proven a continuation of the sand sequence found in the Quarry into the Site, with a silty clay overburden in places and underlying boulder clay. Gravel content is typically less than 5%.

Towards the edges of the proposed working area the thickness and quality of the sand deposit declines rapidly and is all but absent to the north and east. In practical terms therefore, the marked change in the hill slope (and approximate field boundaries) marks the edges of the kame and the extent of the workable deposit.

The mineral potential of the Site has been evaluated by a walk over survey of the Quarry, reference to published data, earlier assessments of the Quarry and by assessment of the findings of two sets of borehole results with sieve analysis. The site investigations were performed in 2005 and 2007.

- 10 boreholes were drilled in 2005 using Reverse Air Circulation; and
- 16 boreholes were drilled in 2007 using 8 inch flight auger, 5 of which were located within the existing quarry.

The deposit within the extension area has the simplified geological sequence listed in Table 3.3.1.

Table 3.3.1 Simplified Geological Sequence

Horizon	Depth
Soil	0-0.25m
Overburden	0-6m
Sand	2-20m

<sup>1</sup> Tilcon Low Gelt Geology and Reserve Assessment 1984

Boulder Clay	Undefined
St Bees sandstone	Undefined

The top of the boulder clay is therefore considered the base of working and is overlain by a fine sand horizon. Interburden is (where present) of 1-3m thickness and comprises silts and clays.

In the majority of cases the sand will comply with British Standards for concrete sand, building sand and asphalt sand. Due to the variability of the deposit some blending is required to average out gradings. Fine sand at the base of the deposit is suitable as asphalt sand.

To make full utilisation of the fine sand to produce concrete sand blending with imported grit will be necessary. The proposed working will therefore import limestone grit fines from Hanson's Shap Quarry on an as needed basis to supplement the coarse sand fraction. The Shap site has a requirement for asphalt sand allowing return loads to balance, so that importation of the grit will be transport neutral.

Hydrogeologically the present workings are dry and do not require dewatering. The lowest point of excavation within the Quarry is approximately 82m AOD on the north east corner of the working area adjacent the steep valley of the River Gelt gorge. In the proposal Site the lowest level of working is around 90m AOD. The River Gelt flows westwards through the gorge, joining the River Irthing 3km to the west.

### 3.4 Volumetrics and Reserves

The use of the Site as a motocross circuit has significantly depleted soil resources. An Agricultural Land Survey (ALC) soil survey of the land around the Quarry identified the soils as very sandy soils belonging to the Newport series but classified the area of the motocross circuit as 'other land' not requiring evaluation due to the impact of this use. The soils are typically 0.25m of sandy loamy topsoil with no differentiation between subsoil and mineral. It is estimated in the area of the motocross circuit 50% of the soil has been lost.

The anticipated recoverable sand and gravel reserve of approximately 1,100,000 tonnes will be excavated from an area of slightly less than 7ha with a standoff from field boundaries to the north, west and south of 5m.

Annual production (sales) at the Quarry for the previous six years are listed in table 3.4.1.

The table includes a calculation of losses arising from the lifting and dry screen processing averaging approximately 10%. Interburden losses are anticipated to range from between 10-20%. No mineral washing is required.

Development of the Site is therefore based around an maximum production rate of 150,000 tonnes of as dug material, and approximately 10 years of extraction.

Any non-saleable material found in the deposit will be returned to the extraction void and utilised in site restoration.



**Table 3.4.1 Low Gelt Quarry Production Figures 2005-8**

<b>Year</b>	<b>Sales Figures Net (tonnes)<sup>1</sup></b>
<b>2003</b>	<b>137,500</b>
<b>2004</b>	<b>112,000</b>
<b>2005</b>	<b>92,500</b>
<b>2006</b>	<b>101,300</b>
<b>2007</b>	<b>92,600</b>
<b>2008</b>	<b>87,250</b>
<b>Ave 2003- 2008</b>	<b>105,800</b>
<b>Proposed Maximum</b>	<b>150,000</b>

Notes:

(1) To account for 10% loss during processing from as dug material.

### **3.5 Planning History**

Relevant planning permission for Low Gelt Quarry, include;

Planning permission was originally granted in 1987 for the working of sand and gravel, current working conditions are contained in

- Permission 1/84/0720 dated 23 April 1987; and
- Permission 1/97/9015 to extend the life of the current operation to December 2009.

### **3.6 Employment**

The quarry employs directly two full time members of staff based permanently at the site. In addition around 12 drivers are used by contract hauliers delivering materials to the market including Hanson plants, and private companies (typically builders merchants) and direct to construction projects.

## 4. THE PROPOSED DEVELOPMENT

### 4.1 Introduction

This application is for planning permission to extend Low Gelt Quarry at Brampton, in Cumbria.

The proposed development and the steps to be taken to mitigate environmental effects are described in detail in the Environmental Statement that accompanies this application.

The following outline of the proposed scheme is included in this supporting statement to facilitate the later assessment of the degree to which the proposals comply with planning policy (see section 5 and Appendix A below).

### 4.2 Proposed Development

#### 4.2.1 *Advance Planting*

Subject to the grant of planning permission advance planting will be undertaken along the western field boundary of the Site consisting of a double staggered hedgerow and occasional trees.

#### 4.2.2 *Footpath Diversion*

Public footpath No. FP 117003 runs along the north-south boundary between the Quarry and the Site, the route will be removed by the proposal. A diversion for the length of the development is proposed along the southern and eastern boundaries of the Quarry as indicated on plans D118070.ES.005-08, following the edge of Low Gelt Woods, with reinstatement within a sunken lane along its original route upon completion of restoration as indicated on plan D118070.ES.09 and section details 010. The footpath is illustrated on Photoplates 5 and 6 in Appendix A.

To prevent trespass into the workings and safety above the gorge diversion of the footpath will take place along a 1.5m wide post and wire fenced route prior to temporary closure of the original path. Twin timber kissing gates and marker posts will be erected for the short crossing of the quarry access road as indicated on plan D118070.ES.005.

#### 4.2.3 *Site Preparation Works*

Soil and overburden will be stripped separately outside the season for ground nesting birds (or during the season when surveys have established that there is no risk to ground nesting birds) in accordance with a phased programme and the principles for soils handling for later use in restoration.

The soil survey considers that subsoils are undifferentiated from the mineral horizon and as such the soils are considered as a single resource. Due to the damage caused by motocross activity the soils will be stripped selectively by hydraulic excavator.

Soil handling will be in accordance with DEFRA Good Practice Guide for handling Soils, where possible and practicable within the limitations of site conditions and to meet the requirements of the restoration scheme.

Recoverable topsoils will be stored in a dedicated bund on the northern edge of the Site to provide screening in the direction of Rowanhill. A small number of cherry trees on the field boundary with the extraction area will be retained.

#### *4.2.4 Access*

Access into the Site will be made via the Quarry utilising the existing access from the public highway south of Low Gelt Bridge. The route from the public highway to the weighbridge and adjacent parking area is metalled. The existing infrastructure will be retained for the life of the larger site (Quarry and Site)

Access to the Site will be made through the Quarry as outlined by the development phasing plans contained within the ES.

All HGV vehicles leaving the combined site will turn right for the A69T. The A69T itself is provided with a ghost right turning lane for east bound traffic.

No new highway works are proposed and the ES considers the existing arrangements are considered adequate.

#### *4.2.5 Mineral content, Output and Life of Workings*

The application site contains approximately 1,100,000 tonnes of recoverable sand with some gravel. Anticipated recovery of 60% concrete sand 40% building and asphalt sand combined.

The rate of extraction is anticipated to be up to around 150,000 tonnes per annum, of dry screened products which reflects the average production between 2003-8 (see Table 3.4.1 above). The ES concludes this volume will have no detrimental highway or traffic impact.

The proposed extension is likely to extend the operational life of the site by around 10 years followed by up to 2 years of restoration and 5 of aftercare.

The commencement of mineral extraction within the Site will follow the completion of extraction at the Quarry.

The application boundary for the extension also encompasses the Quarry to simplify the planning permission and regulatory control regime over the Combined Site.

#### *4.2.6 Operational Works*

The Site will be worked in accordance with a series of phases working from east to west and from south to north (from the adjoining Quarry where appropriate) as indicated by plans D118070.ES.005-8.

This direction and sequence of working aims to reduce the potential visual impact by working an advancing face when viewed from the north (Rowanhill). The majority of the working will therefore be undertaken below natural ground level and substantially screened from view.

The sand and gravel will be excavated from the quarry face by a tracked 360° hydraulic excavator, that will also load the excavated material from temporary stockpiles on the quarry floor (or directly) into road haulage vehicles.

The minerals workings will progress sequentially with restoration taking place progressively behind the operational area. The development plans indicate the plans for overburden and soil placement that will allow direct placement on a case by case basis.

No blasting will be required.

Only a single dry screen will be located within the operational area. No other processing (screening, crushing or washing) is required.

There is no proposal to provide the workings (outside the weighbridge area) with flood lighting except if an emergency situation arises.

#### *4.2.7 Restoration and After-Use*

Restoration of the Quarry will commence during development of Phase 1A within the Site. Restoration will be undertaken in accordance with a phased programme designed to minimise the area that is not in either the pre-scheme, or a restored use at any given time.

The proposed after-uses will comprise a mix of uses designed to enhance the value of the land, returning a portion to pasture and broadleaf (predominantly oak) woodland as indicated on Plan D118070.SS.010. Field boundaries would be re-established with species rich hedgerows.

All soil stripped from the Site and those retained from development, will be reutilised to achieve the final restoration design.

No imported fill or waste will be utilised in site restoration. Backfill and land forming to achieve the final landscape profile will use stripped overburden and interburden (unwanted silt and clays etc.).

The restoration proposals submitted include those for the Quarry but involve a slight variation to those already approved by the extant permission to allow a singular consolidated restoration scheme to be implemented. The restoration concept and landform of the Quarry has not changed.

The restoration proposals include for the reinstatement of footpath FP 117003 within a sunken lane, and additional woodland planting to complement the established area of Low Gelt woods to the south east.

#### 4.2.8 *After-care and Long Term Management*

The restored land will be managed in accordance with a programme of after-care designed to comply with the advice contained in Mineral Planning Guidance Note 7 (The Reclamation of Mineral Workings)(1996).

Details of the restoration scheme and the means of long term management are provided in the ES that accompanies this application and on plan D118070.ES.009 and will comprise a full 5 year aftercare management scheme funded by Hanson in collaboration with the land owner. The details of the scheme are expected to be the subject of conditional planning approval from CCC.

#### 4.2.9 *Highways*

The existing access to the Quarry, purpose built in 1996, will be retained for the life of the development.

HGV vehicle movements from the Site will be a factor of mineral output only and are proposed in accordance with output from the Site of circa 150,000 tonnes per annum, which equates to 27 loads per day over a typical 5.5 working week and 275 day working year. A flat departure rate equates to 2-3 lorry loads per hour.

The current arrangements for Low Gelt North that oblige all HGVs to approach from and leave the Site to the north along 500m of highway from the A69 which is provided with a dedicated right turning lane.

The quarry imports limestone grit from Shap Quarry for blending with very fine sand to produce concreting sand. The grit is brought to site as a return load when asphalt sand is delivered to Shap from Low Gelt and thus does not generate any additional traffic (the lorries would otherwise return empty).

#### 4.2.10 *Hours of Operation*

The proposed hours of quarry operation will be the same as currently permitted at the Quarry:

- 0700 to 1900 hours Mondays to Fridays;
- 0700 to 1300 hours on Saturdays.

No operations shall take place on Sundays or Bank Holidays except essential maintenance of plant and machinery, water pumping (if necessary) and restoration/aftercare management will take place outside these hours, as required.

### 4.3 **Design Principles**

The Site development proposals have been designed in accordance with the following key principles:

- 
- to establish and facilitate an orderly phased programme of working and restoration that will minimise the area taken from beneficial use at any one time and the potential for visual/amenity impact;
  - to ensure that the working is carried out in accordance with a materials handling scheme that will effectively conserve the soil resource;
  - to minimise impact on the local hydrogeological regime;
  - minimise visual and noise impacts by utilising a sequence of phasing and additional screening that reduces the affect of the operations;
  - to minimise the impact upon local ecology;
  - to keep highway impacts to an acceptable low degree;
  - to ensure that the mineral resource is efficiently recovered at the existing rate of up to 150,000 tonnes per annum;
  - to minimise the overall duration of operational and restoration works for the combined scheme;
  - to control and minimise noise and dust emissions;
  - to minimise the impact on Public Footpath 117003; and,
  - provide a sustainable restoration habitat including reinstatement of the footpath, pasture and woodland to integrate the land into the landscape and support local biodiversity.

## 5. PLANNING POLICY

### 5.1 Introduction

This application for planning permission falls to be determined by Cumbria County Council in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, having due regard to the development plan and other material planning considerations - including relevant emerging development plan policies and national planning policies.

In this case, the Development Plan comprises the:

- Regional Spatial Strategy for the North West (2008);
- Cumbria Structure Plan 2001-2016 (adopted April 2006)
- Cumbria Minerals and Waste Local Plan (2004); and
- Carlisle District Local Plan 2001-2016 (adopted 9<sup>th</sup> September 2008).

The relevant emerging development plan documents are the:

- Cumbria Minerals and Waste Development Framework; and
- Carlisle Local Development Framework.

Key national planning guidance on minerals is contained in:

- Minerals Policy Statement 1: Planning and Minerals (November 2006);
- Minerals Policy Statement 2: Controlling and mitigating the environmental effects on mineral extraction in England (March 2005);
- Mineral Planning Guidance Note 2: Applications, Permissions and Conditions (July 1998) (where not replaced by Annexes 1 and 2 of MPS 2);
- Mineral Planning Guidance Note 7: The Reclamation of Mineral Workings (November 1996)

National planning guidance on other matters of particular relevance is contained in:

- Planning Policy Statement 1: Delivering Sustainable Development (2005);
- Planning Policy Statement 7: Sustainable Development in Rural Areas (2004);
- Planning Policy Statement 9: Biodiversity and Geological conservation (August 2005);
- Planning Policy Statement 12: Creating Strong Safe and Prosperous Communities Through Local Spatial Planning
- Planning Policy Statement 25 : Development and Flood Risk (December 2006);
- Planning Policy Guidance Note 16: Archaeology and Planning (November 1990).

The remainder of this section considers the relevant provisions of the development plan and emerging development plan policies.

## 5.2 Development Plan

### 5.2.1 *Regional Spatial Strategy for the North West (2008).*

The Regional Spatial Strategy for the North West (RSS 10) was published in October 2008. The document provides a development strategy for the region up to 2016 and beyond. It covers the scale and distribution of new housing, priorities for the environment, transport, infrastructure, economic development, agriculture, minerals extraction, waste treatment and disposal.

It contains two specific policies on the supply of non-energy minerals – Policy EM7 'Minerals Extraction' and EM8 'Land-won Aggregates'.

The RSS sets out the baseline regional framework for the supply of aggregates, including the sub-regional apportionment of sand and gravel production and the role of the Regional Aggregates Working Parties (RAWP's). Sub-regional apportionment of sand and gravel over the period 2001-2016 is calculated for Cumbria at 11.2Mt of the regional total of 55Mt or 0.7Mt per annum.

### 5.2.2 *Cumbria and Lake District National Park Joint Structure Plan (2001-2016).*

The Joint Cumbria Structure Plan (SP) was originally adopted in 1995. A revised version was adopted in April 2006. A number of policies have now been replaced by the adoption of the RSS including policy R46 (now RSS policy EM7). Policies RE47 and 48 of the Structure Plan have been retained of which only RE47 (Mineral Extraction outside the National Park and AONB's) is relevant.

Policies RE47 and 48 are considered in the review section in Appendix A.

### 5.2.3 *Cumbria Minerals and Waste Local Plan (1996-2006)*

The Cumbria Minerals Local Plan (MLP) was adopted in 2000. Under the new plan making procedures introduced by the Planning and Compulsory Purchase Act 2004, a substantial number of the policies contained in the MLP have been 'saved' from September 2007 until they are replaced by new documents within the Minerals and Waste Local Development Framework.

The following policies (and their main subject matter) as referenced in the MLP are particularly relevant:

- Policy 1: Traffic;
- Policy 2: Noise;
- Policy 4: Dust;
- Policy 7, 9 and 10: Visual Impact and Landscape Character;
- Policy 11: Agricultural Land Quality;
- Policies 12-14: Archaeology;
- Policies 19, 20: Public Rights of Way;
- Policy 21 and 22: Restoration and Aftercare;



- Policies 23, 27, 31: Need.

These policies are summarised and considered in Appendix A.

Policy 28 of the MLP that specified an annual provision of 1.05M tpa was not saved and as such there is no local plan policy determining local apportionment.

#### 5.2.4 *The Carlisle District Local Plan (2001 -2016)*

The District Local Plan was adopted in September 2008 and is saved for three years while new plans are prepared under the 2004 Act.

The plan defers to the county Minerals and Waste Local plan for this type of development, however a small number of policies are relevant to development within the district and the proposed scheme. Including Policy CP4 'Agricultural Land', and Policy LC8 'Rights of Way'.

#### 5.2.5 *Carlisle Local Development Framework*

The Carlisle LDF will eventually replace the District policy initiated by the Core Strategy. The Strategy is at the initial Issues and Options stage and will not be relevant to the determination of this application.

### 5.3 Emerging Development Plan Policies

#### 5.3.1 *Cumbria Minerals and Waste Development Framework*

The minerals and waste development framework is the new system of plans brought in under the Planning and Compulsory Purchase Act 2004. The framework will replace the existing MLP and serve the period up to 2020.

The framework in Cumbria will comprise four Development Plan (DPD) documents:

- Core Strategy;
- Site Allocations;
- Generic Development; and
- Proposals Map

The final draft of the Cumbria Minerals Core Strategy was submitted to the Secretary of State in March 2008 and a public examination held in November 2008. The Inspectors' Report will be binding on the Council and will be the first of the DPD documents to be produced. It is understood that few changes are anticipated to the relevant aggregates chapter of the final draft. The chapter therefore provides a good indication of future policy direction.

The Mineral Core Strategy is stated as:

- to make provision for a steady and adequate supply of minerals;

- to balance the economic potential of its mineral resources with the protection of the environment, and with prudent use of them in environmentally sensitive ways; and
- to enhance the scope for using alternative re-used or recycled materials.

Some salient points contained within the strategy are;

- Geologically sand and gravel deposits (and the number of active sites) are available in the north of the County with only one in the south, (Roose Quarry located to the far west);
- Regional allocation based upon NWRAWP figure and previous MPA approach at between 700,000 and 900,000 tonnes per year (para 10.17);
- Maintaining a minimum landbank of 7 years of sand and gravel for the plan period in line with MPS 1 (para 10.12);
- the existing landbank was at 11-13 years in 2005 and that all existing planning permissions would expire within the plan period and some additional permissions would be needed within the plan period;
- that industry considers some of the reserve assessments are overstated due to quality variations;
- local supply patterns exist and in accordance with MPS 1 it may be appropriate to consider separate markets for the different grade of materials i.e. building sand, asphaltting, mortar, concreting sand and aggregate.

## 6. KEY TESTS

### 6.1 Introduction

The review of the development plan and other material planning policies undertaken in section 5 above (and Appendix B) serves to establish that there are six main tests to be applied when the MPA determines this application.

Three of these tests stem from MLP policies relating to land banks and need at existing sites. The remaining tests stem from paragraphs in other policies of the development plan. The tests include;

- is there a need to permit the extraction of further sand and gravel reserves to meet a landbank shortfall?
- is there a need to permit the extraction of further sand and gravel reserves to maintain operational continuity and diversity of supply?
- is the proposed extraction an extension to an existing site or a new development, or development of a green field site?;
- will the extraction cause an unacceptable level of environmental (including landscape and biodiversity) and amenity impact (including footpaths)?
- is restoration to agriculture and forestry and will the reclamation deliver increased nature conservation (biodiversity)? and
- will there be an impact on important archaeological remains?

### 6.2 Need

#### 6.2.1 *Background*

The main sources to be consulted in any assessment of the need for the further release of land for sand and gravel extraction in Cumbria are;

- MPS 1;
- Regional Spatial Strategy (RSS);
- Cumbria Minerals Local Plan (MLP);
- Cumbria Minerals and Waste Development Framework Annual Monitoring report (2007);
- North West Regional Aggregate Working Party Report 2006; and
- DCLG Aggregate Minerals Survey (AM2005).

#### 6.2.2 *MPS 1*

MPS 1 sets out the Government's national objectives for minerals planning, seeking to balance the needs of a developing society for primary raw materials with sustainable development and environmental protection.

Annex 1 on aggregates requires MPA's to maintain a minimum landbank of seven years, but allows for more extensive periods if appropriate to maintain satisfactory supply options and commercial viability.

#### 6.2.3 *Regional Spatial Strategy for the North West*

Policies EM7 and EM8 of the RSS require Mineral Planning Authorities to maintain an aggregate landbank of at least seven years during the period to 2020. Equating for Cumbria an annualised production rate of 0.7Mt and landbank figure of 11.20Mt (Table 9.2 on page 104).

#### 6.2.4 *Cumbria Minerals Local Plan (1994-2006)*

The MLP is now over ten years old and running three years beyond its intended adoption period. However, in the absence of an adopted replacement, and the saving of a substantial portion of the policies under the scope of the 2004 Act, it remains a central part of the Development Plan. Individual policies are reviewed in Appendix B.

#### 6.2.5 *Cumbria Minerals and Waste Development Framework Annual Monitoring Report (2006/7)*

The latest MWDF Annual Monitoring Report (AMR) confirms that sales of sand and gravel produced in Cumbria during the period has fluctuated over the last 7 years between 0.7 and 1.0Mtpa. It is also reported that the Core Strategy will undertake a review of the landbank situation on an area basis.

#### 6.2.6 *North West Regional Aggregate Working Party Report 2007*

The Annual Report for 2007 published by the North West Regional Aggregates Working Party (NWRAP) in February 2008. The report includes summaries of sales figures within the Region down to the County level for 2006.

The report (utilising figures based on industrial survey), identifies sales of sand and gravel in Cumbria averaging 0.81Mt (2000-06), and a landbank of some 13 years (at 31 December 2006).

No new sand and gravel permissions were approved in Cumbria in 2006. The North West is a net importer of aggregate, and Cumbria is the second largest producer of sand and gravel in the region after Cheshire.

#### 6.2.7 AM2006

The DCLG Aggregate Minerals Survey (AM2005) was published in 2007. The four-yearly report provides an understanding of minerals production and consumption, based on survey returns completed by industry operators.

AM2005 reveals that, in England:

- overall land-won permitted aggregate reserves at active quarries have declined by 750 million tonnes since the previous survey in 2001 (a fall of 18%);
- sand and gravel production in Cumbria amounted to 0.79Mt in 2006 (as reported by Cumbria CC);
- on sub-regional level 55% of sand and gravel arisings in the County are consumed locally.

#### 6.2.8 Key Findings

The review of minerals production and need within the context of an extension to Low Gelt results in the following key findings;

- although there is no statistical shortfall of sand and gravel per se on a County basis no figures are available for a sub-division of the sand and gravel classification into individual products;
- without an extension to the existing permitted reserves, Low Gelt Quarry will be exhausted in 2009-10;
- no alternative major replacement reserves have been secured for the long term future of Hanson's Low Gelt and Faugh Quarry;
- all existing sand and gravel permissions within the County will expire within the plan period;
- Low Gelt produces a variety of sands, including building sand, concrete sand, asphalt and mortar sands which are distributed across the region and beyond;
- Geologically, Cumbria and the National Park are restricted in natural sand and gravel deposits with the same deposits around Brampton the principal resource. It will therefore be necessary to approve additional working in this area to serve the needs of the region;
- The small scale annual output and modest extension will facilitate the fulfilment of the landbank requirement through the period of the merging plan period;
- Few environmental constraints have been identified within the Environmental Statement and indeed the restoration proposals will secure habitat benefits. Approval of these workings could mean more environmentally sensitive locations need not be considered in the near future;

#### 6.2.9 Discussion

The amount of sand and gravel production reported for the Cumbria region (including the Lake District National Park) has seen a slow decline over the last 7 years in line with National figures from around 0.95Mt to 0.79Mt in 2006 (NWRWP 2007 Report). The current landbank is considered to be in the range 11-13 years so that while theoretically there is sufficient material for the plan period there is insufficient to maintain the 7 year landbank during the plan period. Furthermore the landbank does not differentiate between material types, grouping all sand products together, when the specification for coarse concreting sand is different for fine asphalt sand and the two often don't naturally occur in workable quantities.

It is also relevant that all the existing sand and gravel permissions will expire within the period of the RSS. While continuation of working consents may be granted to complete extraction, there are only a few sites with long term potential (beyond the life of the plan) and all subject to development approval.

It is therefore important for readily accessible reserves to be secured for the long term period of the RSS, beyond the minimum land bank period required, and preference given to those where environmental impacts can be assessed as acceptable and/or can result in environmental improvement. The Low Gelt proposals are relatively small scale and will generate a range of specialist sands for local, regional and wider markets.

The application site has been despoilt by its use as a motocross circuit, which has resulted in the loss of a substantial portion of insitu soils. The accompanying Environmental Statement has found no environmental constraints to prevent the development proceeding and indeed the proposed restorations scheme will realise ecological benefits and promote local biodiversity.

### 6.3 Biodiversity Action Plan Targets

#### 6.3.1 Background

Cumbria Biodiversity Action Plan (BAP) identifies a number of habitats of local-national importance that the scheme proposes to incorporate into the restoration scheme.

There are no ecological designations within the application boundary and an ecological assessment has not identified any protected species, though a potential bat habitat has been identified for further assessment and further consideration of badgers is recommended.

The existing quarry is bounded on its eastern side by The River Eden Special Area for Conservation (SAC), The River Eden and Tributaries Site of Special Scientific Interest (SSSI) which forms part of the SAC and Gelt Woods SSSI. The features for which the SAC is designated are wet woodland and a number of aquatic/semi-aquatic

species. It has been assessed that there would be no impact on these features, as the quarry does not discharge surface water.

#### *6.3.2 Discussion*

The Cumbria Local Biodiversity Action Plan includes a list of habitats and species for which Action Plans have been prepared. The following habitats and species are of relevance to the area, but not identified within the development area:

- Upland oakwoods;
- Red squirrel.

In addition there are no established species rich hedgerows within the application area. The restoration scheme seeks to introduce 800m of species rich hedgerow along the lines of existing field boundaries.

In relation to woodlands, broadleaf woodland containing a good proportion of oak is considered inappropriate to the promotion of red squirrel due to competition with grey squirrels. Both coniferous and broadleaf woodland exists adjacent the site. Large coniferous plantations are more favourable to red squirrels to avoid grey squirrel competition, but while there is a small coniferous plantation to the immediate south of the extension area this is considered too small. Therefore, the proposed woodland planting block will be used to extend the boundary of the Gelt Woods habitat using broadleaf species as an upland oakwood/ash mix.

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## **7. ENVIRONMENTAL AND TRANSPORT ISSUES**

### **7.1 Introduction**

MPS 1 confirms that in order to achieve the national objectives for minerals planning set out in section 9 of that Statement, MPAs should carry out their functions in relation to development control in accordance with, inter alia, the national policies for the protection of heritage and the countryside as set out in section 14 of MPS 1

The key potential environmental and related impacts to be assessed in connection with the proposed development have been considered in the context of the above national policies and as part of the Scoping of the ES that accompanies this application.

As a result the ES examines the following issues in detail:

- landscape and visual impact;
- cultural heritage;
- ecology;
- the water environment (including flood risk);
- air quality;
- noise;
- highways (including road traffic and rights of way); and
- land-use.

The ES that accompanies this application provides full details of these assessments and the other matters considered - as required under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended).

### **7.2 Environmental Issues**

The assessment of the above issues carried out as part of the ES that accompanies this application serves to demonstrate that the proposed mitigation will prove effective and any residual effects are not likely to be significant.

### **7.3 Transport Issues**

The transport assessment (that forms part of the ES that accompanies this application) concludes that:



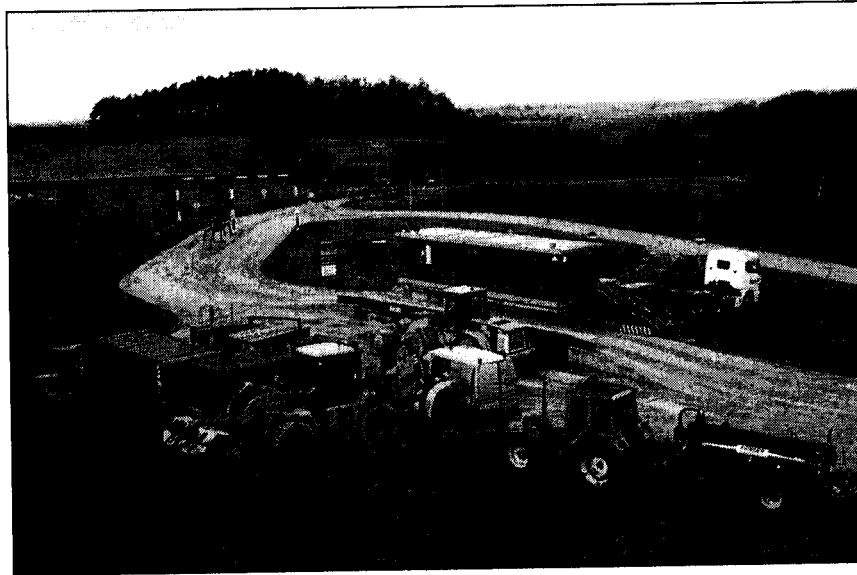
- 
- quarry-related HGV traffic would remain on the local highway network, but their number will not increase relative to that experienced in recent years;
  - the impact of quarry traffic at present is minimal in terms of the volume of traffic;
  - no mitigation is warranted in terms of road safety; and
  - there are no restrictions in terms of the road geometry required for quarry related traffic.

#### **7.4 Conclusions**

The assessment of environmental and transport issues carried out as part of the ES that accompanies this application demonstrate that there are no reasons why planning permission should not be granted on these grounds.

## APPENDIX A: PHOTOPLATES

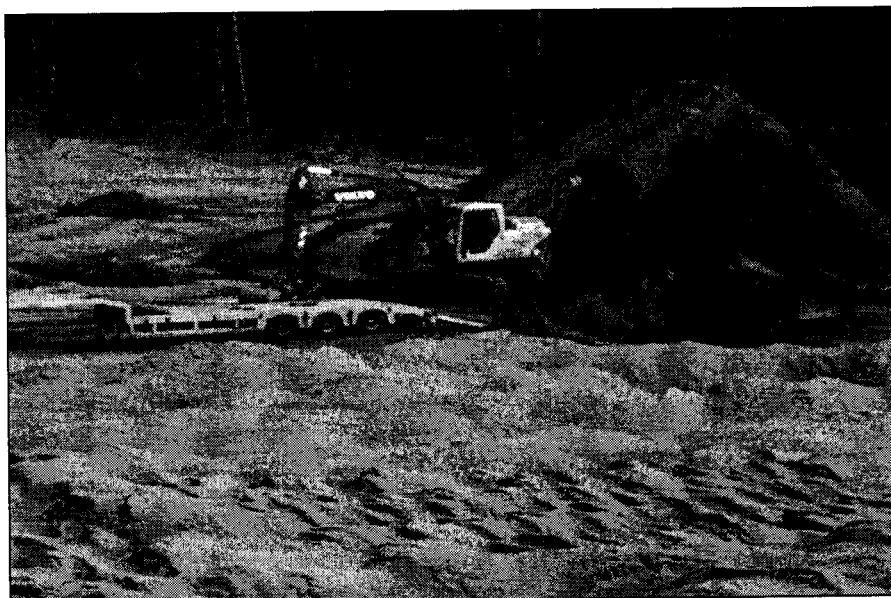
See also Aerial Image D118070.SS.004.



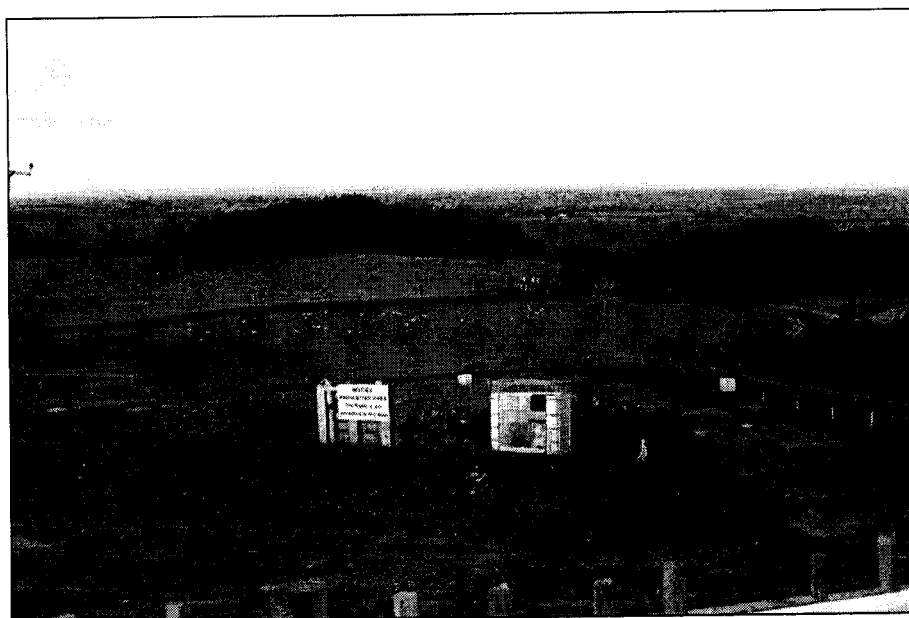
Photoplate 1: Quarry Weighbridge and Offices (Scott Wilson December 2007)



Photoplate 2: View east over existing quarry from western boundary fence, Gelt Woods in background (Scott Wilson December 2007)



Photoplate 3: Dry screening operation (Scott Wilson December 2007)



Photoplate 4: View north from motocross circuit, Rowanhill in distance (Scott Wilson December 2007)



Photoplate 5: Public Footpath FP 117003 (to be diverted and reinstated) view north from southern boundary. Existing site to right, extension area to left.



Photoplate 6: Footpath FP11703 (to be diverted and reinstated) view north to Rowanhill from edge of motocross arena.

## APPENDIX B: POLICY ANALYSIS

The following analysis provides an assessment of the degree to which the proposed development complies with the Development Plan.

### Regional Spatial Strategy for the North West

Policy No.	Commentary	Compliance
EM7 and 8	<p>Policies EM7 and EM8 make reference for Local Plans to reflect national guidance on the adequacy of supply, provision of landbanks, the allocated regional apportionment, the safeguarding of resources and the balance of imports, exports and alternative supplies e.g. secondary and marine.</p> <p>The proposal accords with the requirement to provide continuation of adequate supplies of sands and will make a relatively small but important contribution to the landbank over the period to 2016.</p>	✓

### Cumbria and Lake District National Park Joint Structure Plan (2001-2016)

Policy No.	Commentary	Compliance
RE47	<p>Policy RE47 states land will be made available to provide an adequate supply of minerals and maintain the landbank. Permission would not be granted if there was unacceptable impact on the local community, environment and transport system.</p> <p>It follows that the proposed development complies with Policy RE47.</p>	✓

Cumbria Minerals and Waste Local Plan (2005)

Policy No.	Commentary	Compliance
1	<p>Policy 1 states that planning permission for minerals development which generate traffic will only be granted if the roads affected are of appropriate standard, have sufficient capacity and any increase in volumes would not have an unacceptable impact. Proposals with good links to the strategic route will be favoured.</p> <p>The proposed means of access is the same as that currently used to serve Low Gelt Quarry and no increase in output over existing volumes is proposed. The access from the trunk road is very short and volumes small. The recent S73 application raised no issue on highway grounds at this level of output and the EIA has raised no new issues.</p> <p>It follows that the proposed scheme should be found equally acceptable.</p>	✓
2	<p>Policy 2 states that planning permission for minerals development will only be granted if noise levels are acceptable.</p> <p>The site is a low noise generating operational in a rural setting with few sensitive receptors. The ES includes a noise risk assessment and mitigation measures that indicates noise will comply with planning guidance.</p> <p>It follows the scheme meets the requirements of Policy 2.</p>	✓
4	<p>Policy 4 states that planning permission will only be permitted if dust and odour levels are acceptable.</p> <p>The scheme is a low dust generating operation with no history of dust complaints. The ES includes a dust risk assessment that indicates the risk from airborne emissions is acceptably low.</p> <p>It follows the application is in accordance with the policy.</p>	✓

7,9 and 10	<p>These policies relate to the visual and landscape impact of the scheme so that impacts should be mitigated by screening, and would not be detrimental to distinctive land character areas.</p> <p>The site lies outside any protected landscape area, is a temporary use of land that the proposed restoration scheme seeks to integrate into the landscape and will replace an area of despoilt land with open grassland and woodland.</p> <p>The Landscape and Visual Impact Assessment included in the ES that accompanies this application concludes that the scheme design and mitigation measures included will be successful in achieving these policy objectives.</p>	✓
11	<p>The policy states that development on the best and most versatile agricultural land would only be approved where the site can be satisfactorily restored.</p> <p>The soil and agricultural assessment identified the soils to be outside of categorisation due to the impact of the motocross circuit. The scheme proposes careful removal of remaining soils and re-establishment of agricultural use and woodland. The impact is therefore beneficial.</p>	✓
12-14	<p>Policies 12 -14 state that planning permission for minerals development will not be granted where nationally important archaeological remains will be destroyed and that planning permission will only be granted for development that will affect archaeological remains of local importance where there are overriding reasons and where provision is made for evaluation prior to determination.</p> <p>The proposed extension is outside an area of known archaeological interest, the surface layers have been significantly eroded by the motocross circuit and as such it has been agreed with the County Archaeologist the potential for archaeology remains is minimal and no further evaluation is required.</p> <p>The policies have therefore been satisfied.</p>	✓

19-20	<p>These policies relate to mineral works that would affect a public right of way (PROW) and the provision of new PROW in restoration schemes.</p> <p>The scheme will impact upon a PROW and therefore includes measures to divert the route during the period of works and then reinstate the route along its original alignment within the restorations scheme.</p> <p>The scheme therefore meets the requirements of the policy/</p>	✓
21, 22	<p>These policies relate to the method of restoration and requirement for a scheme of aftercare.</p> <p>Restoration is favoured to agriculture, forestry and amenity (including nature conservation).</p> <p>The restoration scheme seeks to recover the area of the despoilt motocross circuit to agriculture with area of broadleaf woodland and species rich hedgerow introduced along field boundaries in accordance with the proposals set out in the Cumbria Biodiversity Action Plan.</p> <p>It follows therefore that the scheme satisfies the policy</p>	✓
23	<p>Policy 23 relates to the contribution a development makes to the social and economic needs of the County, including employment and investment.</p> <p>The site employs 2 full time staff, living locally, and around 12 contract drivers in addition to additional jobs at Hanson concrete sites that are dependant on the Low Gelt sand supplies. In addition servicing and management jobs are retained by Hanson on a regional basis.</p>	✓



27	<p>Policy 27 states that in determining need for the mineral, national/regional and local need will be considered; the location amount and volumes to be worked, and the availability of less damaging alternative sources.</p> <p>As described in section 6.2 above the quarry supplies a local, regional and intra-regional demand for sand aggregates of various types. The established Low Gelt Quarry is in a location with no recognised significant impacts, the ES identifies few environmental constraints when taking into account the proposed mitigation measures. Restoration is considered to provide benefits over the present use of the extension area as a motocross circuit.</p> <p>It follows therefore that the scheme satisfies this policy.</p>	✓
31	<p>Policy 31 relates to extraction of aggregate in the North, East and South of Cumbria where there is a demonstrable need unless significant benefits would accrue to the community or the environment.</p> <p>Section 6.2 above demonstrates a need to provide additional resources to fulfil the requirement of the land bank across the plan period (to 2016). In addition the quarry produces a range of sand grade products undifferentiated in the apportionment figures such as asphalt sand and concreting sand.</p> <p>The extension area will result in the end of the current use as a motocross circuit and restoration to a more diverse habitat, which will contribute to local BAP and environmental targets.</p> <p>The scheme therefore meets the requirements of the policy.</p>	✓

Carlisle District Local Plan (2001-2016)

Policy No.	Commentary	Compliance
CP4	<p>The policy relates to the loss of the best and most versatile agricultural land.</p> <p>The scheme will not impact on best and most versatile land but will help reinstate the despoilt area of the motocross circuit and the wider quarry to productive agricultural grassland.</p> <p>It follows the scheme meets this policy.</p>	✓
LC8	<p>Policy LC8 relates to the retention of PROW, diversions and alternatives.</p> <p>The scheme proposes the temporary diversion of an existing PROW and re-establishment on its original route as part of the restoration scheme.</p> <p>The scheme therefore meets the criteria of the policy.</p>	

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## **PLANS**

# **POLICIES CONTAINED IN CUMBRIA MINERALS AND WASTE LOCAL PLAN ADOPTED IN MAY 2000**

Policies not listed below expired on 27th September 2007.

## **POLICY 1**

Proposals for minerals and waste development which generate road traffic will only be permitted where:

- i. the roads, junctions and site access are to the appropriate standard, or they can be upgraded without causing irreversible damage to the character of the road, so that the road network is capable of accommodating the type and volume of traffic without having an unacceptable impact on highway safety or the convenience of other road users; and
- ii. the increase in traffic would not have an unacceptable impact on local communities by reason of visual intrusion, fumes, dust, noise and vibration.

Proposals for sites with good links to the strategic route network will be favoured.

## **POLICY 2**

Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

## **POLICY 3**

Blasting will only be permitted where it will not cause unacceptable disturbance to surrounding land uses.

## **POLICY 4**

Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.

## **POLICY 5**

Proposals for minerals and waste development will only be permitted where any change in surface and groundwater levels and flows will not have an unacceptable impact on water abstractions or the future use of the water resource.

## **POLICY 6**

Proposals for the extraction of minerals from watercourses or beaches will not be permitted.

## **POLICY 7**

Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.

## **POLICY 9**

Proposals for minerals and waste development which would be detrimental to the distinctive character of a designated County Landscape will only be permitted where the detriment will be temporary.

**POLICY 10**

Proposals for minerals and waste development outside AONBs, the Heritage Coast and County Landscapes will be permitted provided there will not be unacceptable permanent harm to features of local landscape significance.

**POLICY 11**

Proposals for minerals and waste development on the best and most versatile agricultural land will only be permitted where the site can be restored to a condition equivalent to at least the original quality of the agricultural land within five years from the completion of the restoration.

**POLICY 12**

Proposals for minerals and waste development which would adversely affect a nationally important archaeological site or monument, whether scheduled or not, or its setting, will not be permitted unless the site can be preserved in situ.

**POLICY 13**

Proposals for minerals and waste development on sites where there is good reason to believe there are remains of archaeological importance will only be permitted where evaluation is carried out prior to determination.

Proposals for minerals and waste development on other sites will require an evaluation and, where necessary, provision for an appropriate field investigation prior to the development commencing.

In all cases an archaeological evaluation will comprise a documentary search and normally a detailed site inspection and/or systematic prospecting trenching, carried out by a suitably qualified and experienced person or organisation.

**POLICY 14**

Proposals for minerals and waste development where there is evidence of archaeological remains, but which do not warrant preservation, will only be permitted if provision is made for an appropriate field investigation to be carried out.

The type of archaeological field investigation required will be determined by the nature and importance of the remains and the type and impact of the proposed development.

**POLICY 19**

Proposals for minerals and waste development which would affect a public right of way will only be permitted where:

- i. users of the route can be adequately protected from the adverse effects of the development through screening, segregation or other measures as appropriate; and
- ii. in the event that the route would be lost, either temporarily or permanently, a satisfactory alternative can be established or can be shown to be unnecessary.

**POLICY 20**

The County Council will seek, where appropriate, the provision of public access including new public rights of way within restoration schemes.

#### **POLICY 21**

There will be a presumption in favour of restoring mineral and waste sites to agricultural, forestry and amenity (including nature conservation) afteruses following temporary developments. Restoration to agriculture will be required where the loss of agricultural land would adversely affect the economic viability of the farm holding.

#### **POLICY 22**

The County Council will require a scheme of aftercare, for up to five years, for land being restored to amenity, forestry or agricultural afteruses. For proposals where a further period of management is considered to be necessary the County Council will need to be satisfied that this will be provided.

#### **POLICY 23**

In assessing the extent to which proposals for minerals and waste development meet the social and economic needs of the County's population and help maintain rural communities, the following will be taken into account:

- i. the number, type and duration of direct and indirect jobs to be generated or maintained and how many will be or are occupied by local people; and
- ii. the opportunities for the development of skills of locally employed people; and
- iii. the level and nature of investment in the local economy from wages and use of local businesses; and
- iv. the impact on economic development initiatives and neighbouring businesses, including tourism.

#### **POLICY 24**

Mineral resources will be safeguarded from sterilisation. The County Council will oppose development proposals within Mineral Consultation Areas which would prevent or prejudice potential future mineral extraction unless it is satisfied that the area affected does not contain a workable mineral deposit; or there is an overriding need for the development and the mineral cannot be extracted in advance.

#### **POLICY 25**

Proposals for the extraction of minerals prior to development which would otherwise sterilise proven mineral deposits will be permitted except where prior extraction would prejudice the development of the land or would not take place within a reasonable timescale.

#### **POLICY 26**

Proposals for the importation and processing of waste or low grade materials to produce mineral products will be permitted at active quarries for a temporary period not exceeding the permitted life of the quarry, where this can be accommodated without prejudicing the operation or restoration of the quarry.

#### **POLICY 27**

In assessing proposals for the extraction of minerals which are accompanied by an Environmental Statement or where there are material planning objections or where Local Plan Policies 29, 30, 31, 33, 34, 36 and 43 apply, the following will be taken into account in determining the need for the mineral to be worked:

- i. national, regional and local need as appropriate; and
- ii. the location, amount, quality and type of existing permitted reserves and the rate at which they are likely to be worked; and

- iii. the availability of less damaging alternative sites or sources of supply.

The particular needs of an individual mineral operator will not be taken into account unless it can be demonstrated that special considerations should apply.

#### **POLICY 30**

In the West Cumbria production area proposals for the extraction of sand and gravel from land within the Aldoth area of search and the Bullgill and Cardewmires preferred areas will be permitted subject to there being a demonstrable need. Planning permission will not be granted elsewhere unless a need can be demonstrated which cannot be met from the area of search, the preferred areas or existing sites, or unless significant benefits would accrue to local communities or the environment.

#### **POLICY 31**

Proposals for the extraction of sand and gravel in the North, East and South Cumbria production areas will only be permitted where there is a demonstrable need unless significant benefits would accrue to local communities or the environment.

#### **POLICY 32**

Proposals for the development of new quarries for the extraction of general crushed rock aggregates will not be permitted unless there is a demonstrable need and significant benefits would accrue to local communities or the environment.

#### **POLICY 33**

Proposals for quarry extensions to provide general crushed rock aggregates will not be permitted unless there is a demonstrable need or significant benefits would accrue to local communities or the environment.

#### **POLICY 34**

Proposals for the extraction of High Specification Aggregates will not be permitted unless there is a demonstrable national or regional need or significant benefits would accrue to local communities or the environment

#### **POLICY 35**

Proposals for the extraction of minerals from borrow pits will be permitted provided there are net environmental and economic benefits compared with supplying the minerals from existing quarries.

#### **POLICY 36**

Proposals for the extraction of high purity limestone will only be permitted where there is a demonstrable national or regional need and it will be used primarily for non aggregate uses or where significant benefits would accrue to local communities or the environment.

#### **POLICY 37**

Unless there would be significant benefits to local communities and the environment sufficient to outweigh any non-compliance with the following criteria, opencast coal extraction will only be permitted where:

- (i) there would be no material adverse impact on local communities, including that arising from the cumulative impact from other permitted and previous opencast coal operations; and
- (ii) there would be no material adverse impact on a designated landscape; and
- (iii) it would not inhibit the ability of West Cumbria to attract inward investment, economic development and tourism; and

- (iv) the working life to the cessation of coaling has been minimised commensurate with the environmental and amenity impacts and the market place, and in any event should not exceed ten years.

**POLICY 38**

Planning permission will not be granted for opencast coal extraction in the Alston/Nenthead and East Fellside areas.

**POLICY 40**

Proposals for the appraisal, drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.

**POLICY 41**

Proposals for the commercial production, processing and transporting of oil or gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).

**POLICY 42**

Planning permission will not be granted for minerals and waste development which would adversely affect peatlands of high nature conservation or archaeological value.

**POLICY 43**

Proposals for peat extraction will only be permitted where:

- i. there is a demonstrable national requirement for the peat to be worked; and
- ii. where the site has already been significantly damaged by recent human activity and is of limited or no current nature conservation or archaeological value; and
- iii. the restoration scheme, wherever practicable, gives priority to wetland rehabilitation and to the enhancement of the nature conservation resource.

**POLICY 44**

Schemes of working, restoration and afteruse will be sought at existing peat working sites to safeguard areas of important nature conservation interest and to maximise the potential for restoration of the sites to appropriate nature conservation afteruses.

**POLICY 45**

Planning permission will only be granted for the extraction of gypsum from the Stamp Hill preferred area if it can be demonstrated that the supply of desulphogypsum is insufficient to meet the production requirements of the Kirkby Thore works and the gypsum is:

- i. only to be used at the Kirkby Thore Works; and
- ii. transported to the works by conveyor.

**POLICY 48**

Proposals for new building stone quarries which raise significant planning objections may be permitted only where it can be demonstrated that the material cannot be adequately supplied from existing sources.



**POLICY 52**

Proposals for Scrapyards, Vehicle Dismantlers, Materials Recovery Facilities, Transfer and Storage Facilities to facilitate materials re-use and recycling will be permitted on industrial sites provided that they do not have an adverse impact on surrounding landuses and do not prejudice the overall development of the area.

**POLICY 53**

Proposals for Construction and Demolition Waste Recycling Facilities will be permitted at active quarries and landfill sites for a temporary period not exceeding the permitted life of the quarry or landfill site, where they can be accommodated without prejudicing the operation or restoration of the site.

**POLICY 54**

Proposals for temporary Construction and Demolition Waste Recycling Facilities will be permitted, subject to the submission of a satisfactory scheme, at:

Hespin Wood Landfill Site, Carlisle  
Todhills Landfill Site, Carlisle  
Tendley Quarry, Cockermouth  
Moota Quarry, Cockermouth  
Roose Sandpit, Barrow in Furness

A proposal for a permanent Construction and Demolition Waste Recycling Facility at Blencowe Quarry, Penrith will be permitted subject to the submission of a satisfactory scheme and it not prejudicing the overall development of the area.

**POLICY 55**

Proposals for Civic Amenity Sites will be permitted at industrial sites and non-inert landfill sites.

At non-inert landfill sites they will only be permitted for a temporary period not exceeding the permitted life of the landfill site where this can be accommodated without prejudicing the operation or restoration of the site.

**POLICY 56**

Proposals for the composting of waste will be permitted where surrounding landuses can be adequately safeguarded from odours and emissions by one of the following methods:

- i. the composting of appropriate types of waste;
- ii. an acceptable stand off distance;
- iii. enclosure of the composting within a building or other methods of enclosure;
- iv. the use of other techniques to control harmful or noxious emissions to atmosphere.

**POLICY 57**

Proposals for the landspreading of waste will be permitted where there will be no significant degradation of land quality through the build up of contaminants.

**POLICY 59**

Proposals for the physical, chemical or biological treatments of waste will be permitted where:

- i they reduce the potential of waste to pollute the environment; and
- ii they are situated on an industrial site provided that they do not have an adverse impact on surrounding land uses and do not prejudice the overall development of the area; or
- iii at a non-inert landfill site where required for pre-treatment of waste or treatment of leachate, where they can be accommodated without prejudicing the operation or restoration of the site.

**POLICY 60**

Planning permission will be granted for wastewater treatment facilities. Proposals which are likely to have significant adverse effects on the environment or communities will only be permitted where they represent the best practicable environmental option.

**POLICY 62**

Proposals for the disposal of waste by landfill will only be permitted where there is a demonstrable need for additional landfill capacity.

In assessing whether there is a demonstrable need for additional landfill capacity the following will be taken into account:

- i. the availability of facilities to manage the waste higher up the hierarchy of options (Local Plan Policy 50); and
- ii. how the proposal contributes to providing an integrated and adequate network of waste management facilities to cater for wastes arising in the County (Local Plan Policy 51); and
- iii. whether the proposal would seriously prejudice the infill and restoration of existing sites (Structure Plan Policy 60) and whether permitted landfill capacity comprises an adequate landfill capacity bank. It will be necessary to show that permitted landfill capacity is only sufficient for seven years or less for non-inert waste or four years or less for inert waste, or in the case of proposals to dispose of inert waste arisings from major construction projects at dedicated sites that there are net environmental and economic benefits compared with disposing of the waste at existing sites.

**POLICY 63**

Where there is a demonstrable need for additional landfill capacity, proposals which will satisfactorily restore mineral workings and other derelict land will be favoured.

Proposals involving landraising will only be permitted where the landform to be created reflects the character and scale of the surrounding topography and on restoration will fit naturally into the landscape of the area.

**POLICY 64**

Proposals for the disposal of non-inert waste by landfill will only be permitted where surrounding landuses can be adequately safeguarded from potential nuisance and hazard. Proposals which do not include the provision of a standoff of 250 metres from residential properties and other sensitive receptors will require special justification.

**POLICY 65**

The County Council supports the extension of landfilling at Kendal Fell Quarry subject to appropriate safeguards to protect the environment and the amenity of local residents.

**POLICY 66**

Planning permission will be granted for the disposal of inert waste to landfill at Kendal Fell Quarry subject to the submission of a satisfactory scheme.

**POLICY 67**

Planning permission will be granted for the disposal of inert waste to landfill at Roose Sand Pit and Mouzel Farm subject to the submission of a satisfactory scheme

**POLICY 69**

Where it is not possible to achieve the necessary control through the use of planning conditions alone the County Council will, where appropriate, seek a planning obligation or other legal agreement.

**POLICY 70**

The County Council will require applicants to demonstrate with their application what the likely financial and material budgets for restoration, aftercare and after-use will be, and how they propose to make provision for such work during the operational life of the site, including where appropriate, any necessary financial guarantees.

Where the County Council considers that adequate provision has not been made to fulfil the proposed restoration and aftercare works, planning permission will be refused.

**NOTE**

Policies were NOT included, and are not saved, where they repeated national policies, or Cumbria and the Lake District Joint Structure Plan policies. For example matters such as biodiversity are now covered by Planning Policy Statement 9.

Some policies that related to developments that have since been completed were also omitted.

## SCHEDULE A: Applications with Recommendation

09/0441

**Item No: 10**

Date of Committee: 21/08/2009

**Appn Ref No:**  
09/0441

**Applicant:**  
Mrs Jane Turnbull

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
29/05/2009

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

**Ward:**  
Dalston

**Location:**  
L/Adj to Wreay Syke Cottage, Wreay, Carlisle, CA4  
ORL

**Grid Reference:**  
343597 549118

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**Proposal:** Erection of Detached Dwelling with Detached Garage

**Amendment:**

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### REPORT

**Case Officer:** Dave Cartmell

### Reason for Determination by Committee:

The Report is placed before Committee as it requires Members authorisation for the preparation and entering into by the applicant and the Council of a Deed of Variation to an existing S106 Agreement for the reasons that are set out in the Report.

### 1. Constraints and Planning Policies

#### Tree Preservation Order

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

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

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

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP4 - Agricultural Land**

**Local Plan Pol CP5 - Design**

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

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

**Cumbria County Council - (Highway Authority):** no objection to this application but recommend two conditions are included in any consent the Council may grant;

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

**United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters:** no objection;

**Development Services Planning & Housing Services - Local Plans:** have the following comments to make. The proposal is a full application and is a revision to the outline 08/0841. The revised application has been submitted to enable the dwelling to be re positioned within the site with the erection of a garage on the site of the existing Nissen hut.

This application is for the erection of a family home to cater for the needs of an existing family in Wreay whose current living arrangements are no longer satisfactory. As stated in response to the previous application policy H1 of the Carlisle District Local Plan lists Wreay as a settlement suitable for small-scale infill development where it meets the criteria set out in the policy and is evidenced by a local need to be in the location specified. The principle of a local needs dwelling in this location has been established through the outline consent. Satisfactory evidence of local need was provided previously to meet the criteria set out in the draft Planning Obligations SPD.

As this is an alteration to the layout of the scheme the principle of the provision of the local needs dwelling is still considered to be acceptable, I therefore have no objection to the revised scheme. However in order to comply with Policy H1 and secure occupancy of the dwelling to meet future local housing need a revised legal agreement will be required;

**St Cuthberts Without Parish Council:** support the proposal on the basis that approval is within the conditions imposed on the original outline consent;

**Local Plans (Tree Preservation), Development Services:** have the following comments/observations to make on the above proposals.

The development site is located outside the Village boundary in open countryside, and whilst I accept the principle of development on this site following the granting of outline consent 08/0841 I consider the proposed dwelling is unacceptable.

The large one and a half story proposed dwelling with the garage in front of the house adjacent the road will be a significant visual detractor within the landscape when approaching Wreay from Carlisle the mass of the proposal being exacerbated due to the detached roadside garage. Whilst there is a dwelling opposite this is considerably smaller in size, and more in keeping with the character of the location.

At present when approaching Wreay the view towards down this road is dominated

by the block of trees and individual roadside trees at Wreay Syke Cottage protected by Tree Preservation Order 232. To ensure that the visual amenity is not reduced significantly should any proposal to develop a dwelling on this site prove acceptable a landscaping scheme to screen the dwelling will be required. The landscaping screen must be of a similar style to that of the protected block of trees and this will need space to grow to maturity without the need for pruning or being so close to the dwelling that it is oppressive to the residents.

Also required, should the application prove acceptable, is a scheme of tree protection in accordance with BS 5837:2005 to protect the rooting area of the protected tree block along the southern boundary of the site. This must be agreed in writing and implemented prior to commencement of any works on site.

Subsequently, the Tree Officer has advised that the landscaping to the northern boundary should be deeper to provide better screening when approaching Wreay and have a similar character to that block of trees to the south. Some understorey shrub planting along the outside edge will increase density and would help with screening. The location of the tree protection barriers is acceptable; however, a specification for the barriers is required.

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

#### **Representations Received**

Initial:		Consulted:	Reply Type:
Wreay Syke Fold		02/06/09	Support
House	Bourne	02/06/09	
Littleway		02/06/09	

3.1 Publicity was given to the proposal by site and press notice and direct notification of neighbours. One letter of support for the application has been received.

### **4. Planning History**

4.1 Outline planning permission (08/537) was refused on the grounds that: (1) the applicant had failed to establish that there is a local need specific to this location and (a) the proposal does not constitute infill development and (b) the indicative dimensions of the building could result in a house of a scale inappropriate to this location and (2) the access is unsatisfactory.

4.2 Outline planning permission (08/841) for a dwelling for local occupancy was issued in March 2009 following completion of a S106 Agreement.

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

#### **Introduction**

- 5.1 This is an application for Full Planning Permission for a new dwelling with a detached garage to be constructed on land to the north of Wreay Syke Cottage on the east side of the unclassified road linking Wreay with Carlisle.
- 5.2 The site is generally vacant but is partly occupied by a brick and corrugated shed currently used for storage purposes. There are houses opposite the site (Wreay Syke Fold) and to the south (Wreay Syke Cottage). The site falls gently from the road to the east and there are stock proof post and wire fences on the north, east and southern boundaries. The roadside boundary is formed by iron railings on the remains of a stone wall.

## **Background**

- 5.3 Outline Planning Permission (08/0841) was granted in March of this year for the erection of a dwelling at this site subject to conditions and a Section 106 Agreement to ensure that the house would remain available in perpetuity as 'affordable housing' to satisfy local needs.
- 5.4 The applicant has now submitted a Full application as the site of the proposed house is partly outwith the development "zone" and dimension parameters of the dwelling that are specified in the S106 Agreement (but not as conditions of the outline permission). The submission has, however, highlighted a matter which requires Committee's further consideration.

## **Details of the Proposals**

- 5.5 The proposal before Committee is for a substantial one and a half storey detached house with a living room, study, family room/kitchen, playroom, utility and cloakroom on the ground floor and four bedrooms (one en suite) and bathroom on the upper floor. A covered patio projects from the southeast gable. The house has a footprint of approximately 130 square metres and a ridge height of 7 metres. The eaves height varies from 4.5 metres on the northeast elevation and 2.5 metres part of the southwest elevation (i.e. facing the road). The garage has a floor area of 44 square metres, a ridge height of 5.5 metres and an eaves height of 2.5 metres.
- 5.6 The detailed design incorporates the following features:
1. the walls are to be random coursed natural stonework to the garage, study gable of the house and chimney stack. The remaining walls are to be buff sandstone coloured cement render with cast stone lintels, cills and surrounds, copings and quoins etc;
  2. the roof is to be of natural slate with a Terracotta Ridge;
  3. external doors and windows are to be painted timber;
  4. a random natural buff sandstone boundary wall is to be erected to the road side and new entrance;

5. details of tree planting proposals for the northwest, west and southwest boundaries have been submitted together with confirmation that tree protection barriers will be erected in the northwest corner and along the southern boundary of the site. Only one of the existing trees identified in the Tree Survey is to be retained but substantial replacement planting is proposed;
  6. the proposed new parking/turning area is to be self draining gravel, while the new site entrance is to be concrete block paving and
  7. footpaths and paving around the building are to be gravel and imitation stone paving flags.
- 5.7 The application is supported by a Design and Access Statement and a copy of a Consent to Discharge secondary treated effluent issued by the Environment Agency. The Design and Access Statement further advises that:
1. the existing stone wall within the site is to be taken down and re-used in the new stone wall proposed for the site boundary;
  2. the existing field access point is to be altered to provide access to the site and incorporate a minimum 2.4 metre by 120 metre visibility splays;
  3. the property will be designed in accordance with Approved Document M of the Building Regulations and all other relevant legislation relating to access to and within the buildings by people with disabilities;
  4. foul drainage is to discharge to a private sewage treatment plant located in the garden to the east of the house, the outfall from which is to discharge via soakaways; and
  5. surface water drainage is also to soakaways.

## **Assessment**

- 5.8 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise. As Members know, the Development Plan comprises the North West of England Plan Regional Spatial Strategy to 2021, saved Structure Plan Policies and the Carlisle District Local Plan 2001-2016.
- 5.9 In consideration of this application Policies DP1, CP1, CP4, CP5, CP12, and H1 of the Carlisle District Local Plan (adopted September 2008) are relevant. These policies seek to ensure that, in the context of the Spatial Strategy and Development Principles set out in the adopted Local Plan, new housing development outwith Carlisle should be in locations which will assist in reducing the need to travel. It, therefore, focuses development on the two Key



Service Centres (Brampton and Longtown) plus limited small scale development in identified Local Service Centres.

5.10 The only other exceptions with regard to housing in the rural area (apart from dwellings needed for agriculture or forestry or "exception sites" such as for an RSL) is small scale infilling (defined as development between an otherwise continuous frontage) within specified settlements where there is evidence of a local need to be in that location. The relevant Local Plan policy (Policy H1) seeks to ensure that development in such locations achieves the following objectives:

1. it is well related to the landscape of the area and does not intrude into open countryside;
2. the scale of the proposed development is well related to the scale, form and character of the existing settlement;
3. the layout of the site and the design of the building(s) is well related to existing property in the village;
4. the siting and design of the building(s) is well related to and does not adversely affect the amenity of neighbouring property;
5. appropriate access and parking can be achieved;
6. the proposal will not lead to loss of amenity space within or at the edge of the settlement;
7. the proposal will not lead to the loss of the best and most versatile agricultural land; and
8. adequate arrangements are made for the disposal of foul and surface water drainage.

5.11 Wreay is identified in the Carlisle District Local Plan (2001-2016) as one of the latter categories of settlement where small scale infilling will be allowed where there is evidence of a local need. Since "local need" for the site under consideration has been established by the granting of the previous outline permission (08/841), and is specifically defined within the S106 Agreement as it stands, the key issue in relation to this detailed application is whether the proposal satisfies the above criteria.

5.12 Considering the proposal against these criteria and the sustainability objectives:

1. the site of the house includes land currently occupied by a nissen hut (80 square metres) and open storage of building equipment (including scaffolding). The remainder of the site is part of a field. Although the site lacks any significant natural screening (there are fences on the northern and western boundaries and no enclosure on the east) it is considered that there is sufficient space to achieve a landscaping scheme which

would integrate a house of appropriate scale and design into the landscape;

2. the house is to be of a mixture of natural stone and buff coloured render with natural slate roofing and several vernacular features, including random coursed stone, coped gable features and cast stone quoins, cills, jambs, lintels and door surrounds. Although properties in Wreay are predominantly of stone there are several which are rendered or part rendered including the property to the immediate south;
  3. although outwith the main concentration of development within Wreay, the proposed development lies immediately north of Wreay Syke Cottage and opposite is a single storey cottage (Wreaysike Fold). Approximately 60 metres to the north, on the opposite side of the road, is another cottage (Candlemas);
  4. the application is supported by the occupier of the only immediately adjacent property (Wreaysike Fold) and the siting of the proposed house is approximately 33 metres from that property the garage is 23 metres away). The nearest property to the south is almost 50 metres distant with intervening trees. It is not therefore considered that the proposed development will not adversely affect the amenity of neighbouring property;
  5. subject to conditions being attached with regard to the access and the provision within the site for the parking, turning and loading/unloading of vehicles, the Highway Authority has no objection to the proposal;
  6. the best quality agricultural land is defined as Grades 1, 2 and 3a. The land at Wreay is classified generally as Grade 3 but is not subdivided. It is considered that the loss of approximately 0.17 ha of this grade of land, from a field which does not form part of an agricultural holding, is not a significant issue; and
  7. since the applicant is currently resident in a property adjoining the site, it is not considered that there will be any significant change to the amount of travel by car. It can therefore be argued that the proposal accords with the sustainability objectives of the Development Plan.
- 5.13 In overall terms, there is absolutely nothing objectionable about the detailed design (as described above) or the external finishes, the siting, access, impact on the landscape etc. Equally, there is no concern in terms of the physical impact or the scale of the dwelling: it is a commendable, well proportioned, attractive home which will enhance the village and approaches to it. That said, any examination of the accommodation being proposed instantly questions its credentials as an "affordable" house in relation to the normal expectations of size, internal space and accommodation being provided.
- 5.14 However, in reviewing this recent application it has become apparent that the existing legal agreement, and implicit within that the "outline" approval to which it is linked, is based on an entirely false premise that the dwelling had to

be "affordable". As such, the existing S106 Agreement has obligations about the property being an "affordable unit"; it requires any future sale to be at not more than 70% of open market value, as well as restricting occupation to at least one person who satisfies a definition of a "Qualifying Person" i.e. local occupancy.

- 5.15 In other circumstances (exceptions sites under Policy H5) the impositions within the S106 Agreement as spelled out above might be appropriate but in relation to adopted planning policy as it applies to Wreay, Policy H1 actually **only** requires the latter to be met and there is absolutely no requirement under the policy for the dwelling to be "affordable".
- 5.16 It is fortunate that the current "Full" application has been made as, through scrutiny of the proposals, the Council has been able to recognise that the restrictions contained within the existing S106 Agreement are misplaced and un-founded on the basis of adopted planning policy. The proper course of action is, in fairness to the applicant, to remedy that unsatisfactory situation by a "Deed of Variation" to the existing S106 Agreement so that it refers to the "local need" requirement having to be met i.e. the existing definition of a "Qualifying Person" but all other references to "affordable unit" or "affordable price" etc being omitted.
- 5.17 In making that recommendation, in line within the requirements of Policy H1, Officers consider it is important to emphasise to Committee that the existence of a "Qualifying Person" restriction has the effect of reducing the dwelling's value to that which might otherwise pertain under "open market" conditions so in that regard is achieving some element of catering for less affluent persons. Similarly, if the property is sold with that restriction in the future it could well allow an existing "local" family to step up from more modest, and hence more affordable, accommodation.

## Conclusion

- 5.18 In conclusion therefore:
1. while the proposed location is not strictly an 'infill site' and is outwith the main concentration of buildings in Wreay, the principle of development has already been accepted by the previous outline consent;
  2. the site is not isolated from the settlement as there are existing dwellings, immediately to the south, and on the opposite side of the road;
  3. the development will be beneficial in resulting in the removal of a non-conforming use and a non-traditional building; and
  4. through appropriate conditions requiring the submission of details of the external materials to be used and supplementary landscaping/tree protection details, it is considered that the scale and design of the house and garage are acceptable in this location and the proposal would not have a significant adverse effect on the character of the landscape or existing settlement.

- 5.19 It is thus considered that the proposed development accords with the provisions of the Development Plan and, as there are no material considerations which indicate that it should be determined to the contrary, it should be determined in accordance with the Development Plan.
- 5.20 The application is, thus, recommended for approval subject to appropriate conditions and to the prior attainment of a Deed of Variation to the existing Section 106 Agreement to ensure that the occupation of the dwelling is restricted to at least one person who meets the "Qualifying Person" definition within the existing S106 Agreement but that the Deed of Variation otherwise remove the "affordable" categorisation.

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

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

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

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

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

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

- 6.3 The proposal has been considered giving due regard to the provisions of the Act. It is not considered that the proposal would conflict with the Act. Where any conflict is perceived it is not considered that such conflict would be significant enough to warrant refusal of the application.

## **7. Recommendation - 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. A sample panel of the sandstone to be used in the construction of the garage

and the facing gable of the study shall be submitted to and approved in writing by the Local Planning Authority before any construction work on site is commenced.

**Reason:** To ensure compliance with criterion 3 of Policy H1 and criterion 1 of Policy CP5 of the Carlisle District Local Plan.

3. No development shall take place until details of a landscaping scheme, to include additional understorey planting on the northwestern boundary, have been submitted to and approved by the local planning authority.

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

4. 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 2001-2016.

5. No development shall take place until details of the tree protection barriers have been submitted to and approved by the local planning authority which barriers shall be retained in place for the duration of the development works in the positions shown on Plan 08105/06.

**Reason:** To protect the integrity of existing trees in accordance with the objectives of Policy CP3 of the Carlisle District Local Plan.

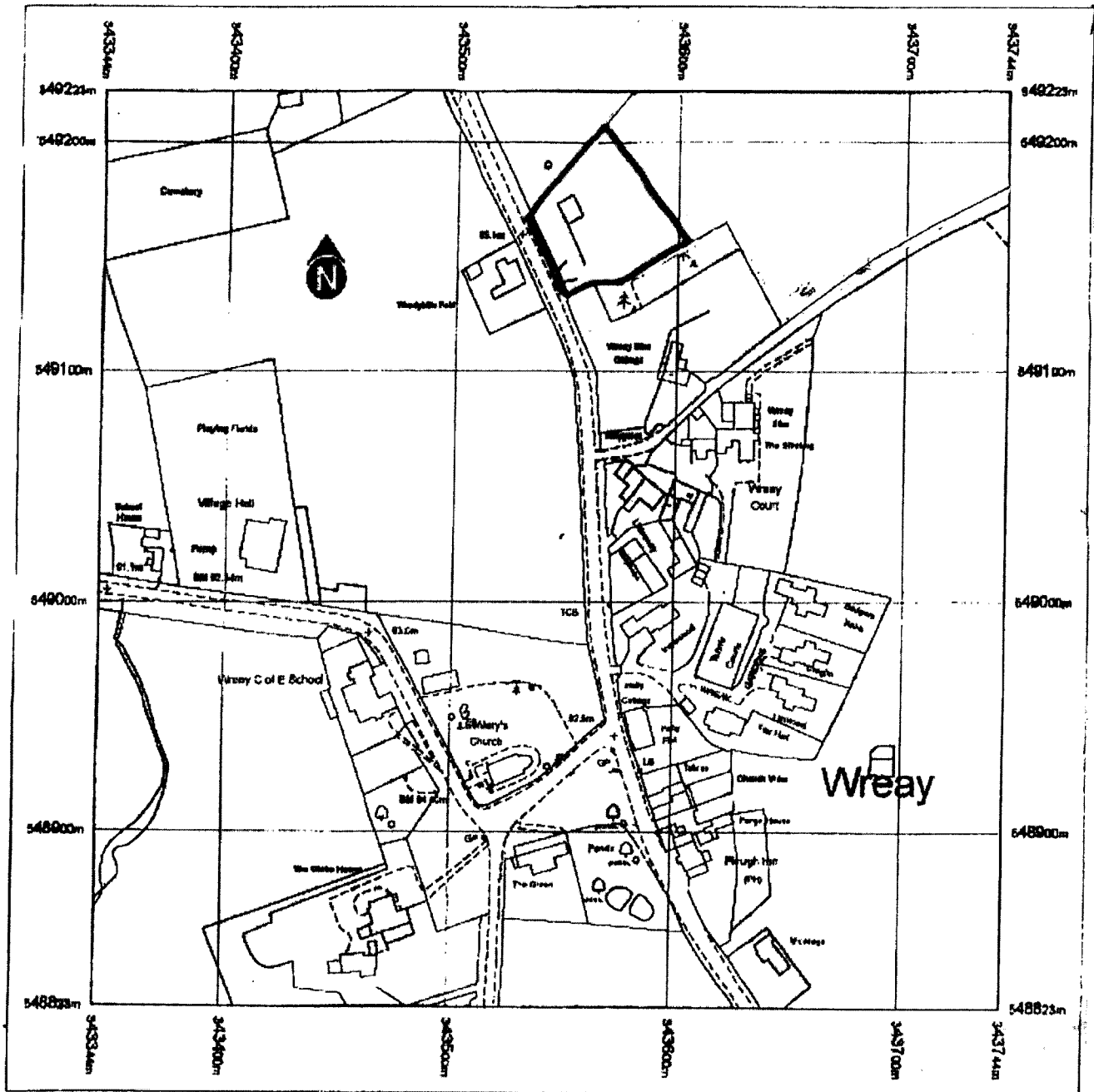
6. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the Local Planning Authority in consultation with the Highway Authority.

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

7. The access and parking/turning requirements shall be substantially met before any buildingwork commences on site so that construction traffic can park and turn clear of the highway.

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





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29 MAY 2005  
2009/0441

revision  
Revision Date Description

Revised by

**ARCHITECTS**  
**PLUS** *a+*

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Project

Proposed new dwelling, Site adjacent to Wreay Syke Cottage, Wreay

Drawing

LOCATION PLAN

Scale  
1:2500

Date  
MAY 09

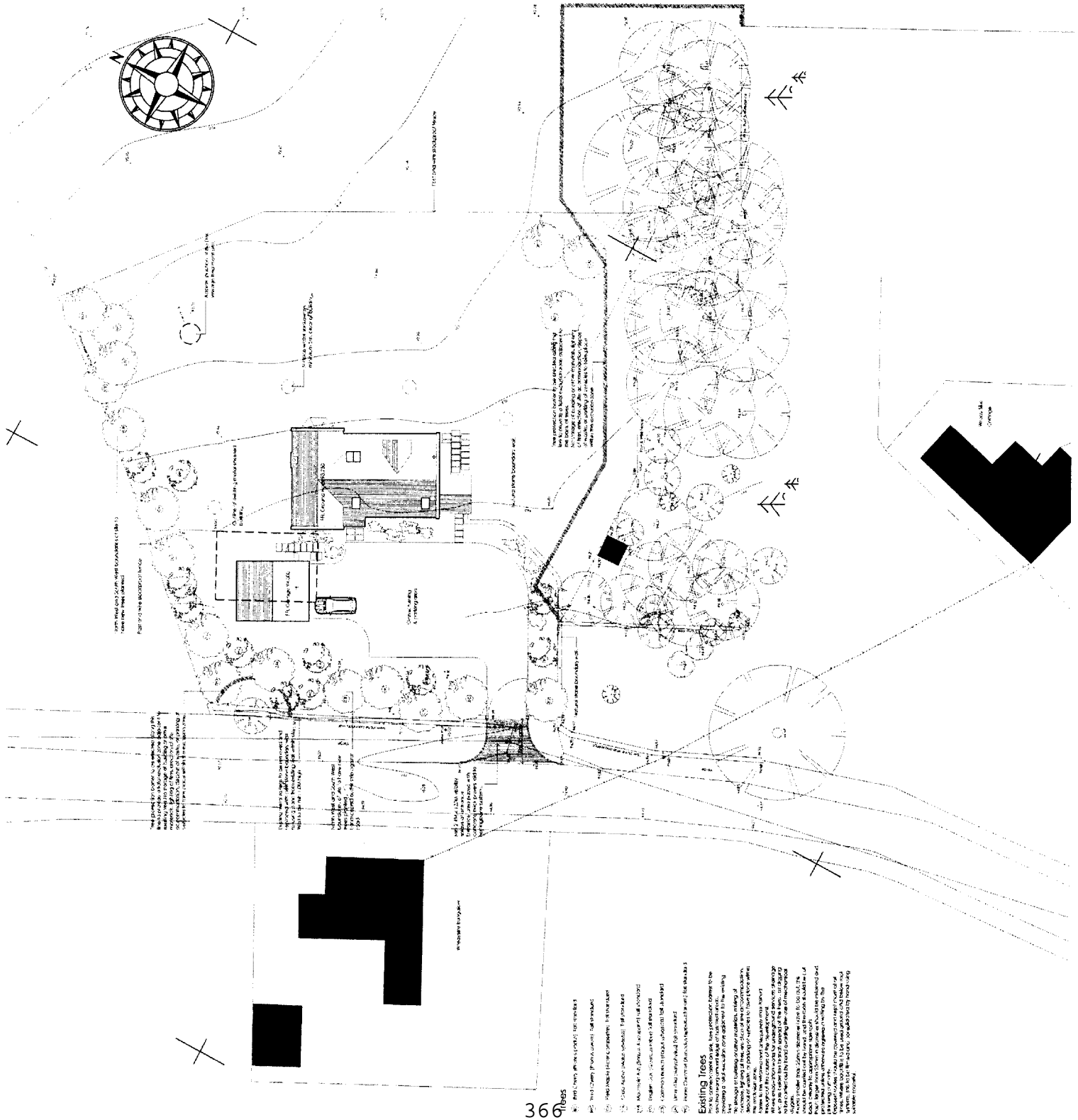
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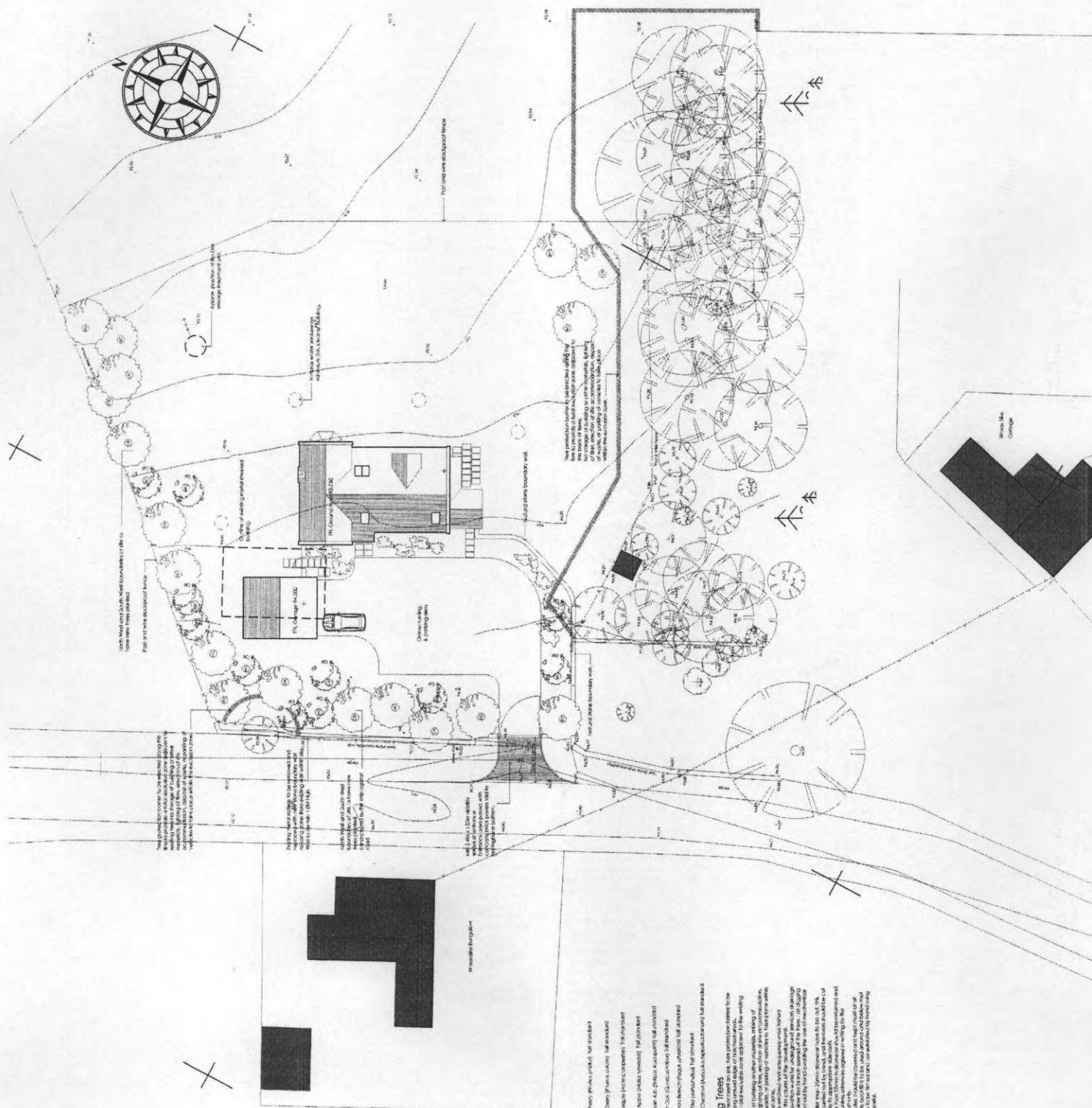
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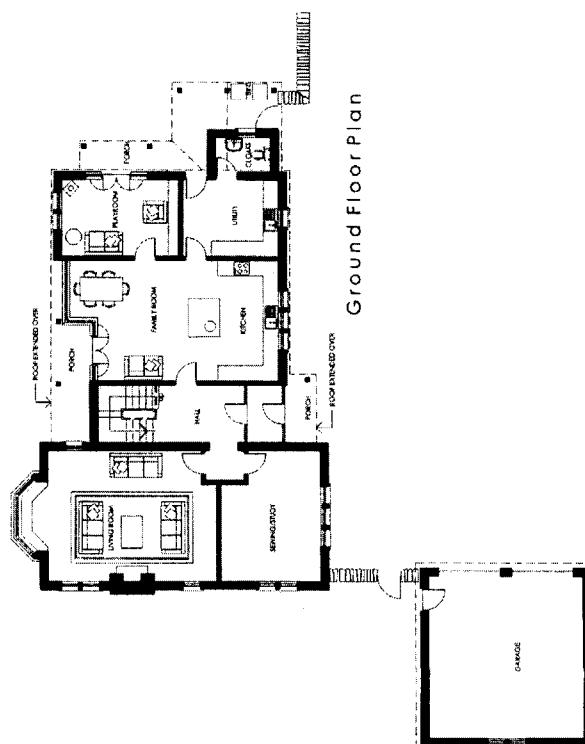
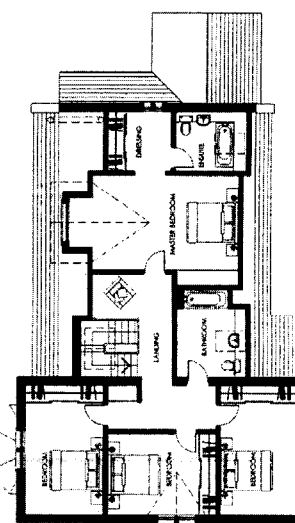
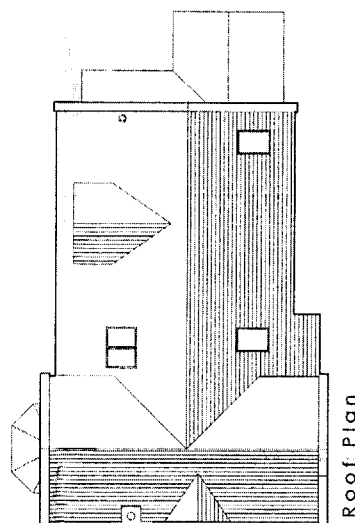
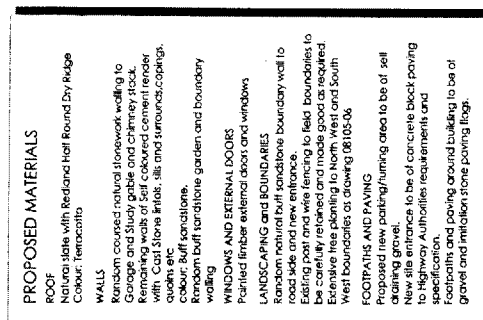
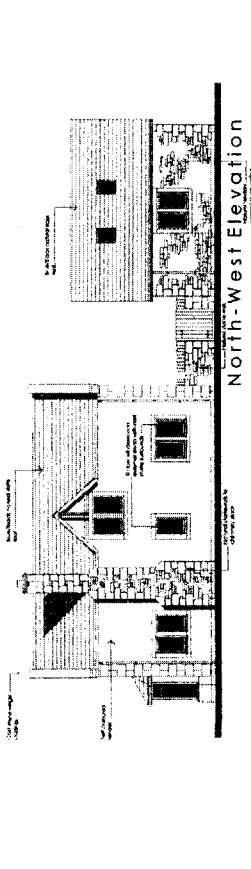
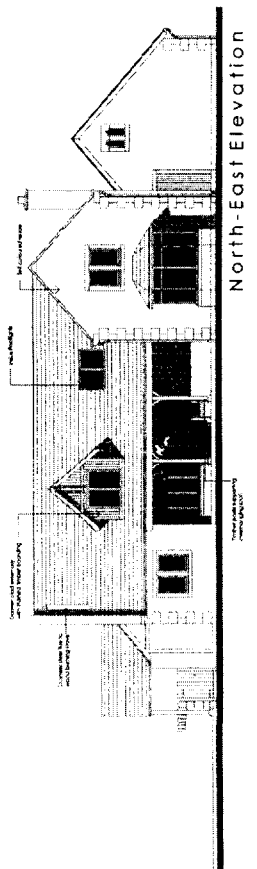
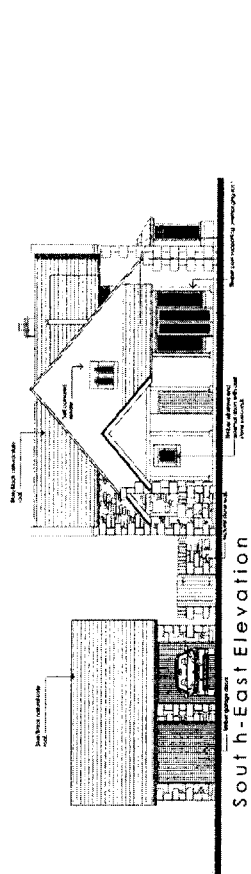
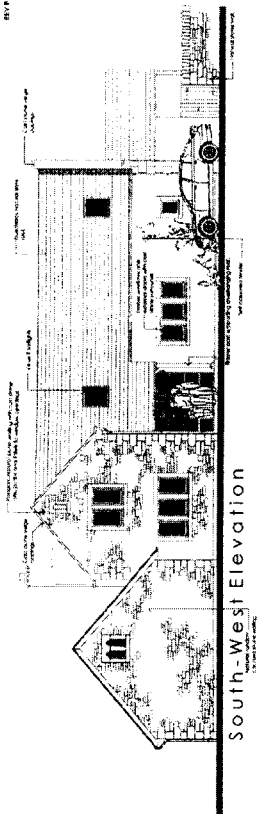
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ARCHITECTS 

1

Proposed New Dwelling, site adjacent to  
Wreay Syke Cottage, Wreay.  
Revised Plans and Elevations

COMET	Date	Drawn	Comp. No.	Member
1-100 50 A1	01/09	DL	PC2	08105/078

Architects Plus (UK) Limited  
 Michella Golleris, Product House, Victoria Road, 4721140  
 Tel: 01278 515144  
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 Web: [www.architectsplus.co.uk](http://www.architectsplus.co.uk)

## SCHEDULE A: Applications with Recommendation

09/0184

Item No: 11

Date of Committee: 21/08/2009

**Appn Ref No:**  
09/0184

**Applicant:**  
Mr Thompson

**Parish:**  
Hayton

**Date of Receipt:**  
12/03/2009 08:00:58

**Agent:**

**Ward:**  
Hayton

**Location:**  
Yew Tree Farm, Fenton, CA8 9JZ

**Grid Reference:**  
349978 556112

---

**Proposal:** Erection Of Multi Purpose Agricultural Building With Associated Midden And Hard Surface Area.

**Amendment:**

1. Revised Siting Of Proposed Agricultural Building Together With Supplementary Landscape And Visual Statement

---

### REPORT

**Case Officer:** Richard Maunsell

### Reason for Determination by Committee:

This application is brought for determination before Members of the Development Control Committee due to four letters of objection having been received from the occupiers of nearby properties.

### 1. Constraints and Planning Policies

#### Public Footpath

The proposal relates to development which affects a public footpath.

#### Local Plan Pol CP1 - Landscape Character

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

#### Local Plan Pol CP5 - Design

#### Local Plan Pol CP6 - Residential Amenity

#### Local Plan Pol LE25 - Agricultural Buildings

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

**Cumbria County Council - (Highway Authority):** no objection.

However, a PRoW (public footpath) number 117011 lies adjacent to the north east boundary of the site. The Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of, the site works;

**County Land Agent (Capita dbs):** the report concludes by advising that the design, size and need for the proposed building is consistent with the stock housing requirements of the present business;

**Development Services Planning & Housing Services - Local Plans (Trees):**  
the following observations have been submitted:

### Trees

No comments/ observations to make. However, should the application prove successful tree protection barriers to the standard set out in Appendix 8 of the Pre-development arboricultural report by Planning Branch Ltd dated November 2008 must be erected to the satisfaction of the local authority prior to the commencement of any works on site.

### Landscape

The proposal is located at a prominent site on the edge of Fenton. There is little if any relationship to the neighbouring former farm steading. It will be clearly visible and will be of a scale and mass that will have a detrimental impact on the character of the area. The proposal is similar in size and mass to the previously application 06/1093 which was refused on the impact that the proposal would have on the landscape character.

Further comments received on 26th June 2009 read as follows:

The site has been revisited the site and lengthy discussions have been held with the applicant and their Landscape Architect. The Tree Officer is happier with the proposals regards visual intrusion; however, there are still concerns related to the standalone nature of the building.

Further comments received on 17th July 2009 read as follows:

Following a site visit and the submission of the supplementary landscape and visual statement, the Landscape Officer is of the opinion that the proposed building is acceptable if located at Option A with supplementary planting to increase the screening;

**Hayton Parish Council:** comments awaited;

**Ramblers Association:** comments awaited; and

**East Cumbria Countryside Project:** comments awaited.

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

#### **Representations Received**

Initial:	Consulted:	Reply Type:
Chapel Cottage	24/03/09	
Pear Tree House	24/03/09	
Sunnyside	24/03/09	
1 Sherwood Close	24/03/09	
The Hayloft	24/03/09	
Fenton Farm Flat	24/03/09	Undelivered
Willowdale	24/03/09	
Fenton Farm House	24/03/09	Undelivered
44 Hillside Drive	24/03/09	
Crofts Hill	24/03/09	Objection
Elm Croft	24/03/09	
Sinks	24/03/09	Undelivered
Jonathans Farmhouse	24/03/09	
The Paddock	24/03/09	Undelivered
Holme Lea	24/03/09	Objection
Glenburn	24/03/09	Objection
Beck Cottage	24/03/09	
Sunnyside	24/03/09	
Fenton Croft		
Fenton Farm	24/03/09	
Hillcrest	24/03/09	
The Orchard	24/03/09	Objection

3.1 This application has been advertised by means of a site notice and direct notification to the occupiers of twenty two of the neighbouring properties. At the time of writing this report, four letters of objection have been received and the main issues raised are summarised as follows:

1. "Yew Tree" is designated as such on the Ordnance Survey not "Yew Tree Farm" and has not been a working farm for at least 13 years;
2. the land has no agricultural machinery kept there and animals have only been on the land on extremely limited occasions;
3. the proposed building would have a disproportionate impact on the landscape due to its height and use of materials. The visual impact when approaching Fenton from Corby Hill would be unacceptable;

4. the applicant has demonstrated no need to substantiate this application. There are limited farming activities undertaken by the applicant;
5. Members of the Development Control Committee may recall the proposal to develop Fenton Farm for housing. That proposal was supported by expert evidence on the lack of viability of small scale farming activities and the fact that Fenton Farm was effectively redundant. The applicant is seeking to turn the previous decision on its head, winning planning consent for houses and seeking to establish a new agricultural enterprise;
6. how long will it be before the agricultural enterprise in the current location is unviable and planning permission is sought for more houses;
7. additional access points have allegedly been formed into the site along with an area of hardstanding that only appears after the applicant redeveloped the barns at Yew Tree as business premises;
8. the application is identical to the two applications that were refused consent in 2006;
9. the site is located outwith the village limits;
10. the access points could pose a danger together highway users;
11. despite the applicant's assurances that his farm business was unviable when he sought planning permission for the houses, these buildings have continued to be used to house cattle and silage;
12. the proposal does not integrate with existing farm buildings or take advantage of the contours of the land and will be obvious from many angles; and
13. some of the buildings in Yew Tree are used as a hat rental business with the remainder having planning permission for conversion to business units which are not mentioned in the application.

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

- 4.1 In 2001, consent was granted under the agricultural prior notification procedure for the erection of an agricultural store.
- 4.2 In 2006, planning permission was refused for for the erection of an agricultural storage building and adjoining midden with underground effluent tank.
- 4.3 Again, in 2006, planning consent was refused for the erection of an agricultural livestock building.

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

### **Introduction**

- 5.1 This application seeks planning permission for the erection of an agricultural building at Yew Tree Farm, Fenton, Brampton. The site is located on the north-west fringe of the village, adjacent to the County highway leading from Fenton to Heads Nook.
- 5.2 Yew Tree farmhouse is located on the southern side of the road forming the western approach to the hamlet of Fenton. The property comprises a two storey traditional farmhouse attached to which there are two former barns and a detached range of single storey barns. The aforementioned barns are also of a traditional form and construction with natural stone walls and slate roofs. The two storey barns have been converted into a unit ("The Loft") retailing women's clothes and is operated by the applicant's wife. The applicant also has an office within part of the unit.
- 5.3 To the west of the farmhouse and barns there is an open field the frontage of which is delineated by a hedge. A mature oak tree and ash tree are located in the north-western section of the field that is also on a slope down to the highway. A public footpath leading to Heads Nook runs parallel to the western boundary of the field.
- 5.4 The agricultural building would measure 32.4 metres in width by 17.6 metres in depth. The building would measure 3.2 metres at south-east elevation and 2.25 metres at the north-west elevation to the eaves with the height to the ridge being 7.3 metres and 3.35 metres respectively. The building would be finished in blockwork walls with juniper green profile sheeting to the remainder of the elevations and the roof.

### **Background**

- 5.5 In 2002, an outline application for the redevelopment of the farm steading located centrally within the village to erect 7no. dwellings was withdrawn. Later, in 2003, an outline application for the redevelopment of part of the farm steading for 4no. residential properties together with the removal of non-traditional farm buildings, related hardstandings, silage clamp, etc. was submitted.
- 5.6 In the supporting documentation accompanying that application, it was stated both by the agent and separately by the applicant, that the future of the farming enterprise at Fenton Farm was reviewed following the outbreak of foot and mouth disease in 2001. A decision was made that the farm unit would be broken up; the vast majority of the farmland would be sold; the stock would be sold; and the agricultural enterprise would cease and all buildings and related hardstandings, silage clamps etc. would become redundant. Only 13 hectares of land would be retained for summer grazing of stock and would be used by the applicant's father.

- 5.7 Following consideration of the merits of the proposal, the application was approved by Members of the Development Control Committee in 2003. Reserved matters approval followed in 2005.
- 5.8 Notwithstanding the previous arguments put forward the applicant has stated that he wishes to provide a new building at Yew Tree Farm to replace his existing buildings in the centre of the village that are on land which benefits from planning permission for residential development.
- 5.9 The applicant has confirmed to the County Land Agent that he farms 15.8 hectares (39 acres) of owner occupied land around the village of Fenton and 15 hectares (37 acres) of land held seasonally each year. The applicant keeps Limousin/ Belgian Blue cross suckle cows on the holding and at the time when the assessment was undertaken, had 30 adult sucklers, 30 calves and 30 older store cattle. The applicant owns an 8 bay machinery storage building in field NY5066 4104 adjacent to the railway.
- 5.10 It is stated that casual and part-time help is occasionally used on the farm. The applicant is stated as balancing his farming commitments with other work as a developer/ builder.
- 5.11 Planning permission was sought for agricultural development on the land in 2006 for the erection of an agricultural storage building and adjoining midden; and for the erection of an agricultural livestock building which would have been sited immediately adjacent to each other. The building would have measured 42.74 metres in width by 20 metres in width; the height to the eaves would have been 3.66 metres to the eaves and 6.34 metres to the ridge. Planning consent was refused for both these applications for the following reasons:

*“Yew Tree farmhouse and its associated outbuildings are prominently located on the southern side of the road to the immediate east of a public footpath forming the western approach to the hamlet of Fenton which under Policy E38 of the Carlisle District Local Plan is identified as a potential future conservation area. In such a location the proposed building by reason of its size, overall design and detached siting away from the Yew Tree farmhouse appear as a discordant feature. The proposal is therefore considered to be detrimental to the character of the area contrary to Policy E37 of the Cumbria and Lake District Joint Structure Plan, criteria 1 and 2 of Policy E2 of the Carlisle District Local Plan, and, criteria 1 and 2 of Policy LE26 of the Carlisle District Local Plan (2001-2016) (Redeposit Draft).*

*The stated purpose is a relatively small scale enterprise equating to approximately 0.5 of a full time worker with what is considered to be a very low level of net farm income. In such a context it is considered that the proposed building is oversized. The proposed building is neither considered to have been suitably designed nor is it necessary for agricultural purposes and thus conflicts with the underlying objectives of Policy E2 of the Carlisle District Local Plan, and, Policy LE26 of the Carlisle District Local Plan.”*



- 5.12 The relevant planning policies against which the application is required to be assessed are Policies CP1, CP3, CP5, LE25 and LC8 of the Carlisle District Local Plan 2001-2016. The proposal raises the following issues.

### **Assessment**

1. The Principle Of Development

- 5.13 The relevant Ministerial advice is contained in PPS7 "Sustainable Development in Rural Areas" from which it is considered that the following points need to be kept in mind.
- 5.14 PPS7 emphasises that one of the Government's objectives for rural areas is to raise the quality of life and the environment in rural areas through the promotion of (amongst other things) the continued protection of the open countryside for the benefit of all. A further objective is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimising impact on natural resources, and manages valued landscapes. Paragraph 1 of PPS7 identifies six key principles, two of which (iv) and (vi) highlight that new buildings in the open countryside should be strictly controlled, and, that all development should be well designed, in keeping and scale with its location, and sensitive to the character of the countryside.
- 5.15 Policy LE25 of the Local Plan requires that buildings relating to agricultural development are sited where practical to integrate with existing farm buildings and/ or take advantage of the contours of the land and any existing natural screening. These policies also require that the scale and form of the proposed building or structure relates to the existing group of farm buildings.
- 5.16 In this instance, the building is large in terms of domestic buildings but is appropriate with regard to modern agricultural structures. The proposal has been assessed by the County Land Agent who has confirmed that the building is commensurate with the agricultural needs of the farm. As such, there is no objection in principle to erect a building of this scale subject to compliance with the other relevant policies in the Local Plan.
- 5.17 In the letters of objection that have been received, reference is made to previous statements made by the applicant during the consideration of the planning application for housing in the village whereby it was stated that the farm unit was in the course of being broken up, the vast majority of farmland was in the process of being sold, a significant number of stock were to be sold, and that the agricultural enterprise was to cease. The authors' of the objection letters feel that they have been misled by the applicant who made these statements in an attempt to gain planning permission. Following the grant of planning consent, it is claimed, the agricultural operation did not cease and has continued to operate as such.
- 5.18 Whilst the views of the neighbours are understandable, the proposal for residential development was considered and subsequently granted on its merits. The building would not be sited adjacent to existing agricultural

buildings or indeed any building. Nevertheless, the policy allows an exception to this presumption provided that the building utilises the topography of the land and does not adversely affect the character or appearance of the area.

## 2. The Effect On The Character And Appearance Of The Landscape

5.19 The application site is not located with an Area of Outstanding Natural Beauty (AONB) or Conservation Area and there are no other landscape designations; however, planning policies require that appropriate consideration is given to the impact on the character of the open countryside.

5.20 Development proposals are expected to incorporate high standards of design including regard to siting, scale, use of materials and landscaping which respect and, where possible, should enhance the distinctive character of townscape and landscape. This is reflected in Policy CP1 of the Local Plan which requires that proposals for development in the rural area seek to conserve and enhance the special features and diversity of the different landscape character areas. Planning permission will not be granted for new development in the open countryside, which is detrimental to defined landscape character.

5.21 When submitted, the application was accompanied by a Landscape and Visual Impact Assessment which concluded that:

*"...due to the wide open views of the landscape character area where the site is located and the adjacent character area with similar characteristic it is considered that locating this agricultural building adjacent to the existing agricultural farm steading and by constructing the building into the ground as submitted would result in a low visual impact on the area and a negligible impact on the landscape character of the area."*

5.22 Members will note from the consultation responses reproduced in this report that the Council's Landscape Officer did not share this view of the proposal. Further discussions were held between Officers and the applicant which resulted in the applicant commissioning a firm of landscape architects to produce a 'Supplementary Landscape and Visual Statement' based on the recommendations of the Landscape Officer. This advice included resiting the building further into the north-west corner of the site which is the lowest point of the site where the building would be more closely related to the existing vegetation and also to providing additional landscaping.

5.23 Members will note that the Landscape Officer is now satisfied with the proposal and has not raised any objections. The scale and design of the buildings is considered to be appropriate. The design and materials proposed are appropriate and sympathetic to the overall character of the area.

## 3. The Effect On The Living Conditions Of The Occupiers Of The Neighbouring Properties

5.24 The building would be located within the open countryside but there are no residential properties immediately adjacent to the application site. There are however properties within the vicinity, the closest being Pear Tree House located approximately 148 metres from the proposed building and separated by the applicant's property; and Jonathans Farmhouse that would be approximately 165 metres east of the proposed building on the opposite side of the road.

5.25 Given the distance between the proposal and neighbouring residential properties, it is not considered that the living conditions of the occupiers of these properties would be adversely affected by the development.

#### 4. Highway Matters

5.26 One of the letters of objection makes reference to the fact that additional access points have allegedly been formed into the site along with an area of hardstanding that only appeared after the applicant redeveloped the barns at Yew Tree as business premises and that the access points could pose a danger together highway users. Whilst the siting of an access is a material planning consideration, the Highway Authority has assessed the proposed development and raised no objection. No additional vehicular access is shown on the submitted drawings and does not form part of this application. The access to which the neighbour refers is located to the east of the application site area.

#### 5. Other Matters

5.27 A further point raised in the letters of objection make reference to the fact that should the currently proposed agricultural building become unviable, planning permission may be sought for houses on the land. There is nothing to preclude the submission of a planning application; however, in the Local Plan Fenton is not in a sustainable location and is not identified as settlement in which the Council would encourage additional residential development.

### Conclusion

5.28 In overall terms, the agricultural building would be of a scale and design that is commensurate with the agricultural enterprise. At a national and local level, policies impose strict control over building in the countryside, although agricultural buildings are one of the few exceptions to those policies. The character and appearance of the landscape would not be adversely affected to such a degree as to warrant refusal of the application. The development does not pose any issue in terms of affecting the living conditions of the occupiers of any neighbouring properties and in all aspects the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

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

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

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

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

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

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

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

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

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

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

2. No development approved by this permission shall be commenced until details of a landscaping scheme that shall indicate the proposed types, species planting heights and planting densities of all trees and shrubs to be planted has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a satisfactory landscaping scheme is prepared in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

3. All works comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development.

**Reason:** To ensure that a satisfactory landscaping scheme is implemented in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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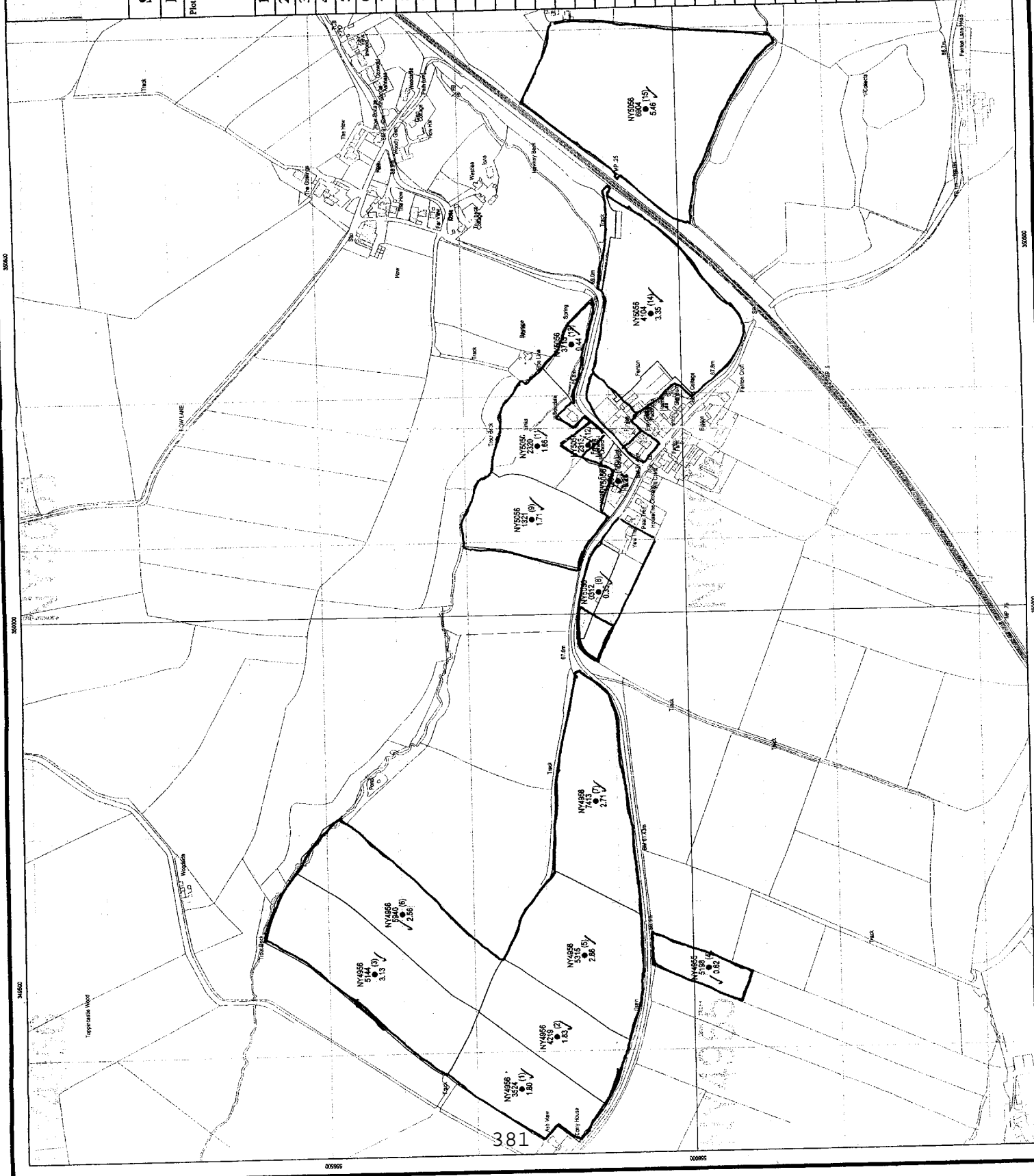
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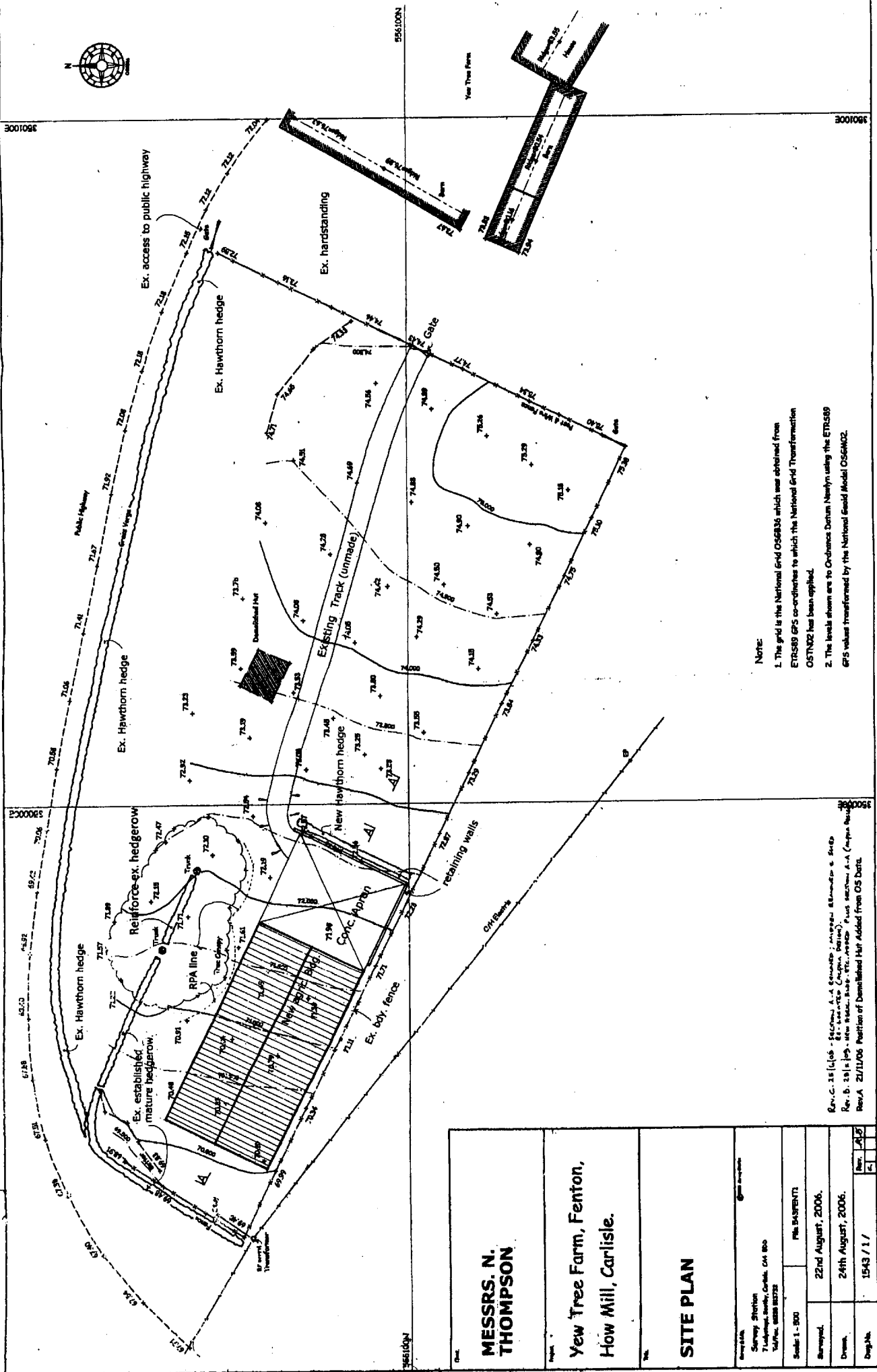
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4	NY4955	5198	0.62	0.62	1.60 0.62
5	NY4956	5315	2.65	2.66	2.66 2.65
6	NY4956	5940	2.56	2.56	2.56 2.56
7	NY4956	7413	2.72	2.71	2.71 2.72
8	NY5056	0312	0.66	0.35	0.35 0.66
9	NY5056	1321	1.72	1.71	1.71 1.72
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15	NY5056	6904	5.61	5.46	5.46 5.61

Print Name : Quarrel Land  
Signed : Rental Land  
Date : \_\_\_\_\_

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Due printed : 24/02/2004  
Version : Final  
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Map 2 of 2





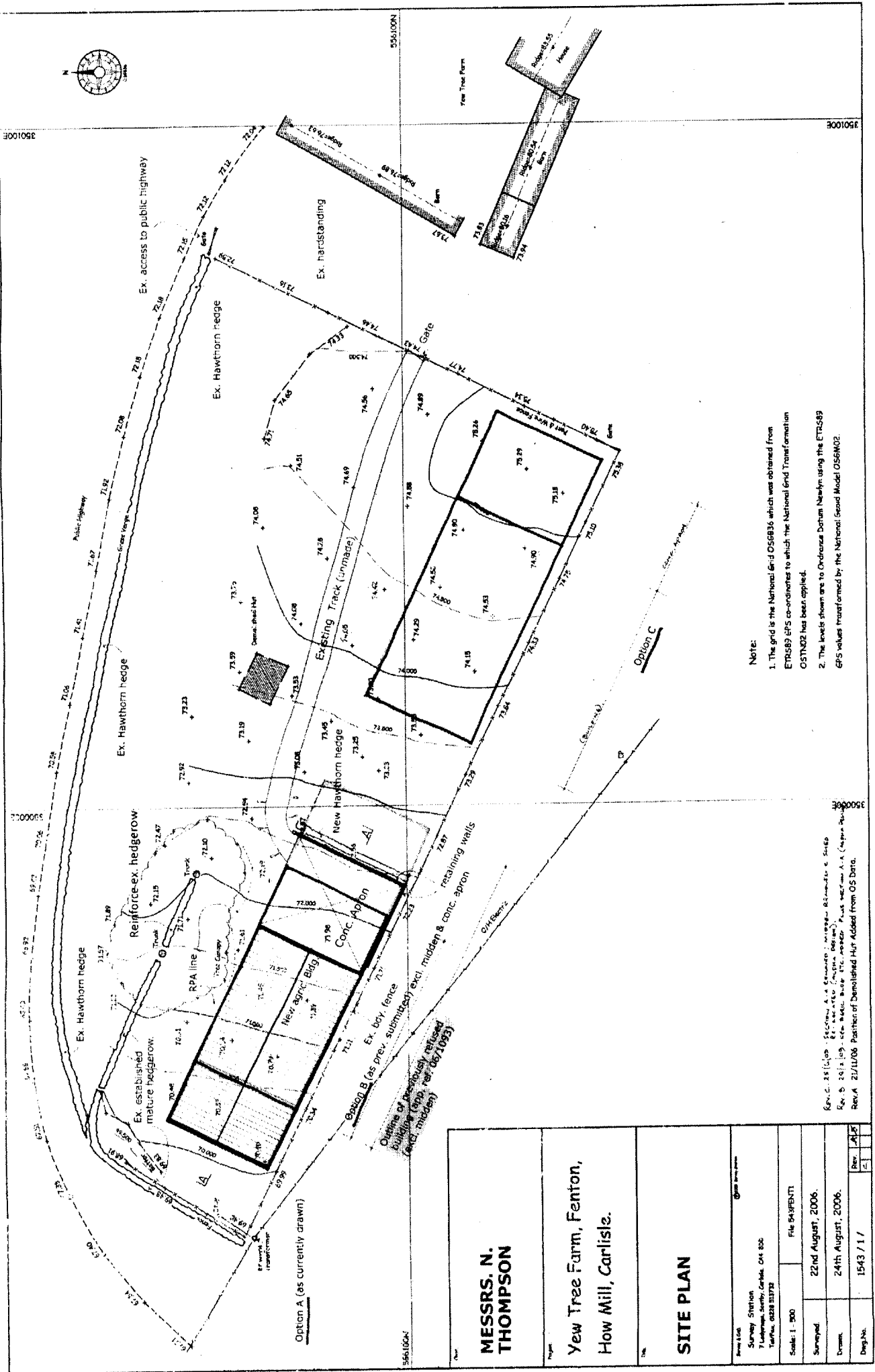
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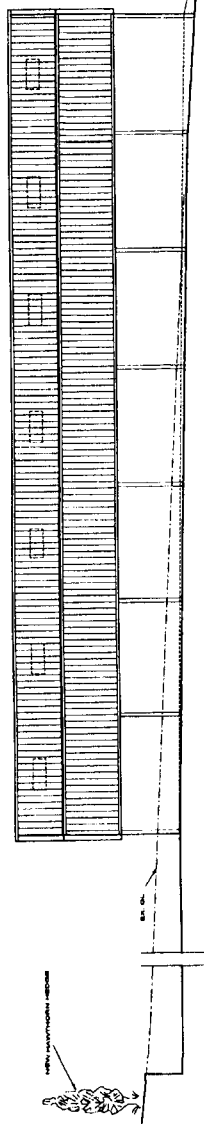
1. The grid is the National Grid OS6836 which was obtained from ETR589 GPS co-ordinates to which the National Grid Transformation OSTM02 has been applied.
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Rev. C. 15/11/06 - Section A.A. Grounds; proposed drainage & roads  
 Rev. B. 14/11/06 - New Hawthorn Hedge, The Quarry, RPA line, A.A. (Carpenter)  
 Rev. A. 22/11/06 - Portion of Discontinued Hut Added from OS Data.

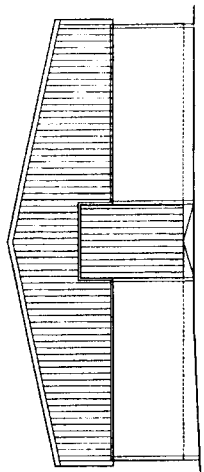
MESSRS. N. THOMPSON		Yew Tree Farm, Fenton, How Mill, Carlisle.	
SITE PLAN			
Survey Station	Yew Tree Farm, Fenton, How Mill, Carlisle, CA1 8AD		
Scale 1 : 500	P.N. 1543 / 1 /		
Surveyed	22nd August, 2006.		
Drawn	24th August, 2006.		
Drawn No.	1543 / 1 /	Rev.	1/1



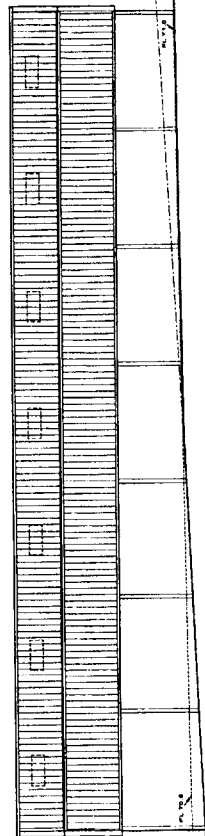




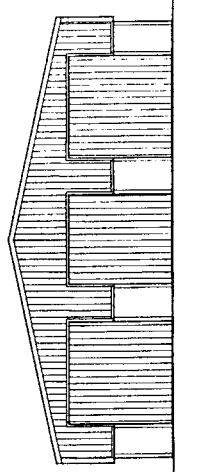
NE ELEVATION



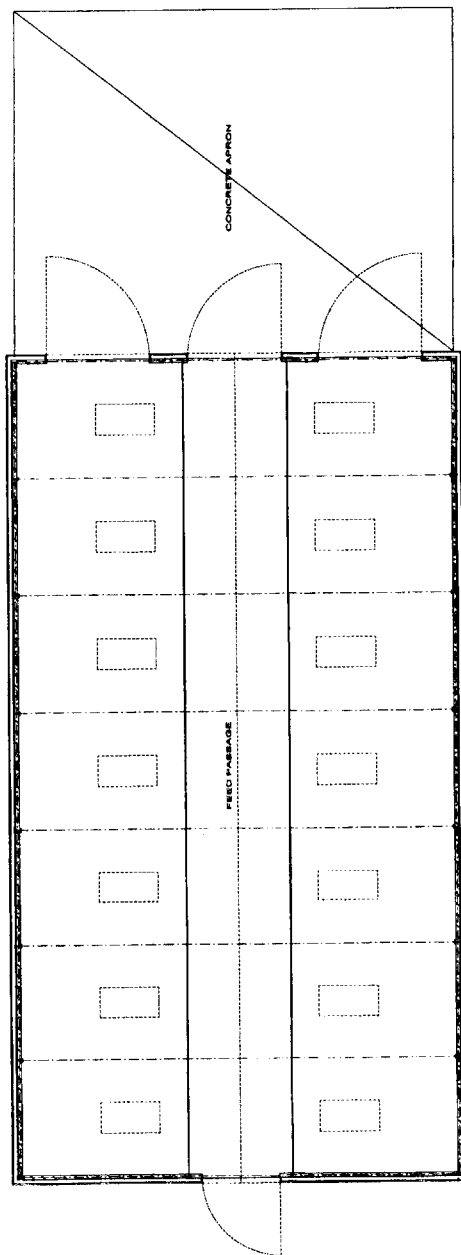
NW ELEVATION



SW ELEVATION



SE ELEVATION



EXTERNAL FINISHES  
JUNIPER GREEN PROFILED SHEET  
METAL CLADDING TO ROOF  
JUNIPER GREEN PROFILED SHEET  
DOORS.  
TRANSLUCENT PANELS TO ROOF  
POINTED BLOCKWORK WALLS

Alpha Design  
Architectural Services  
10100 92nd Avenue  
Richmond, BC V6X 2C9  
Tel: 604-271-1111  
Fax: 604-271-1112  
Messrs. N. Thompson  
Yew Tree Farm,  
Fenton  
Proposed Agricultural Enterprise  
03/12/17 - 12/17

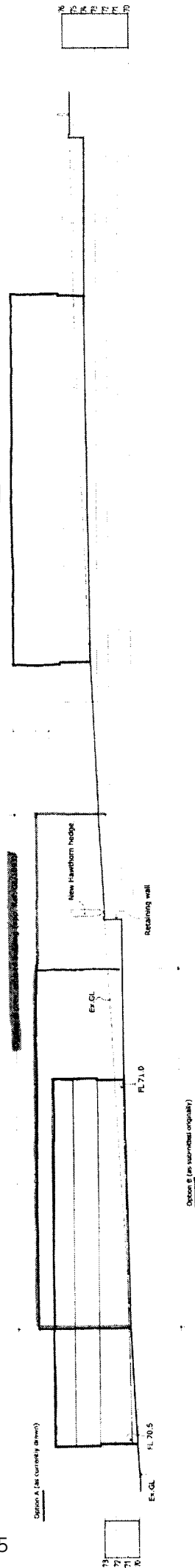
Mr. A. Thompson and Mr. N. Thompson  
Messrs. N. Thompson and Mr. N. Thompson

**Alpha Design**  
**Architectural Services**  
 01900 - 829199  
 Member of the Chartered Institute of Architectural  
 Technologists

**MESSRS N. THOMPSON**

**YEW TREE FARM,  
 FENTON**

**SECTION A - A**  
 1:200  
 JUNE 2009  
 03/01/347 - 14



**SECTION A-A**

## SCHEDULE A: Applications with Recommendation

09/0514

Item No: 12

Date of Committee: 21/08/2009

**Appn Ref No:**  
09/0514

**Applicant:**  
Mr Nigel Hoyle

**Parish:**  
Carlisle

**Date of Receipt:**  
26/06/2009

**Agent:**  
Mr Peter Orr

**Ward:**  
Harraby

**Location:**  
293 London Road, Carlisle, CA1 2QW

**Grid Reference:**  
341739 554230

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**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

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### REPORT

**Case Officer:** Colin Godfrey

### Reason for Determination by Committee:

The application is brought before the Development Control Committee because the applicant is a relative of a member of staff.

### 1. Constraints and Planning Policies

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol H11 - Extns to Existing Resid. Premises

### 2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): comments awaited.

### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

The Owner / Occupier,	291 London Road	30/06/09
The Owner / Occupier,	282 London Road	30/06/09
The Owner / Occupier,	Doctors Surgery	30/06/09

- 3.1 This application has been advertised by means of notification letters sent to three neighbouring properties. No verbal or written representations have been made at the time of preparing the report.

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

- 4.1 The available records indicate that the property has not previously been the subject of a planning application.

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

##### **Introduction**

- 5.1 This application seeks approval for alterations to a semi-detached property located on the north-eastern side of London Road, just to the north-west of the intersection with Eastern Way. The property is constructed from facing brick with a slate roof. It has a substantial rear garden which is bounded by a combination of wooden panel fencing, mature planting and leylandii hedging.
- 5.2 It is proposed to extend the property by means of a conservatory to the rear of the dwelling, in close proximity to the boundary shared with 291 London Road. The conservatory is to have a depth of 4.4m, width of 3.3m and maximum height to the hipped roof of 3.5m. It is to be constructed from a combination of facing brick with Upvc units and double glazing.
- 5.3 The relevant policies against which this application is required to be assessed are Policies CP5, CP6 and H11 of the Carlisle District Local Plan.
- 5.4 The proposal raises the following planning issues;
1. Impact On The Living Conditions Of Neighbouring Residents
- 5.5 The conservatory is to be located to the rear of the property in close proximity to the boundary shared with the neighbouring property, 291 London Road. This property has patio doors in its rear elevation and a large window serving a kitchen in the south-eastern elevation of the rear extension, facing towards the proposed conservatory.
- 5.6 The Council has for some time informally applied a minimum separation distance between a primary window and a blank gable of 12m. In this instance, the distance between the side of the conservatory and the window in the south-eastern elevation of 291 London Road is significantly less than the

required 12m. In mitigation, no windows would face towards the neighbouring property and - under the Town and Country Planning (General Permitted Development) Order 1995 - the applicant could erect a 2m boundary fence without the need for planning permission. As the side of the conservatory has a maximum height of 2.6m with the roof sloping away from the shared boundary, such a fence would largely ameliorate any negative impact on the living conditions of the residents of this property arising from the erection of the conservatory. While the applicant is not proposing to erect a 2m fence, on the basis that he could if required, it is considered that any adverse impact on the living conditions of the residents of 291 London Road would be insufficient to warrant refusal of the application. Given the location of the conservatory, it is not considered that any other properties would be adversely affected.

## 2. Impact On The Character Of The Property

- 5.7 The conservatory is to be located to the rear of the property and, given its location, will not be visible from any public highway. It is to be constructed from materials to match the existing and is of a style which is considered acceptable in relation to the existing dwelling. Accordingly, it is considered that the proposed conservatory would complement the dwelling in terms of design and materials to be used.
- 5.8 In overall terms it is not considered that the proposal will either adversely affect the living conditions of neighbouring residents or the character of the property and wider area. In all aspects the proposal is considered to be compliant with the requirements of the relevant adopted Development Plan policies. The application is therefore recommended for approval.

## 6. Human Rights Act 1998

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

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

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

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

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

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

**7. Recommendation** - Grant Permission

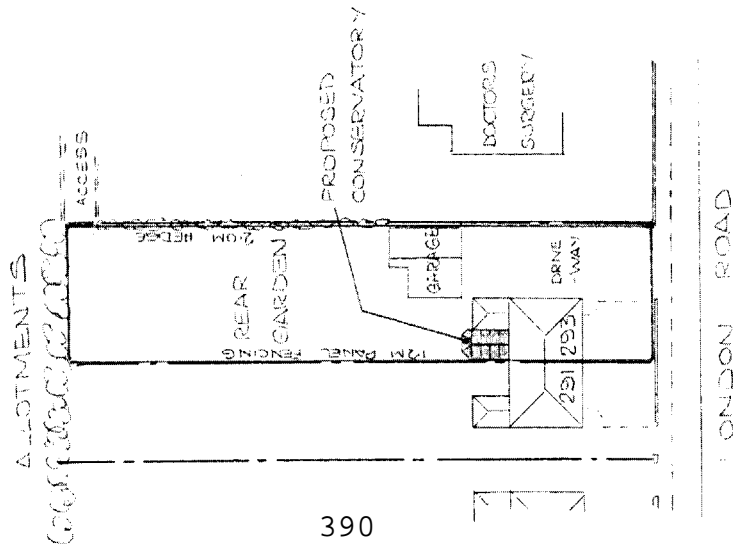
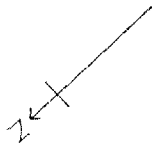
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

2. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the local planning authority.

**Reason:** To ensure a satisfactory external appearance for the completed development.

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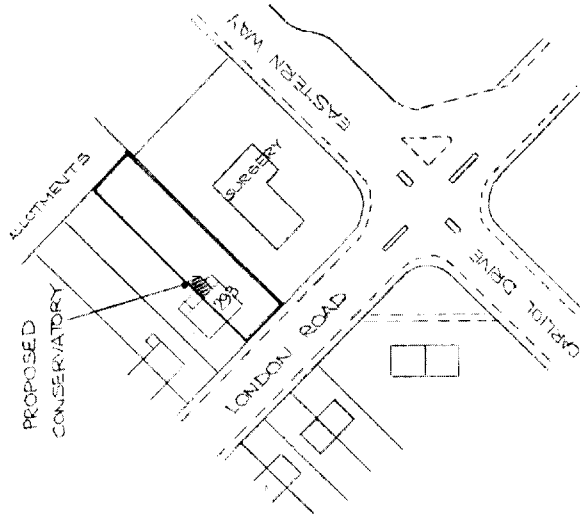


390

Site Plan

Scale 1:200

26 JUN 2009  
2009/0514



Location Plan - 1:1250

PROPOSED REAR CONSERVATORY AT 293, LONDON  
ROAD, CARLISLE CA1 2QW FOR MR & MRS HOYLE

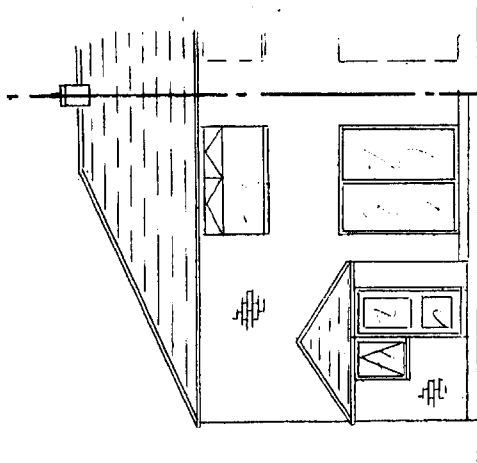


Location Plan - 1:1250

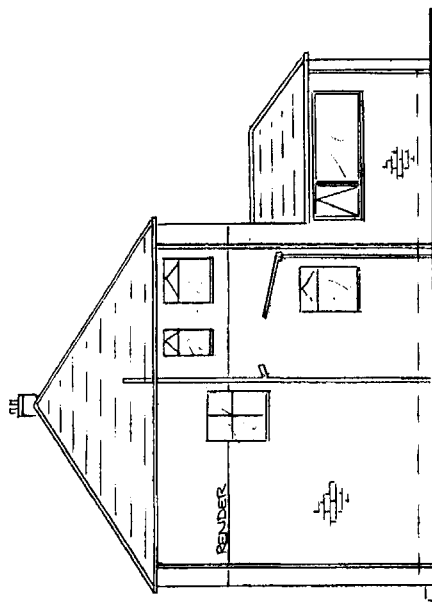
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Scale 1:200

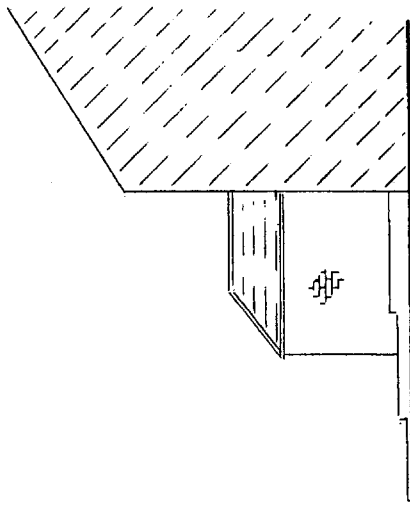
PROPOSED REAR CONSERVATORY AT 293, LONDON  
ROAD, CARLISLE CA1 2QW FOR MR & MRS HOYLE



Existing Rear Elevation

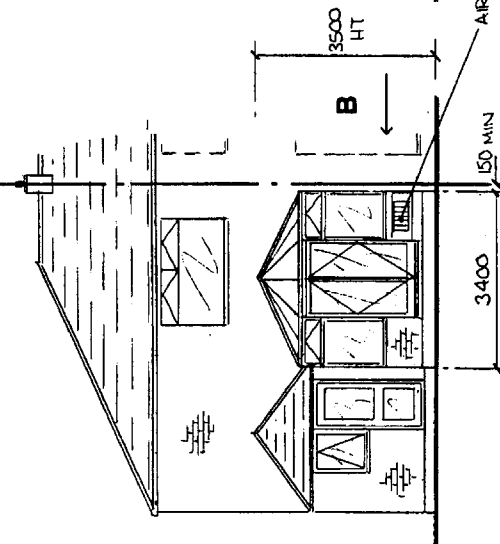


Existing Side Elevation

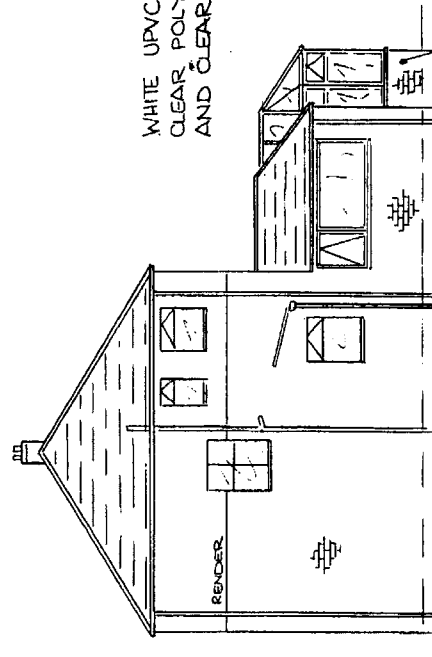


View on Arrow A

RECEIVED  
26 JUN 2009  
2009/05/14



Proposed Rear Elevation

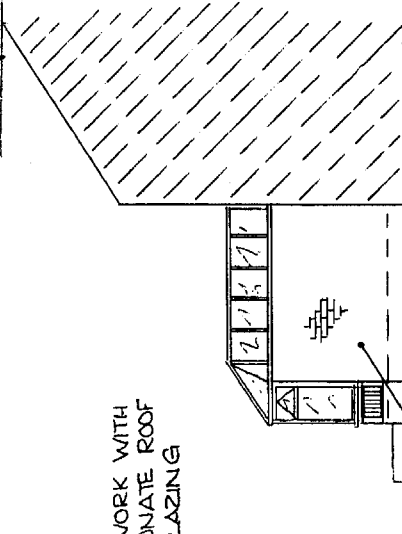


Proposed Side Elevation

WHITE UPVC FRAMEWORK WITH  
CLEAR POLY-CARBONATE ROOF  
AND CLEAR D.G. GLAZING

AIR CONDITIONING UNIT

CONSERVATORY WALLS OF  
FACING BRICK TO MATCH  
EXISTING HOUSE FINISH



View on Arrow B

Scale 1:100

PROPOSED REAR CONSERVATORY AT 293, LONDON  
ROAD, CARLISLE CA1 2QW FOR MR & MRS HOYLE

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

SCHEDULE B

## SCHEDULE B: Reports Requiring Further Information

09/0312

Item No: 13

Date of Committee 21/08/2009

**Appn Ref No:**  
09/0312

**Applicant:**  
Simtor Limited

**Parish:**  
Wetheral

**Date of Receipt:**  
24/07/2009

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

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Warwick Mill Business Village, Warwick Mill,  
Warwick Bridge, Carlisle, CA4 8RR

**Grid Reference:**  
347844 556537

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**Proposal:** Redevelopment Of Former Scrapyrd For Mixed Workshop Use,  
Including B1, B2 And B8 Uses (Revised Application)

**Amendment:**

1. Drawing no. 05097-03E received 24th July 2009 showing proposed boundary fencing and the planting of a hedge along western boundary.
2. Drawing nos. A032928/C006 and C007 indicating proposed relocation of bus stop and consequent improvements to the "left turn" on A69; and report concerning "Additional Information regarding Environmental Management and Ecology" received 24th July 2009.

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**REPORT**

**Case Officer:** Angus Hutchinson

**Reason for Determination by Committee:**

The application is of local significance and interest.

**1. Constraints and Planning Policies**

**Public Footpath**

The proposal relates to development which affects a public footpath.

**Flood Risk Zone**

**Local Plan Pol CP1 - Landscape Character**

**Local Plan Pol CP2 - Biodiversity**

**Local Plan Pol CP5 - Design**

**Local Plan Pol CP6 - Residential Amenity**

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

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

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

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

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

**Local Plan Pol DP5 - Trunk Roads**

**Local Plan Pol EC11 - Rural Diversification**

**Local Plan Pol LC8 - Rights of Way**

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

**Local Plan Pol LE27- Developed Land in Floodplains**

**Local Plan Pol LE30 - Derelict Land**

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

**Local Plan Pol LE8 - Archaeology on Other Sites**

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

**Cumbria County Council - (Highway Authority):** the A69 is a trunk road and as such this Authority would not be the Highway Authority for this road, but this responsibility would fall to the Highway Agency.

As this site would take access only from the A69 and use the access road to Burnrigg for emergency access only it is considered that this application does not directly affect the roads for which we are the Highway Authority.

This "closure" of the access to Burnrigg is stated on the Transport Assessment and on drawing no 05097-03D and forms an intrinsic element of this recommendation. It is therefore recommended that this access remain as emergency access only and locked at all other times.

It is therefore confirmed that there is no objection to this application but it is recommended that the following condition is included in any consent granted:

*"The access shown on drawing no 05097-03D to remain as emergency access only and should not be used for any other purpose without the prior consent of the Local Planning Authority."*

**Department for Transport (Highways Agency):** Having reviewed all the relevant documentation available it is noted that the planning application comprises the following:

- i) 14 small workshop style units intended for a mix of uses under Classes B1, B2 and B8 of the Use Classes Order 2006
- ii) the proposed devt. is described as nursery units on plan no. 05097-03C  
- all served via the Mill Lane/A69 trunk road junction
- iii) gross floorpaces proposed is 1778 sq m (giving an average unit size of 127 sq m)

Taking the fact that the present flows of commercial vehicles along Mill La. would appear to be quite low, the proposed development in generating potentially a variety of vehicle types, would be likely to bear more significantly upon this existing junction. Conversely, though, it is entirely possible that in the recent past the junction may have carried the largest size of scrap yard delivery vehicles, even up to the size of car transporters in the recent past. (it is on record that there had been a car crusher on this site)

Whereas with the proposed development at the former George site nearby, some prediction has been provided by the applicant's transport consultants of additional traffic movements generated, a similar exercise does not appear to have been undertaken as yet for the current application for the workshop units. If you have any further information on this aspect could you please send this on.

There remains therefore outstanding, the need for clearer information regarding the numbers of vehicles which are likely to be generated by this proposal and the discrepancy which has appeared on gross floorspace amounts (1521 sq.m or 1778 sq. m.?)

Until a clearer picture on all this emerges, the Agency must maintain its position of not as yet having sufficient information to conclude in favour of the development in any response of no objections;

**Environment Agency (N Area (+ Waste Disp)):** in a letter dated the 13th May the EA explained that the site comprises of land located within Flood Zone 1, 2 and 3 as defined in Table D1 of PPS25 "Development and Flood Risk". In regard to the Agency's Flood Zone Mapping, part of the site is at high risk from fluvial flooding with a 1% annual probability of occurrence.

The proposed development of the nursery business units in Flood Zone 2 could be considered "less vulnerable" under the current guidance. However, in order to be acceptable in terms of flood risk, the development as proposed should provide suitable mitigation measures incorporated into the development in order to ensure that the development is not at risk from the effects of potential flooding and additionally, does not itself contribute to flooding as a result of increased surface water run-off. The proposed development will only be acceptable if the measures

as detailed in the FRA and Design and Access statement are implemented and secured by way of a planning condition.

Cairn Beck is used by otters (European Protected Species), bullhead, trout and salmon. Section 7.12 of the FRA recommends some regrading of the channels/banks towards the northwest of the site. The work will be subject to Land Drainage Consent. It is worth noting that the work as proposed may not be acceptable due to the potential for damage to the habitat of the above species. The Agency recommends that any works to the beck are carried out prior to the main development, as post development, machine access to the beck may be very poor. A condition should be imposed ensuring that landscaping areas adjacent to the beck are easily accessible and passable to otters.

In England it is a legal requirement to have a Site Waste Management Plan (SWMP) for all new construction projects valued at more than £300,000.

Under the terms of the Water Resources Act 1991, the prior agreement of the EA is required for discharging dewatering water from any excavation or development to a surface watercourse.

All surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed to be compatible with the site being drained. All surface water drainage from parking areas for less than fifty spaces and hardstandings should be passed through trapped gullies with an overall capacity compatible with the site being drained.

Any above ground facilities for the storage of oils, fuels or chemicals shall be provided with adequate, durable secondary containment to prevent the escape of pollutants. The installation must, where relevant, comply with the Control of Pollution (Oil Storage) (England) Regulations 2001 and the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991 as amended 1997.

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter shall not be connected to the surface water drainage system.

Following the receipt of additional information on behalf of the applicant, the EA confirmed in a letter dated the 1st June that it was in receipt of a Phase 1 Desk Top Study Report and Site Investigation and Risk Assessment for the above proposal. It is clear from this information that additional works are required as agreed by the applicant's agent. The Agency therefore requests the imposition of a further three conditions regarding the undertaking of an additional site investigation, the remediation of "hot spots", and the remediation of any contamination not previously identified but found during development;

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

**United Utilities (former Norweb & NWWA):** no objection to the proposal given that surface water will be disposed by SUDS.

A water supply can be made available to the proposed development. A separate

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

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

**Environmental Services - Environmental Quality:** no objections to the above application, but the following conditions should be applied:

1. *"No development shall commence until an investigation and risk assessment, (in addition to any assessment provided with the planning application), has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:*
  - i) a survey of the extent, scale and nature of contamination;*
  - ii) an assessment of the potential risks to:*
    - human health,*
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,*
    - adjoining land,*
    - groundwaters and surface waters,*
    - ecological systems,*
    - archaeological sites and ancient monuments;*
  - iii) an appraisal of remedial options, and proposal of the preferred option(s).*

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

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

2. *No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing*



*unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*

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

*3. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.*

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

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

**Wetheral Parish Council:** no observations to make on this application, but still has concerns regarding the increased traffic to the access single track access road to the A69;

**Ramblers Association:** comments awaited;

**East Cumbria Countryside Project:** the Public Footpath must be kept open at all times during and after development unless a temporary closure is granted;

**Cumbria County Council - (Archaeological Services):** CCC records indicate that the site lies in an area of archaeological potential. Map dating to the mid 19th Century show that there was a school and industrial buildings located on the site, presumably associated with the adjacent mill. It is therefore considered likely that significant archaeological remains survive on the site and that these would be

damaged or destroyed by the proposed development.

Consequently, in line with comments made on an earlier application on the site (08/1063), it is recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development. It is advised that this programme of work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of two conditions in any planning consent.

1. *"No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.*

*This written scheme will include the following components:*

- i) An archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;*
- ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation."*

*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.*

2. *"Where appropriate, an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (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".*

The applicant should be advised that such archaeological investigations are liable to involve some financial outlay;

**Natural England:** Based on the submitted Environmental Management and Ecology report, NE would agree to a conclusion of 'no likely significant effect' on the River Eden SAC and SSSI in your Council's Habs Regs Assessment. Natural England has no further comments on this application and will await consultation with the EA over the construction of the bridge.

### 3. Summary of Representations

#### Representations Received

Initial:

Consulted:

Reply Type:

Dean Montgomery,	111 Denton Street	23/04/09
The Owner / Occupier,	Kutabuv	23/04/09
The Owner / Occupier,	Longthwaite Farmhouse	23/04/09
The Owner / Occupier,	St Christoph	23/04/09
Ms Joan Garbutt,	18 Eden Grange	23/04/09
N Dunkeld,	89 Millriggs	23/04/09
R J Smith,	Wrelton	23/04/09
R J Patterson,	Woodlands	23/04/09
The Owner / Occupier,	Co-op	23/04/09
The Owner / Occupier,	Troutbeck Cottage	23/04/09
The Owner / Occupier,	Post Office	23/04/09
The Occupier / Owner,	1 Low Buildings	23/04/09
The Occupier / Owner,	2 Low Buildings	23/04/09
The Occupier / Owner,	3 Low Buildings	23/04/09
The Occupier / Owner,	4 Low Buildings	23/04/09
The Occupier / Owner,	1 High Buildings	23/04/09
The Occupier / Owner,	2 High Buildings	23/04/09
The Occupier / Owner,	3 High Buildings	23/04/09
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The Occupier / Owner,	5 High Buildings	23/04/09
The Occupier / Owner,	6 High Buildings	23/04/09
The Occupier / Owner,	7 High Buildings	23/04/09
The Occupier / Owner,	8 High Buildings	23/04/09
The Occupier / Owner,	9 High Buildings	23/04/09
The Occupier / Owner,	10 High Buildings	23/04/09
The Occupier / Owner,	11 High Buildings	23/04/09
The Occupier / Owner,	12 High Buildings	23/04/09
The Occupier / Owner,	1 Longthwaite Farm Court	23/04/09
The Occupier / Owner,	2 Longthwaite Farm Court	23/04/09
The Occupier / Owner,	3 Longthwaite Farm Court	23/04/09
The Occupier / Owner,	4 Longthwaite Farm Court	23/04/09
The Occupier / Owner,	5 Longthwaite Farm Court	23/04/09
Mr Watt,	Cairncroft	

Support

- 3.1 This application has been advertised by the display of a site notice, press notice and further publicised by notification letters sent to 33 neighbouring properties. During the notification period there has been one email received from the occupier of "Cairncroft" raising comments with regard to the impact of the proposal on the public footpath. The query has been answered by the Case Officer as a result of which the occupier of Cairncroft has confirmed that he is in full support of the application.

### 4. Planning History

- 4.1 In 1987 an application was received (under application 87/0896) seeking planning permission for the erection of a steel framed building for storing car spares and dismantling vehicles.

- 4.2 In 1989, under application 89/0256, outline planning permission was refused for the erection of a bungalow.
- 4.3 In 2008, an application seeking full planning permission for the redevelopment of former scrapyards for mixed workshop use, including B1, B2 and B8 uses was withdrawn prior to determination.
- 4.4 Warwick Mill has an extensive planning history that from 1999 has consisted of:
1. in 1999, under application 99/0113, permission was given for the refurbishment of Warwick Mill and subdivision to provide self contained work units. Change of use from general industrial (B8) to light industrial/offices (B1) and professional services (A2) and subdivision to form office units). (Warwick Mill Business Centre);
  2. in 2000, application 00/0444, permission given for the refurbishment of Lower Level to form extension to Warwick Mill Business Centre;
  3. in 2002, application 02/0609, Listed Building Consent was given for internal refurbishment of an existing reception room in the Warwick Mill Business Centre;
  4. in 2005, application 05/1139, permission was given for the conversion of a vacant store and utility area into a Café and Sandwich Served (Otterburns Café); and,
  5. in 2007, application 06/1301, permission was given for a car park that led to an overall increase on site of 50 spaces.

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

### **Introduction**

- 5.1 Warwick Mill Business Village is located approximately 240 metres to the south of the junction with the A69. The main buildings, which date from the eighteenth and nineteenth centuries, are three to four storeys with sandstone walls and slate roofs. The eastern approach consists of a terrace of houses (Low Buildings), a newly formed car park, allotments and two parallel terraces of houses (1-6 and 8-12 High Buildings). The Mill and terraced houses at High Buildings are grade II listed buildings. 7 High Buildings is a café serving the Business Centre.
- 5.2 The main Mill building provides 50 offices ("Warwick Mill Business Centre") and 5/6 meeting rooms ("Warwick Mill Meeting Rooms") with the remaining

structures used to provide a total of 25 workshops (“Warwick Mill Workshops”) that vary in size from 25 sq. m to 470 sq. m. The applicant has explained that approximately 85% of the Mill and 99% of the workshops are currently let. The Business Village has recently won the Cumbria Tourism Award for Business Tourism in 2009.

- 5.3 Warwick Mill Business Village is bounded to the east by residential development at Longthwaite Farm Court; to the south by a water meadow, the Mill Race, Cairn Beck and a former scrap yard; and to the west by open fields. Vehicular access to the former scrap yard is via a lane off the Burnrigg Road with the junction to the immediate south of the dwelling known as St Christoph, opposite the drive serving Wood House and 80 metres to the north of Greenacres. A footbridge to the west of the South Mill workshop units provides pedestrian access to the former scrap yard from Warwick Mill. The lane is a designated public footpath that runs along the southern boundary and leads to Longthwaite Farm Court. The existing access road serving the Mill is also a public footpath. Cairn Beck is a “main river” with the site falling within Flood Zones 1, 2 and 3 as designated by the Environment Agency (EA). Cairn Beck serves the River Eden, which is a SSSI and SAC, and the EA has indicated that it is used by otters (a European Protected Species), bullhead, trout and salmon.
- 5.4 The former scrap yard, which is approximately 0.74 ha in area, consists of a warehouse type structure (approximately 628 sq. m in area) in the south-eastern corner. It is constructed externally from rendered block work with brown corrugated sheeting and is currently in use to provide storage ancillary to the Business Village (“Unit 15”), and for joinery and metalwork (“Unit 16”). A block work wall, 2.5 m in height (approximately) runs along the southern boundary with 2 m high chain link fencing delineating the western boundary with the open field.
- 5.5 Historical information indicates that the scrap yard has previously been used to accommodate a gasometer, a terrace of houses and a school building.

## **Background**

- 5.6 The current application involves retaining the existing structure on the former scrap yard and the erection of four blocks to provide a total of 14 workshop units. These would be used for purposes falling within Use Classes B1, B2 and B8 as an extension to the Business Village. Proposed Blocks A and C are based on two units of 95 sq. m; Block C is four units each with a floor space of 95 sq. m; and Block D, four units of 95 sq. m and two units of 144 sq. m. The new workshop units are to be constructed externally from clay bricks and metal insulated panels. The submitted layout plan highlights that the use of the lane to the Burnrigg Road will only provide emergency access with a new bridge to be constructed across Cairn Beck to tie in with the Business Village. This will lead to minor alterations to the existing layout of the Business Village and probable loss of 5-6 short stay parking spaces.
- 5.7 The current application is accompanied by a Design and Access Statement, a Flood Risk Assessment, Transport Assessment, a Site Investigation Report, a

Desk Top Study, and additional information regarding Environment Management and Ecology.

- 5.8 The Design and Access Statement explains that the design of the units has been based on flexibility and adaptability in use; will ensure they are economical and competitive to rent; and have low energy use/running costs. The external fabric is to be well insulated including the large sectional doors. A conscious decision has been made not to attempt to mimic the materials and features of the existing Mill because the development is away from the building and the proposed development is to be enhanced by landscaping. It is proposed that the colours of the external materials would, however, be sympathetic with the materials evident in the Mill's construction. The main landscaping proposals consist of a substantial buffer strip adjacent to Cairn Beck that will reinforce an existing wildlife corridor. The proposal incorporates seven designated disabled parking spaces and level access designed in accordance with Approved Document M. The intention is for each unit to have a wheelchair accessible wc.
- 5.9 The Flood Risk Assessment prepared by White Young Green highlights that the development will generate significant rainwater run-off in excess of that currently leaving the site. It is thus proposed that surface water from roofs and paved areas will pass through a Sustainable Urban Drainage system to both filter and restrict the flow of storm water into Cairn Beck. Discharge from the tanked sub base to the water course will be at a restricted rate. The Flood Risk Assessment recommends finished floor levels for the development are set 600mm above the level of the adjacent river bank. Foul drainage from the proposed development is to be pumped in order to discharge into the existing foul drainage system servicing the Mill.
- 5.10 The submitted Transport Assessment explains that the proposed development will only result in a 2.7% increase on the A69(T) during the am peak hour and a 2.4% increase in the pm peak. The analysis indicates that the proposed development will have no noticeable impact on operations at the A69/Warwick Mill/Waters Meet junction. Bus stops are located on the A69 which are no more than 6/7 minute walk from the proposed development. The stops are served by a half-hourly frequency route that provides access westwards to Carlisle as well as eastwards towards Brampton, Haltwhistle, Hexham and Newcasatle. National Cycle Network Route 72 runs through Warwick Bridge and Corby Hill approximately 770 m from the development site. The access road is traffic calmed to reduce speeds to around 10 miles per hour and the road width is sufficient for a car or van to pass pedestrians in a safe manner. The development site is therefore considered accessible by bus, cycle and on foot.
- 5.11 In the light of the site's former use an initial Desktop Study was carried out by ARC Environmental. The Desktop Study set out recommendations for a Phase 2 Ground Investigation that was carried out by Cowens Ltd, and a report on the findings was prepared by Environmental Simulations International Ltd. From this report it is recognised that there is a need for remedial work to be carried out to remove a known hydrocarbon hotspot from the area where the car crusher plant was located; and an additional site

investigation will be required to quantify any waste from the former gas works on the site.

- 5.12 The additional information regarding Environment Management and Ecology explains that a specific construction method statement will be submitted in accordance with the Environment Agency Pollution Prevention Guidelines (PPG5 Works and Maintenance in or near Water, and PPG6 Working at Construction and Demolition Sites). The intention is for appropriate precautions to be subsequently taken if the development was to go ahead in terms of landscaping, restricting access along the river corridor, the design of security lighting, and drainage of surface water.

### **Assessment**

- 5.13 When considering this application it is apparent that the main issue revolves around:
- a) the sustainability of the proposal;
  - b) the impact on highway safety;
  - c) the impact on the character of area and setting of a Grade II Listed Building;
  - d) impact on ecology and biodiversity; and
  - e) the impact on the living conditions of neighbouring residents.
- 5.14 In relation to a) it is evident that the proposal relates to the redevelopment of brownfield land. The Business Village and adjoining former scrap yard, although located off the A69 and within a rural location, are feasibly accessible from a bus service. Although outside the identified limits of the settlement, under Policy DP1 of the Local Plan Warwick Bridge is identified as a Local Service Centre.
- 5.15 Whilst the proposal will lead to the loss of 5/6 short stay parking spaces this has to be viewed in the context of the recently constructed car park given permission under application 06/1301. In the case of the Highways Agency the concern relates to the application being submitted and considered on the basis of relatively small workshop units but the permission could be undertaken in such a manner that the units are combined thus leading to larger units of a more intensive use serviced by bigger lorries. Furthermore, the submitted plans show the provision of a half width bus layby on the A69 that represents a relaxation of Highways Agency standards. In the case of the former issue a potential way forward could be the imposition of a condition restricting the maximum size of any particular unit although difficulties may arise controlling how the units are let. The revised comments of the Highways Agency on both matters are currently awaited.
- 5.16 When considering the impact on the character of the area and setting of a Listed Building, the proposed development has been sited away from the main Mill building but seen within the context of the Business Village as a whole. The site is also within a valley associated with Cairn Beck and landscaping is now indicated along the northern, western and eastern boundaries. The proposed landscaping along the western boundary should soften the visual impact of the proposal when viewed from the lane/public

footpath leading to Burnrigg Road.

- 5.17 In relation to biodiversity, the Environment Agency has recommended the imposition of a condition ensuring that the proposed landscaping areas adjacent to the Beck remain accessible and passable by otters. In addition, Natural England has not raised any objections on the basis of the submitted additional information regarding Environment Management and Ecology.
- 5.18 In assessing the impact on the living conditions of the neighbouring residents, the potential issues revolve around noise and disturbance that can either be from the proposed uses themselves and/or any ancillary activities such as the traffic generated and pollution. This has, however, to be considered in the context of the previous overall use of the site as a scrap yard and the level of use at the Business Village. In the case of those properties fronting the Burnrigg Road there are tangible benefits from the reduction in traffic and the potential for more contained commercial use of the site. With regard to the remaining residential properties to the north and east the submitted Transport Assessment indicates a 2.4% and 2.7% increase in traffic during the am and pm peak hours.

### **Other Matters**

- 5.19 It is appreciated that there are other issues relating to contamination, archaeology and flood risk but based on the submitted information it is considered that these issues can be addressed by the imposition of relevant conditions.

### **Conclusion**

- 5.20 At the time of preparing the report the updated observations of the Highways Agency are awaited. On the basis that the Highways Agency does not raise any objections, the proposal will be recommended for approval.

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

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

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

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

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

- 6.2 **Article 1 of Protocol 1** relates to the "Protection of Property" and bestows



the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary;

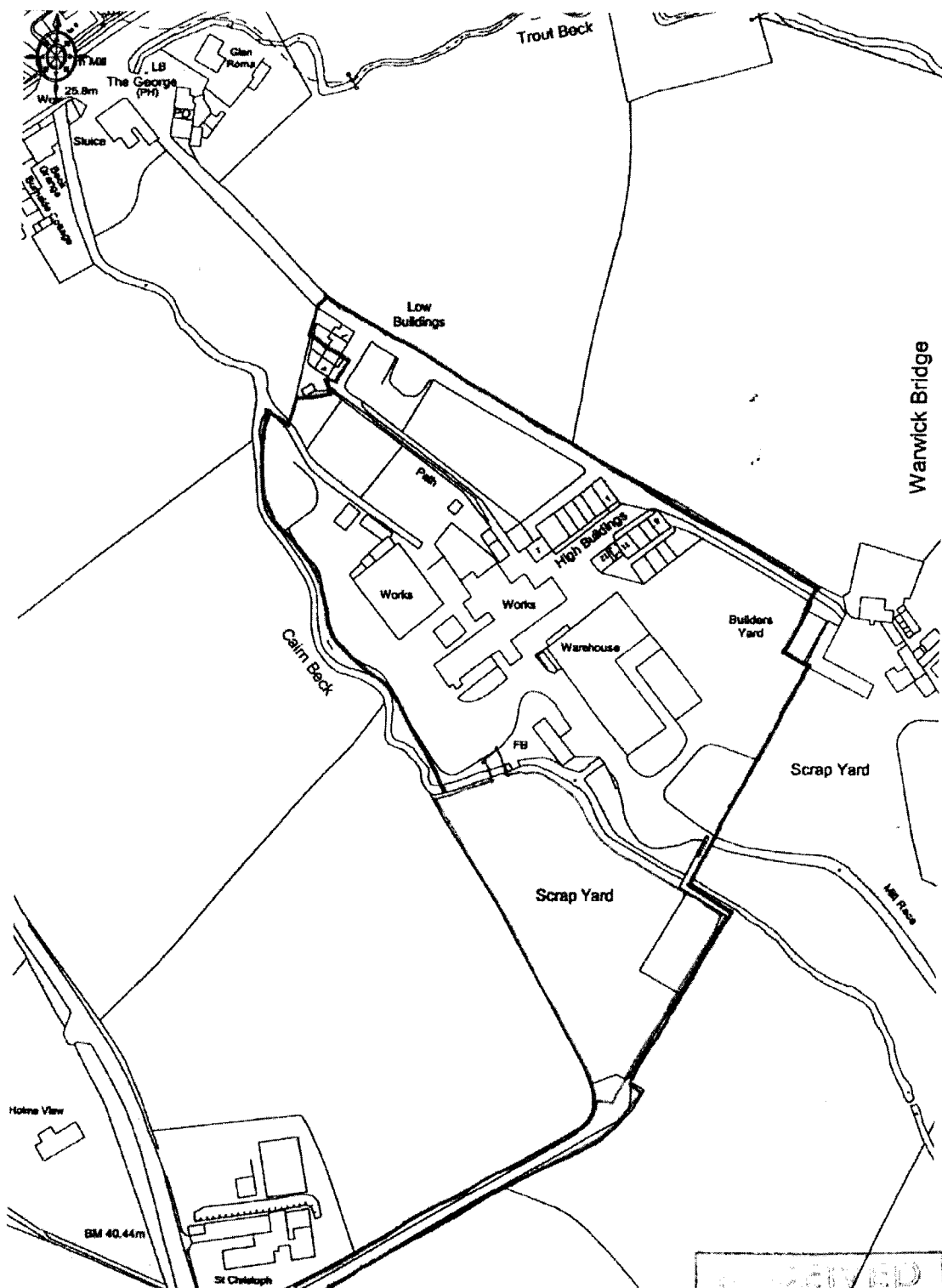
- 6.3 The proposal has been considered against the above Protocol of the Act but in this instance, it is not considered that there is any conflict.

## **7. Recommendation**

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

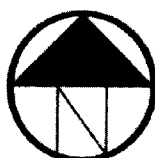
The updated observations of the Highways Agency are awaited.

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RECEIVED  
17 APR 2009  
09/0312

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revisions  
Revision Date Description

Revised by

**ARCHITECTS** *a+*  
**PLUS**

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

Project

Warwick Mill Business Village.  
Meadow Works.

Drawing

Location Plan

Scale  
1:2500

Date

Drawn

Comp.No.

Number

05097-00

Architects Plus (UK) Limited  
Victoria Galleries, Viaduct House, Victoria Viaduct, Carlisle, Cumbria CA3 8AN  
tel: 01228 515144 fax: 01228 515033 e-mail: ap@architectsplus.co.uk  
web: architectsplus.co.uk

Legend

1	Existing Buildings
2	Proposed Buildings
3	Proposed Roads
4	Proposed Paths
5	Proposed Landscaping
6	Proposed Fencing
7	Proposed Parking
8	Proposed Green Spaces
9	Proposed Water Features
10	Proposed Utilities
11	Proposed Access Points
12	Proposed Security Features
13	Proposed Lighting
14	Proposed Signage
15	Proposed Other Features

Note:

1. The drawing is a site plan and should be used in conjunction with the architectural drawings.
2. The drawing is a site plan and should be used in conjunction with the architectural drawings.
3. The drawing is a site plan and should be used in conjunction with the architectural drawings.
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NORTH

ARCHITECTS **a+**

**P L U S**

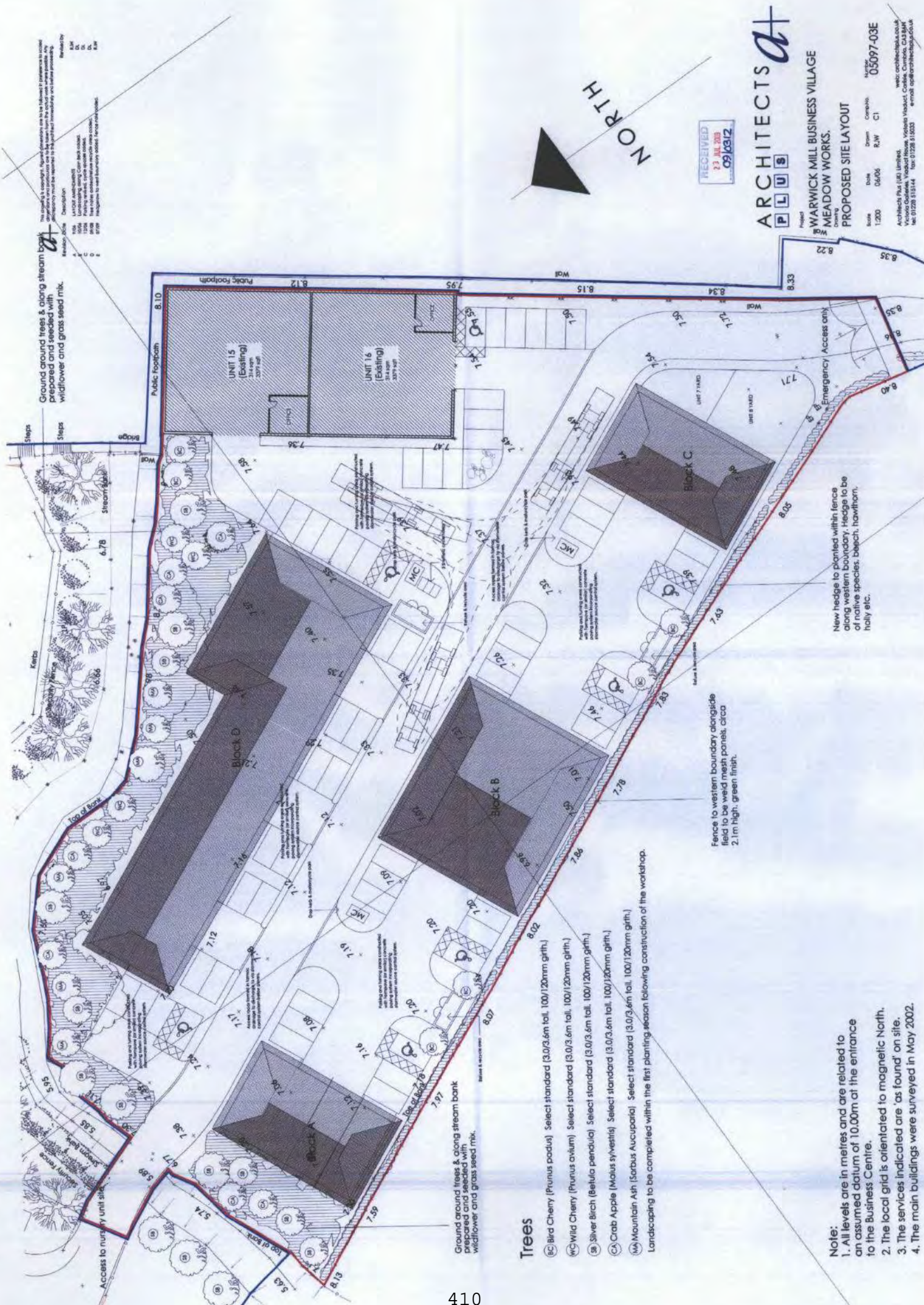
WARWICK MILL BUSINESS VILLAGE  
MEADOW WORKS

17 APR 2009  
09/03/09

Scale: 1:500 Date: 06/06 Drawn: R.J.W. Checked: C.I.

Architect: Plus (UK) Limited  
Victims Gardens, Warwick, Warwickshire, CV34 5AN  
Tel: 01728 515144 Fax: 01728 515033 email: info@architectplus.co.uk





Ground around trees & along stream bank prepared and seeded with wildflower and grass seed mix.

Revisory table

No.	Description	Revised by	Date
1	Initial design	PLU	09/03/12
2	Revised design	PLU	09/03/12
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100	Revised design	PLU	09/03/12

RECEIVED  
23 JUL 2012  
09/03/12

ARCHITECTS **PLU**

WARWICK MILL BUSINESS VILLAGE  
MEADOW WORKS.

PROPOSED SITE LAYOUT

Scale: 1:200  
Date: 06/06  
Drawn: R.W.  
Checked: C.I.  
Project: 05097-03E

Architects Plus (UK) Limited  
Victoria Gardens, Victoria Road, Victoria Park, Chester, CH1 1JH  
Tel: 01225 115114 Fax: 01225 115113 email: info@architectsplus.co.uk

### Trees

- (C) Wild Cherry (*Prunus padus*) Select standard (3.0/3.6m tall, 100/120mm girth.)
- (W) Wild Cherry (*Prunus avium*) Select standard (3.0/3.6m tall, 100/120mm girth.)
- (S) Silver Birch (*Betula pendula*) Select standard (3.0/3.6m tall, 100/120mm girth.)
- (C) Crab Apple (*Malus sylvestris*) Select standard (3.0/3.6m tall, 100/120mm girth.)
- (M) Mountain Ash (*Sorbus aucuparia*) Select standard (3.0/3.6m tall, 100/120mm girth.)

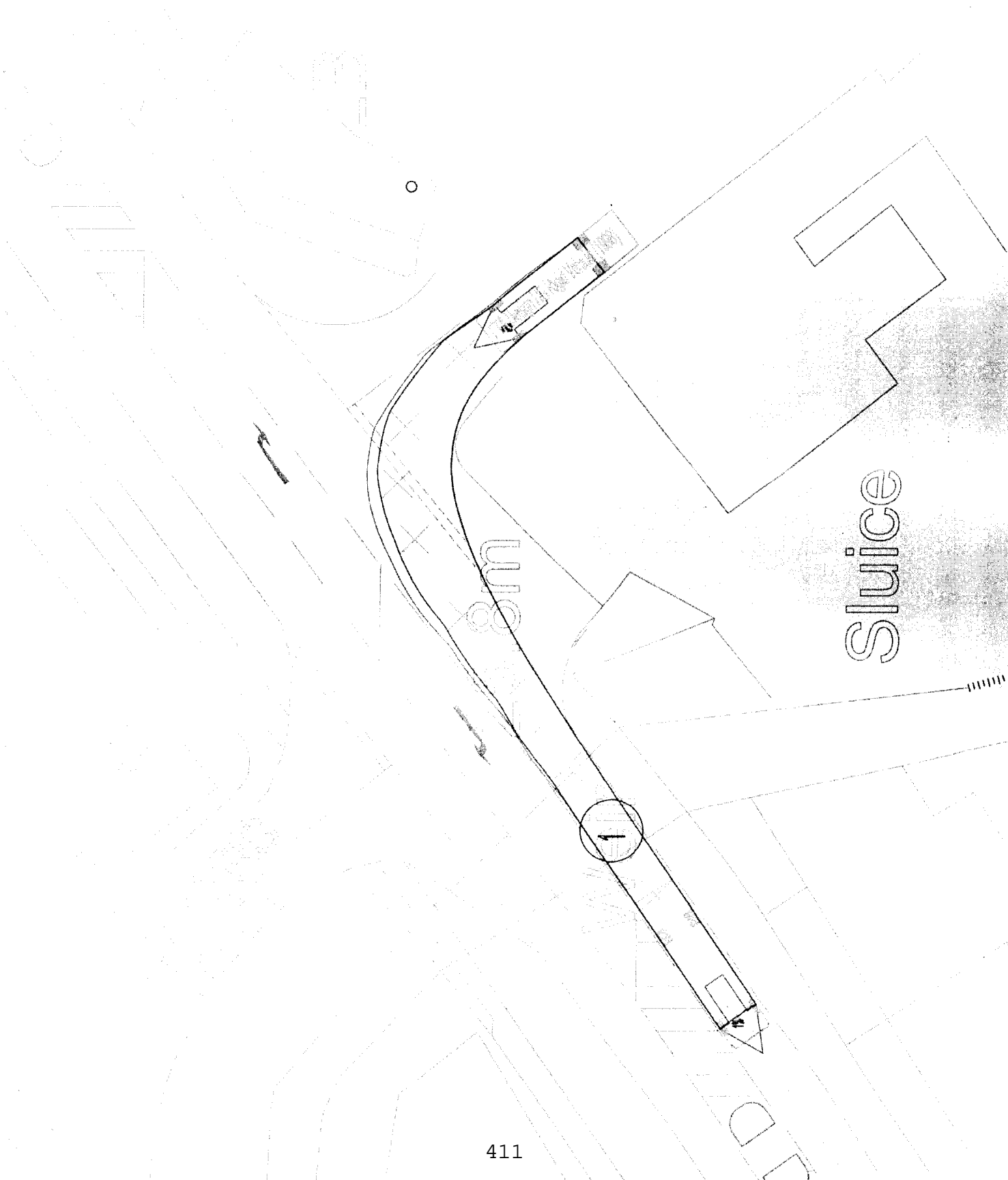
Landscaping to be completed within the first planting season following construction of the workshop.

Fence to western boundary alongside field to be weed mesh panels, circa 2.1m high, green finish.

New hedge to planted within fence along western boundary. Hedge to be of native species, beech, hawthorn, holly etc.

- Note:
1. All levels are in metres and are related to an assumed datum of 10.00m at the entrance to the Business Centre.
  2. The local grid is orientated to magnetic North.
  3. The services indicated are 'as found' on site.
  4. The main buildings were surveyed in May 2002.





21/11/09  
09/03/12

REV	DESCRIPTION	BY	CHK	APP	DATE
01	Issue for Construction				

SINATOR LIMITED

**WYG**  
2 St. James Gate  
Dublin 8, Ireland  
Tel: +353 (0)1 406 2000  
Fax: +353 (0)1 406 2001  
E-mail: [info@wyg.ie](mailto:info@wyg.ie)

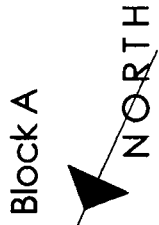
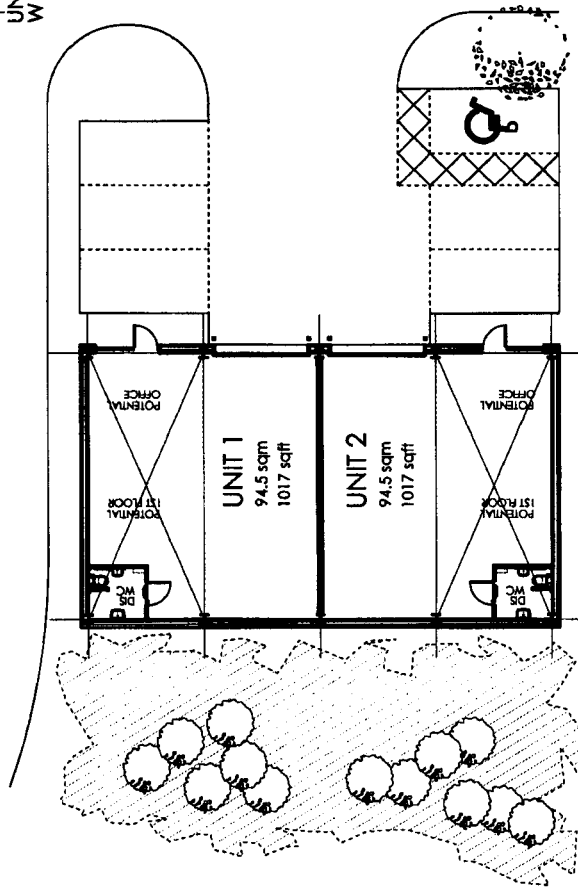
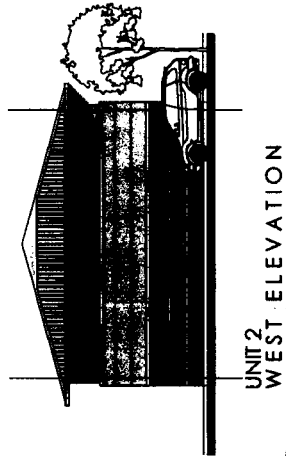
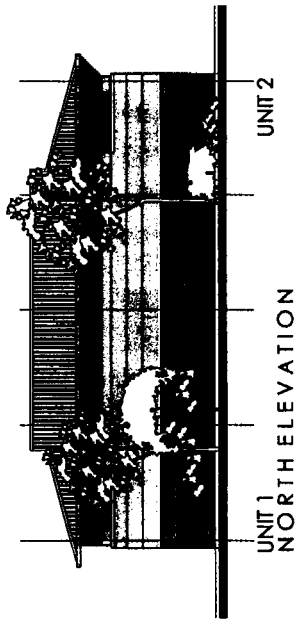
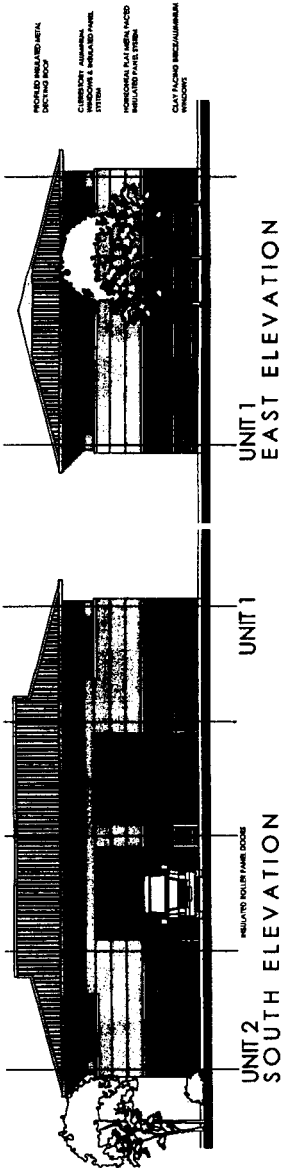
WARWICK MILL BUSINESS CENTRE

Tracking Title  
AUTOTRACK ANALYSIS

Rev	AS	Drawn	Chk	Date	App'd	Date
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Project No.	A032928	Office	37	18	Drawing No.		C007			



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**ARCHITECTS**  
**PLU**

Project:  
 WARWICK MILL BUSINESS VILLAGE  
 MEADOW WORKS  
 Block A-PLANS & ELEVATIONS  
 Scale: 1:100  
 Date: 10/06  
 Drawn: DL  
 Checked: CI  
 Project No: 05097-05  
 Architect: PLU (UK) Limited  
 Architects: PLU (UK) Limited  
 1/200 ● A3  
 012208 813144 Fax 012208 318233 email: info@architects.plu.co.uk

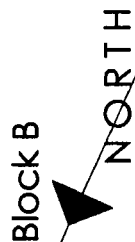
This drawing is copyright. Figure dimensions are to the left of the drawing. To scale.



17 APR 2009  
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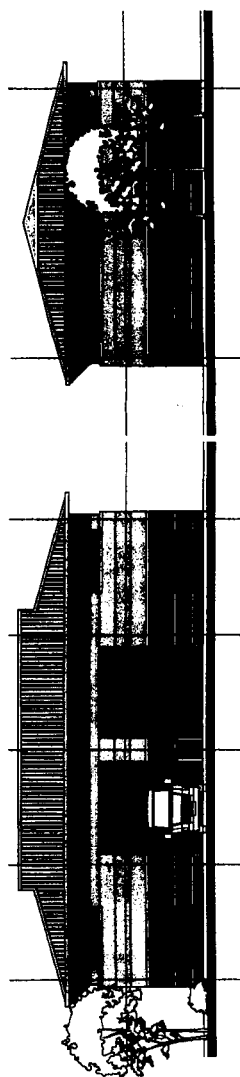
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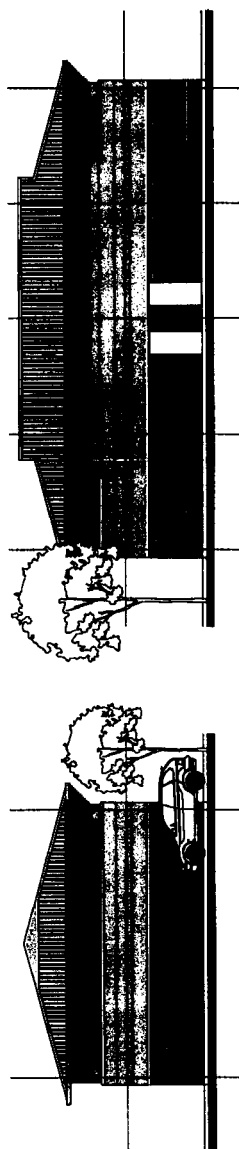
PREFORM INSULATED METAL  
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 CLUSTERING ALUMINUM  
 WINDOW & INSULATED PANEL  
 SYSTEM  
 HORIZONTAL PLAT METAL FACED  
 INSULATED PANEL SYSTEM  
 CLAY FACED BRICK/ALUMINUM  
 WINDOW



WEST ELEVATION

## UNIT 8

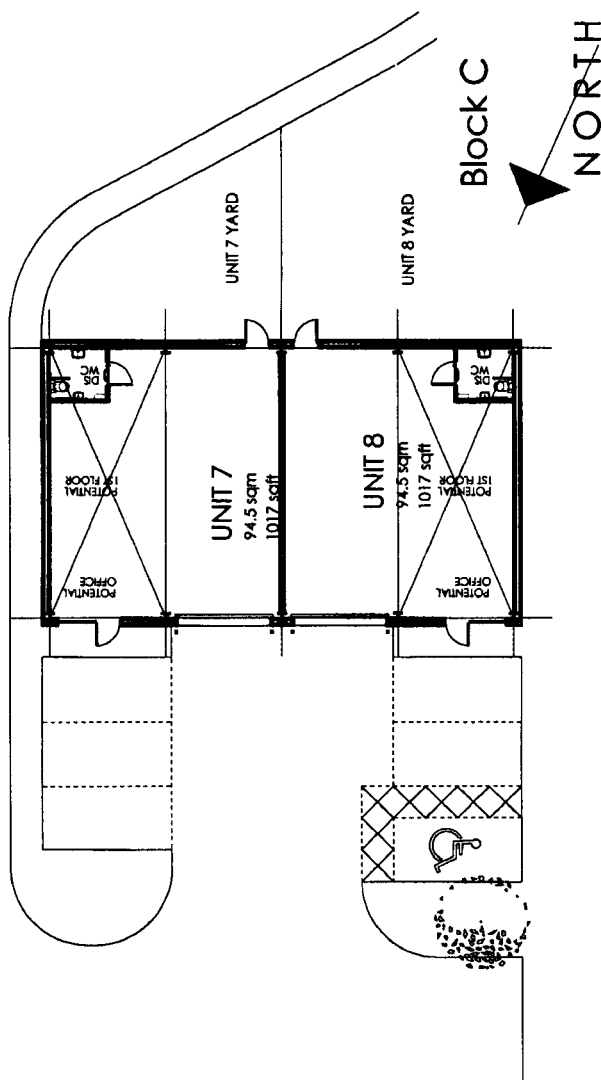
NORTH ELEVATION  
UNIT 7



## UNIT 7

**SOUTH ELEVATION**  
**UNIT 8**

EAST ELEVATION



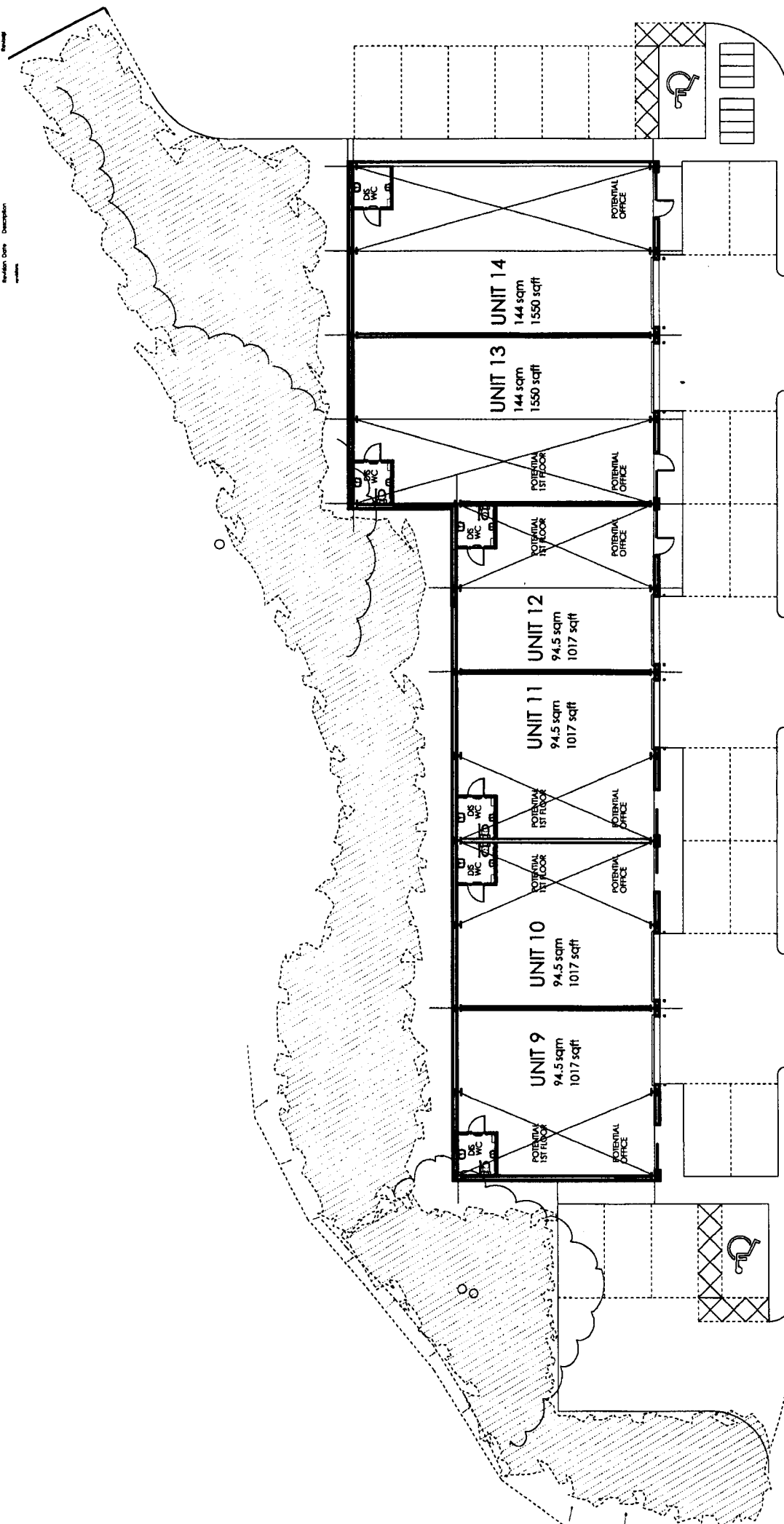
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09/0312

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Project  
**WARWICK MILL BUSINESS VILLAGE  
MEADOW WORKS.**  
Drawing  
**BLOCK C-PLANS & ELEVATIONS**

Scale	Date	Down	Computer	Number
1:100 ● A1	10/06	DL	-C1	05097-07
1:200 ● A3				

Architect Plus (UK) Limited,  
 Victoria Galleries, Victoria House, Victoria Road,  
 Leicester LE1 5JG  
 Tel: 01226 515144 Fax: 01226 515033  
 e-mail: [architectplus.co.uk](mailto:architectplus.co.uk)  
 web: [architectplus.co.uk](http://architectplus.co.uk)



## Block D

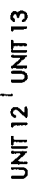


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ARCHITECTS *a+*  
P L U S

Project  
**WARWICK MILL BUSINESS VILLAGE**  
MEADOW WORKS.  
Design  
**BLOCK D-PLANS**

Scale	Date	Drawn	Computed	Number
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UNIT 9  
WEST ELEVATION

UNIT 14



UNIT 9

UNIT 11 UNIT 10



## UNIT 6

RECEIVED  
17 APR 2009  
09/03/12

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P L U S

Warwick Mill Business Village  
Meadow Works.  
Block D-Elevations

Scale	Date	Drawn	Comp.No.	Number
1:100 @ A1	10/06	DL	-C1	05097-09
1:200 @ A3				

Architects Plus (UK) Limited,  
 Archibald Galleries, Vivastreet House, Victoria Road,  
 Cumbria, Cumbria, CA3 8AL  
 Tel: 01228 515144 Fax: 01228 319033  
 e-mail: ap@architectsplus.co.uk  
 web: architectsplus.co.uk

SCHEDULE C

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## SCHEDULE C: Applications Determined by Other Authorities

08/0224

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**Item No: 14**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**

08/0224

**Applicant:**

Kans & Kandy (Properties) Ltd

**Parish:**

Carlisle

**Date of Receipt:**

04/03/2008

**Agent:**

Sanderson Weatherall

**Ward:**

Stanwix Urban

**Location:**

Gates Tyres, 54 Scotland Road, Stanwix, Carlisle  
CA3 9DF

**Grid Reference:**

340030 557276

**Proposal:** Erection of a Neighbourhood Convenience Store (464.5 sq m), Small Retail Unit (92.9 sq m) with 9 Residential Flats Above and Associated Parking

**Amendment:**

1. Alterations to the design of the proposed building, including a reduction in its height of the building by 2.9m and the number of residential units proposed to 11 flats.
2. Further modifications to the detailing and internal alterations reducing the number of flats to 9.

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### REPORT

**Case Officer:** Sam Greig

**Decision on Appeals:**

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Informal Hearing

**Report:** This appeal refers to an application for a mixed development of retail and residential uses on the 0.18 hectare site that was previously occupied by Gates Tyres, which retailed tyres and exhausts as well as offering MOT's and car repairs. The site is situated on Scotland Road, the main route into the City from the north and lies approximately 900m to the north of the City centre.

Members may recall that the application proposed the erection of a replacement three storey building that would comprise two retail units to the ground floor with 9 two-bedroom flats on the two floors above. The retail units to be provided on the ground floor would have a gross floor area of 464.5 sq. m and 72.9 sq. m. It was proposed that the smaller of the two units would be available for unrestricted A1 retail use, which includes a

## SCHEDULE C: Applications Determined by Other Authorities

08/0224

variety of retail uses ranging from shops, hairdressers or a post office etc. The larger unit would provide a neighbourhood convenience store and the applicant had suggested that it would be occupied by "Sainsbury's", although this factor was not pertinent to the decision.

In August 2008 the Development Control Committee refused planning permission on the basis that the proposed development would result in an unacceptable increase in traffic and that it was contrary to criterion 3 of Policy H17 of the Carlisle District Local Plan (adopted September 1997).

The Development Control Committee made this decision despite the fact that an independent transport assessment, which was commissioned at Members request, advised that there was insufficient justification to refuse the application on highway grounds.

The Planning Inspector acknowledged that it is likely that some traffic, particularly from the east and south east of the site, would access the retail units via the residential side streets, including Cheviot Road, Knowe Road, Knowe Terrace, Mulcaster Crescent, Well Lane and Church Street. The Inspector stated that, based on the figures produced by the Council's own highway consultants, even if half the estimated total traffic chose these routes, which the Inspector considered very unlikely, this would only amount to approximately one additional vehicle either arriving or departing every five minutes in the peak hour.

The Planning Inspector appreciated that the side streets to the east and south east of the site have high levels of on-street parking and that a local primary school is located on Mulcaster Crescent with its attendant traffic problems at the start and finish of the school day.

The Inspector was not, however, persuaded that the very low level of additional traffic likely to arise from the proposed development on these streets would result in any significant adverse effects on local residents whether from congestion, traffic noise or air pollution. The Inspector added that he had not seen or heard any convincing evidence to the contrary.

In allowing the appeal the Planning Inspectorate awarded full costs against the Council on the basis that it had provided insufficient evidence to support its reason for refusal. The appellants claimed for costs of £53,417; however following negotiation by Council Officers a significantly lower figure of £40,000 has been agreed.

The Inspector attached twenty seven conditions to the decision notice to address concerns relating to a variety of other matters, such as the external finishes, the proposed landscaping, the possible presence of archaeology and contamination, noise mitigation measures and highway issues.

**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 10/03/2009

## SCHEDULE C: Applications Determined by Other Authorities

08/0420

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**Item No: 15**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**

08/0420

**Applicant:**

Mr Anthony Nicholson

**Parish:**

Stanwix Rural

**Date of Receipt:**

24/04/2008

**Agent:**

**Ward:**

Stanwix Rural

**Location:**

Little Bobbington, The Knells, Houghton, Carlisle,  
CA6 4JG

**Grid Reference:**

341122 560307

**Proposal:** Change Of Use Of Land To Domestic Garden/Paddock

**Amendment:**

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### REPORT

**Case Officer:** Suzanne Edgar

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** The appeal site relates to 'Little Bobbington' a two-storey detached house set within relatively extensive grounds situated on the eastern side of the road leading from Houghton to Scaleby. Permission was sought for change of use of land to the rear of Little Bobbington to domestic garden/paddock. The application was determined under delegated powers on the 13th June 2008, when it was refused on the following grounds:

*"Although the site is located directly adjacent to domestic properties, those properties and the land subject of the application is located within an area of open countryside outwith the boundary of an established settlement, it is agricultural in nature, and the scale of the proposed extended domestic curtilage is considered disproportionately large in relation to the scale of the plot occupied by the applicant's dwelling. As such, its incorporation as additional garden/paddock will adversely affect the living conditions of the occupiers of the neighbouring properties, notably in relation to their privacy and the open rural character of their setting. The proposal would therefore be contrary to the objectives of Policy H14 of the Carlisle District Local Plan and Policies CP4 and H11 of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft."*

*"In this rural location, such an extended residential curtilage would be visually conspicuous and incongruous within the open character of the*

## SCHEDULE C: Applications Determined by Other Authorities

08/0420

*immediate landscape. Moreover, given the Council's inability to ensure the perpetual retention of that existing landscape character, or control the nature of any future cultivation or planted species introduced to the site, the potential implications of the proposals, if permitted, on the landscape character and bio-diversity within this area would be detrimental and emphasise the potential adverse visual impact of any changes imposed. The proposal would, accordingly, be inappropriate and erode the established landscape character contrary to the objectives of Policy E37 (Landscape Character) of the Cumbria and Lake District Joint Structure Plan, Policy E8 (Remainder of the Rural Area) of the Carlisle District Local Plan and Policy CP1(Landscape Character/ Biodiversity) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft."*

The main issues in the consideration of the appeal were the effect of the proposed change of use on the landscape character and biodiversity of the area and the effect on living conditions for residents of the adjoining houses. The inspector concurred with the Council's view that the appeal site would introduce a wedge of countryside character that would be significantly eroded by a large expansion of the garden to 'Little Bobbington' contrary to landscape character objectives of saved Policy E37 of the Cumbria and Lake District Joint Structure Plan, saved Policy E8 of the Carlisle District Local Plan (adopted September 1997) and Policy CP1 of the Carlisle District Local plan (2001-2016).

The Inspector however disagreed with the Council that the development would cause significant harm to neighbouring residents living conditions as he was of the opinion that given the scale of the proposed garden it was unlikely that increased activity would be concentrated so close to neighbouring properties. The Inspector decided however that the lack of adverse effect on neighbours living conditions would not outweigh the harm to the character of the local rural landscape and biodiversity caused by the addition of a large area of domestic garden. As such, the appeal was dismissed.

**Appeal Decision:** Appeal Dismissed

**Date:** 01/07/2009



## SCHEDULE C: Applications Determined by Other Authorities

08/0586

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**Item No: 16**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**

08/0586

**Applicant:**

McKnight & Son Builders

**Parish:**

Carlisle

**Date of Receipt:**

05/06/2008 15:30:11

**Agent:**

Taylor & Hardy

**Ward:**

Multiple Wards

**Location:**

Land adjacent to 84, Castlesteads Drive, Carlisle

**Grid Reference:**

337202 555588

**Proposal:** Erection Of Two Semi-Detached Dwellings

**Amendment:**

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### REPORT

**Case Officer:** Chris Harrison

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** This appeal related to an application for Full Planning permission for the erection of two semi-detached dwellings on land adjacent to 84 Castlesteads Drive, Carlisle. The application was refused for the following reasons:

*"The application site occupies a prominent corner plot at the junction of Castlesteads Drive and Chesterholme at the point of convergence between a row of single storey and two storey dwellings. The proposed dwellings are sited significantly forward of and in close proximity to both no.84 and 82 Castlesteads Drive and do not accord with the established building line within this area of street. The scale and massing of the proposed dwellings, whilst reflective of the principal property types within the locality, fail to account for the existence of, and proximity to the neighbouring single storey dwellings. The proposal would accordingly be inappropriate, representing over intensive development of a restricted site, which would detrimentally erode the character of the established streetscape. In this regard, the development is contrary to the objectives of Policies H2 (Primary Residential Areas) and H16 (Design Considerations) of the Carlisle District Local Plan and Policies CP4 (Design) and H2 (Primary Residential Areas) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as amended by the Inspector's Report.*

## SCHEDULE C: Applications Determined by Other Authorities

08/0586

*At the nearest point, a distance of 6.15 metres is achieved between the primary windows serving the habitable rooms of the proposed dwellings and the blank gable wall of No.93 Chesterholme. Due to the close proximity of the gable wall, the living conditions of the occupiers of the proposed dwellings would be compromised through its overshadowing impact. In this regard, the proposal is therefore contrary to criteria 5 of Policy CP4 (Design) and criteria 2 and 3 of Policy H2 (Primary Residential Areas) of the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft as amended by the Inspector's Report."*

The main issues in the consideration of the appeal were the effect on the character and appearance of the area and on living conditions for future residents of the proposed houses. The Inspector acknowledged that the character of the estate is spacious, with houses set back from the road fronts and may corners left quite open. He also recognised that there is not always a rigid building line with buildings sometimes following a staggered arrangement. In summary, the Inspector noted that the closeness of the proposed houses to the road would be out of keeping with the general built form of the estate and rather than filling the corner, the houses would fill its space to an unacceptable degree and would be unduly prominent in the street scene.

The Inspector commented that although there would be some difference in level between the proposed and existing dwellings, the spacing would not be close enough to cause serious overshadowing or overbearing effects. He concluded that the proposal would not adversely effect residential amenity and would not conflict with planning policies.

The Inspector concluded that the lack of adverse impact on future living conditions would not outweigh the harm to the character and appearance of the area due to inappropriate siting of the proposed houses. For these reasons, the appeal was dismissed.

**Appeal Decision:** Appeal Dismissed

**Date:** 30/06/2009

## SCHEDULE C: Applications Determined by Other Authorities

08/1009

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**Item No: 17**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**  
08/1009

**Applicant:**  
James Nicholson

**Parish:**  
Westlinton

**Date of Receipt:**  
13/10/2008

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Elm Bank, Blackford, Carlisle, Cumbria, CA6 4EA

**Grid Reference:**  
339442 562019

**Proposal:** Change Of Use From Employment (B1) To Live/Work Unit Involving Conversion Of Store & Offices With Extension Added, Demolition Of Garage; And Improvement Works To Existing Buildings

**Amendment:**

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### REPORT

**Case Officer:** Dave Cartmell

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** The appeal site relates to 'Elm Bank' a freestanding single storey T shaped building situated in open countryside approximately 2km north of Junction 44 of M6 and approximately 2km north of Junction 44 of M6 and approximately 200 metres west of Blackford. Permission was sought for the change of use from employment (B1) to live/work unit involving conversion of store and offices with extension added, demolition of garage; and improvement works to existing buildings. The application was determined under delegated powers on the 8th December 2008, when it was refused on the following grounds:

*"The proposed change of use of an existing employment unit to a live/work unit, and an extension to provide residential accommodation of a scale, design and location which fail to retain the character of the existing traditional building and adversely affect the character of the local landscape, are contrary to the objectives of Policies DP1, CP5 and EC12 of the Carlisle District Local Plan (2001 - 2016)."*

*"Inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:*

(a) access

## SCHEDULE C: Applications Determined by Other Authorities

08/1009

- (b) *visibility splays*
- (c) *off-street parking*
- (d) *its effect on local traffic conditions and public safety*
- (e) *impact on sustainable travel*

*contrary to the objectives of Local Transport Plan Policies LD7, and LD8"*

The main issues in the consideration of the appeal were the effect on the character of the area and on highway safety. The Inspector concurred with the Council as he considered that the large expansion of the building and the absence need for the proposal would be contrary to Local Plan Policies EC12 and DP1. The Inspector however disagreed with the Council that the proposal would significantly compromise the design objectives of Local Plan Policy CP5 as the existing building already appears as an isolated element in open countryside.

The Inspector also concurred with the County Council's view that the residential element would be likely to increase traffic to and from the site, the success of efforts to encourage more sustainable modes could not be guaranteed, the inability of two vehicles to pass at the entrance to the site would cause a safety hazard and there is poor visibility at the access junction.

The Inspector concluded that the proposed residential extension of the existing building to form a live/work unit would be contrary to development plan policy and that the resulting potential increased usage of the sub-standard access would create a highway safety risk. Although the proposed design of the alterations and extension would be acceptable, this would not offset the other harm. As such, the appeal was dismissed.

**Appeal Decision:** Appeal Dismissed

**Date:** 27/07/2009

## SCHEDULE C: Applications Determined by Other Authorities

08/1233

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**Item No: 18**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**

08/1233

**Applicant:**

Anthony Nicholson

**Parish:**

Stanwix Rural

**Date of Receipt:**

15/12/2008

**Agent:**

**Ward:**

Stanwix Rural

**Location:**

Little Bobbington, The Knells, Carlisle, CA6 4JG

**Grid Reference:**

341122 560307

**Proposal:** First Floor Extension Above Existing Garages To Provide A Study Room  
(Resubmission)

**Amendment:**

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### REPORT

**Case Officer:** Angus Hutchinson

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** The appeal site relates to 'Little Bobbington' a two-storey detached house set within relatively extensive grounds situated on the eastern side of the road leading from Houghton to Scaleby. Permission was sought for the erection of a first floor extension above existing garages to provide a study. The application was determined by Planning Services Development Control Planning Committee on the 30th January 2009, when it was refused on the following grounds:

*"Little Bobbington is a detached two storey house forming part of an isolated ribbon of development immediately neighboured by single storey dwellings within the designated Hadrian's Wall Military Zone World Heritage Site Buffer Zone. The proposed first floor, because of the resultant size of the structure, detailing and the highly visible way it projects forward, is considered to be a discordant feature detrimental to the character of the area. The proposal is therefore considered to be contrary to Policies H11, LE7 and criteria 1 and 4 of Policy CP5 of the Carlisle District Local Plan 2001-2016."*

*"Little Bobbington is a two storey detached house immediately neighboured by single storey dwellings. The proposed first floor, with its associated blank wall 5 metres in height and 14.27 metres in length running along the southern boundary, will result in a relatively large built feature that is*

## SCHEDULE C: Applications Determined by Other Authorities

08/1233

*considered to be unacceptably dominating to the detriment of the living conditions of the occupiers of the bungalow known as Parkside. The proposal is therefore considered to be contrary to criterion 5 of Policy CP5 and Policy H11 of the Carlisle District Local Plan 2001-2016."*

The main issues in the consideration of the appeal were the effect on the character and appearance of the area and on the living conditions for residents of the adjoining property. The Inspector concurred with the council's view, stating that if the first floor were to be added over the existing garages this would create much more of a visual impact which would be more prominent in the street scene and would form an incongruous feature contrary to the guidance of Planning Policy Statement 1: Delivering Sustainable Development and parts 1 and 4 of Policy CP5 of the Carlisle District Local Plan (2001-2016).

The Inspector also considered that the blank gable wall facing the neighbouring property "Parkside" would have an unacceptably dominant effect on the enjoyment of Parkside's garden contrary to part 5 of Policy CP5 and to Policy H11 of the Carlisle District Local Plan (2001-2016).

The Planning Inspector concluded that the proposal is contrary to current planning policies. As such, the appeal was dismissed.

**Appeal Decision:** Appeal Dismissed

**Date:** 02/07/2009

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 19**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**

09/9025

**Applicant:**

United Utilities

**Parish:**

Carlisle

**Date of Receipt:**

19/05/2009

**Agent:**

Cumbria County Council

**Ward:**

Stanwix Urban

**Location:**

Etterby Terrace, Etterby Street, Carlisle

**Grid Reference:**

339660 557085

**Proposal:** Relocation Of Control Kiosk To 'Dry Side' Of New Flood Defence Wall At Etterby Terrace

**Amendment:**

### REPORT

**Case Officer:** Richard Maunsell

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Observations

**Date:** 01/06/2009

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 18/06/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: United Utilities  
1st Floor Clearwater 4  
Lingley Mere Business Park  
Lingley Mere Avenue  
Great Sankey  
Warrington  
WA5 3LP

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 15 May 2009.

**viz: Relocation of control kiosk to 'dry side' of new flood defence wall  
Control Kiosk, Etterby Terrace, Etterby Street, Carlisle, Cumbria**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*

- 2 The development shall be carried out in accordance with the approved scheme. Any variations to the approved scheme shall be submitted to and approved by the Local Planning Authority prior to being carried out.

*Reason: To ensure the development is carried out to an approved appropriate standard.*

Dated the 18<sup>th</sup> day of June 2009



.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.



**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

1. This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice and the relevant development plan policies.
2. The key development plan policies taken into account by the County Council before granting permission were as follows:

**Cumbria Minerals and Waste Development Framework - Core Strategy and  
Generic Development Control Policies - April 2009**

Policy DC4f: Waste water management facilities.

3. In summary, the reasons for granting permission are that the County Council is of the opinion that the proposed development is in accordance with the development plan, there are no material considerations that indicate the decision should be made otherwise and with the planning conditions included in the notice of planning consent, any harm would reasonably be mitigated. Furthermore, any potential harm to interests of acknowledged importance is likely to be negligible and would be outweighed by the benefits of the development.

Dated the 18<sup>th</sup> day of June 2009



.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

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**Item No: 20**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**

09/9029

**Applicant:**

Mrs Sue Simpson

**Parish:**

Carlisle

**Date of Receipt:**

19/06/2009

**Agent:**

Mr Nick Long

**Ward:**

Belah

**Location:**

Kingmoor Infants School, Hether Drive, Lowry Hill,  
Carlisle, Cumbria, CA3 0ES

**Grid Reference:**

339181 558493

**Proposal:** Section 73(a) Extension Of Time For Retention Of Building

**Amendment:**

### REPORT

**Case Officer:** Richard Maunsell

### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection

**Date:** 08/07/2009

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission

**Date:** 29/07/2009

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING ACT, 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER, 1995**

**NOTICE OF PLANNING CONSENT**

To: Mrs Simpson - Property Unit  
Portland Square  
Carlisle  
Cumbria  
CA1 1PE

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans and drawings attached thereto received on 11 June 2009.

**viz: Section 73(a) extension of time for retention of building.  
Kingmoor Infant School, Hether Drive, Lowry Hill, Carlisle, Cumbria, CA3 0ES**

subject to due compliance with the following conditions:

- 1 The development hereby permitted shall be for a limited period expiring on 31st August 2010. By this time the building hereby permitted shall have been removed from the site and the site restored to grassland not later than three months from this expiry date.

*Reason: The temporary nursery is only required to overcome an immediate shortage of accommodation at the school pending the construction of a permanent facility.*

- 2 The development hereby permitted shall only be carried out in accordance with the approved scheme on plans CSO/026335/A 022 Rev C and CS/0/P001 Rev A.

*Reason: To ensure that the development is carried out to an approved appropriate standard.*

- 3 The temporary protective fencing erected to define the construction exclusion zone around trees Birch Ref 0707 and Oak ref 0708 as defined under the terms of planning permission 1/08/9012 in the arboricultural report dated 18th March 2008 Ref:KIJS/0308/AHTS & TR shall be maintained on the site for the duration of the development and removal on expiry of the permission.

*Reason: To safeguard amenity on the site*

Dated the 29<sup>th</sup> day of July 2009



.....  
Signed: Shaun Gorman  
The Head of Environment,  
on behalf of the Council.

**NOTE**

- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Any approval to be given by the Director of Environment or any other officer of Cumbria County Council, shall be in writing.

**CUMBRIA COUNTY COUNCIL**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995 (AS AMENDED)**

**SUMMARY OF REASONS FOR GRANT OF PLANNING PERMISSION**

This application has been determined in accordance with the Town and Country Planning Acts, in the context of national and regional planning policy guidance and advice. It accords with the development plan as far as this is relevant and material considerations indicate that planning permission should be granted.

Dated the 29<sup>th</sup> day of July 2009



.....  
Signed: Shaun Gorman  
The Head of Environment,  
Directorate of Economy Culture & Environment,  
on behalf of the Council.

## SCHEDULE C: Applications Determined by Other Authorities

08/0751

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**Item No: 21**

Between 09/03/2009 and 07/08/2009

**Appn Ref No:**  
08/0751

**Applicant:**  
Mr B Cuthbertson

**Parish:**  
Carlisle

**Date of Receipt:**  
22/07/2008

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
204 Newtown Road, Carlisle, Cumbria, CA2 7NJ

**Grid Reference:**  
337938 556089

**Proposal:** Part Raising Of Roof To Enable Loft Conversion To Provide En-Suite Bedroom (Revised Application)

**Amendment:**

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### REPORT

**Case Officer:** Shona Taylor

#### Decision on Appeals:

**Appeal Against:** Appeal against refusal of planning perm.

**Type of Appeal:** Written Representations

**Report:** The appeal site relates to 204 Newtown Road, a two storey semi-detached residential property situated centrally within a row of both detached and semi-detached residential properties, located directly opposite the entrance to Berkeley Grange. Permission was sought for the raising of the east element of the roof above bedroom one and bedroom three of the main house to form a dual pitched gable and enable a loft conversion containing 1 No. bedroom and an en-suite bathroom.

The application was determined under delegated powers on the 16th September 2008 when it was refused on the following grounds:

"The proposals are contrary to Policies CP5 and H11 of the Carlisle District Local Plan 2001-2016, which requires that extensions to existing dwellings are appropriate to the dwelling, its design and setting, be of an appropriate scale and not dominate the original dwelling. In this instance it is considered that by virtue of its scale and size the increase in height of the section of roof would result in an obtrusive development that would be inappropriate to the character of the existing dwelling and dominate its appearance. This would disrupt an established street and roof scene on Newtown Road given the positioning of the development and the property's prominence within the vista when looking north from the entrance to Berkeley Grange. In this regard, and notwithstanding the difference in

## **SCHEDULE C: Applications Determined by Other Authorities**

08/0751

levels between the application site and adjoining land, it is considered that the resultant visual and physical dominance would be overpowering, inappropriate and unacceptable."

The Inspector noted that the appeal property is one of a pair, which does not conform to this general pattern of the street. They would appear to have been built with a non-gabled front façade and therefore any symmetry the pair may have possessed has been removed by the Appeal Decision APP/E0915/A/09/2099997 for the addition of a two storey gabled bay at the appeal property. The symmetry has been further eroded by the addition of a side extension at first floor level over a ground floor car port.

Whilst the Inspector noted the Council's concerns about the raised ridgeline now proposed and the addition of a large gabled front, he considered that the general form and detail of the proposal would be sympathetic to its surroundings and would not, therefore, be an inappropriate addition to the existing dwelling.

The Inspector concluded that the proposal would not have an adverse effect on the character or appearance of the existing dwelling or the wider street scene and therefore would comply with the requirements of Policies H11 and CP5 of the Local Plan.

As such, the Inspector allowed the appeal subject to two conditions.

**Appeal Decision:** Appeal Allowed with Conditions      **Date:** 06/08/2009



SCHEDULE D

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SCHEDULE D

## SCHEDULE D: Reports on Previously Deferred Decisions

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**Item No: 22**

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0161

**Applicant:**

Environment Agency

**Parish:**

Carlisle

**Date of Receipt:**

05/03/2009 16:03:54

**Agent:**

AXIS P.E.D. Ltd

**Ward:**

Castle

**Location:**

Stephenson Industrial Estate, Willowholme, Carlisle

**Grid Reference:**

338507 556575

**Proposal:** Revision To Previous Planning Consent For A Flood Defence Scheme To Include: Revisions Along The Left Bank Of The Eden Including Minor Raising Of Footpath Levels, Reduced Embankment Proposals Which Would Now Include Raising Of Ground Levels Within Land Owned By Wallace Oils; Along Parham Beck Including Revised Wall Location, Inclusion Of A Drawdown Structure And A New Low Flood Embankment; Provision Of A Flood Gate At The Sands Centre; The Installation Of A 4 Metre High CCTV Off Viaduct Estate Road; Alterations Regarding 23-40 The Maltings; Revisions At Little Caldew Pumping Station (BT Yard); The Showman's Guild, Willowholme; And Right Bank Of River Eden At Etterby.

**Amendment:**

1. Additional plans received on 3rd April 2009 concerning the provision of a flood gate at the "rear" of the Sands Centre.
2. Additional details received concerning right bank of River Eden at Etterby/Stainton; the Showman's Guild Quarters at Willowholme Industrial Estate; the Little Caldew Pumping Station; 23-40 The Maltings; and off Viaduct Estate Road.

**REPORT**

**Case Officer:** Angus Hutchinson

**Details of Deferral:**

Members will recall at Committee meeting held on 29th May 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to no further objections being received prior to the expiry of the publicity period (03.06.09), and no objections being raised by English Heritage or Natural England. The publicity period has now expired and no objections were received and approval was issued on 16th July 2009.

**Decision:** Grant Permission

**Date:** 16/07/2009

## SCHEDULE D: Reports on Previously Deferred Decisions

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

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

2. The development hereby permitted shall be completed in accordance with the scheme of public art approved under applications 08/0460 and 08/1174 and the outstanding details still required (concerning the proposed treatment of the Bitts Park underpass wall) to be submitted to and approved by the local planning authority in full compliance with condition 3 of 06/1473 and condition 4 of 08/0112.

**Reason:** In order to ensure that the development makes suitable provision in accordance with Policy LC15 of the Carlisle District Local Plan 2001-2016.

3. The development hereby permitted shall be completed in accordance with the programme of archaeological work approved under applications 08/0384 and 09/0404, and the outstanding details still required to be submitted to and approved by the local planning authority in full compliance with condition 4 of 06/1473 and condition 5 of 08/0112.

**Reason:** To afford a reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; and, ensure that a permanent record is made of the structures of historic interest prior to their alteration as part of the proposed development in accordance with Policies LE5, LE6, LE7, LE8, and LE10 of the Carlisle District Local Plan 2001-2016.

4. No part of the structure/embankment associated with the flood defence scheme adjacent to the West Coast Main Line (between Hadrians Wall and the property currently occupied by Brown Bros Engineering, Willowholme Industrial Estate) hereby permitted shall be erected/formed until:

a) an archaeological evaluation has been undertaken adjacent to the West Coast Main Line (between Hadrians Wall and the property currently occupied by Brown Bros Engineering, Willowholme Industrial Estate) in accordance with the Project Design approved under application 09/0404;

b) in the event that the results of the evaluation provided for in paragraph a) above reveals that there are remains associated with Hadrians Wall Vallum, the applicant/developer will submit additional details to be approved in writing by the

## SCHEDULE D: Reports on Previously Deferred Decisions

local planning authority allowing for the remains to be preserved in situ; and,

c) archaeological remains, other than those defined in above paragraph b), identified in the evaluation will be recorded in accordance with a written scheme of investigation submitted to and approved by the local planning authority.

**Reason:** To afford a reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains; and, ensure that a permanent record is made of the structures of historic interest in accordance with Policies LE5, LE6, LE7, LE8, and LE10 of the Carlisle District Local Plan 2001-2016.

5. The development hereby permitted shall be completed in accordance with the scheme detailing the works at Carlisle Castle approved under application 08/0384.

**Reason:** In accordance with Policy LE6 of the Carlisle District Local Plan (2001-2016).

6. The development hereby permitted shall be carried out in accordance with the replacement bridge details approved under application 08/0508.

**Reason:** To safeguard the character of the area and ensure the provision of an effective crossing.

7. The development hereby permitted shall be completed in accordance with the floodgates for Phase 1 approved under application 08/0508 and the outstanding details still required to be submitted to and approved by the local planning authority in full compliance with condition 8 of 06/1473 and condition 9 of 08/0112.

**Reason:** To safeguard the character of the area in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Any part of the development approved by this permission that is subject to alteration of an agreed method statement or structure that might have an adverse impact on a SAC/SSSI and/or UK Biodiversity Action Plan Habitats or species, must not be commenced until details have been submitted to, and approved in writing by, the local planning authority.

**Reason:** To ensure that there is no adverse impact on the SAC/SSSI and/or UK Biodiversity Action Plan Habitats or species in accordance with Policy DP7 of the Carlisle District Local Plan

## SCHEDULE D: Reports on Previously Deferred Decisions

2001-2016.

9. The development hereby permitted shall be completed in accordance with the landscaping details for Phase 1 approved under application 08/0460 and the outstanding details still required to be submitted to and approved by the local planning authority in full compliance with condition 10 of 06/1473 and condition 11 of 08/0112.

**Reason:** To ensure that satisfactory landscaping/habitat creation scheme(s) is implemented in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

10. The development hereby permitted shall be completed in accordance with the design details of the proposed foot and cycle path construction approved under 08/0508 and the outstanding details still required to be submitted to and approved by the local planning authority in full compliance with condition 12 of 06/1473, condition 4 of 07/1389 and condition 13 of 08/0112.

**Reason:** To ensure the development supports the objectives of Policies CP16 and LC8 of the Carlisle District Local Plan 2001-2016.

11. The development hereby permitted shall be completed in accordance with the type of stone and brick approved under 06/1473 and 08/1174 and, the coursing pattern of the stone and brick approved under 08/0112.

**Reason:** To ensure the works harmonise with the existing character of the area and buildings in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

12. The works shall be completed in accordance with the details of the proposed ducting to be provided as originally approved under application 08/0508 and as revised by the development hereby permitted.

**Reason:** In the interests of public safety.

13. The development hereby permitted shall be completed in accordance with the scheme detailing the control of construction activity at the site(s) and construction traffic to and from the site(s) approved under application 08/0384.

**Reason:** In order to ensure that the construction of the development of this site is undertaken in a manner which minimises its effect on the local environment and the living conditions of neighbouring residents.

14. The development hereby permitted shall be completed in accordance with the

## SCHEDULE D: Reports on Previously Deferred Decisions

details specifying the location of the Denton Street compound as approved under application 08/0384.

**Reason:** To safeguard the living conditions of neighbouring residents.

16. The development hereby permitted shall be completed in accordance with the details specifying the provision of artificial kingfisher nesting boxes along sections of the River Caldew as approved under application 08/0384. The approved details shall be fully undertaken following the completion of that respective phase of the development.

**Reason:** To ensure that the proposal not only protects but also enhances biodiversity in accordance with PPS 9.

17. The development hereby permitted shall be completed in accordance with the scheme for the provision of bat boxes as approved under application 08/0460. The approved details shall be fully undertaken following the completion of that respective phase of the development.

**Reason:** To ensure no adverse impact on a favourable status of a European protected species in accordance with the requirements of the Habitats Regulations 1994.

18. The development hereby permitted shall be completed in accordance with the design details and finish of the proposed metal steps as approved under application 08/0508. The approved details shall be fully undertaken following the completion of that respective phase of the development.

**Reason:** To safeguard the character of the area and ensure the provision of an effective crossing.

19. For the duration of the development works existing trees to be retained shall be protected by a suitable barrier erected and maintained in accordance with BS 5837:2005 Trees in relation to Construction Recommendations. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

**Reason:** To protect trees and hedges during development works.

## SCHEDULE D: Reports on Previously Deferred Decisions

**Appn Ref No:**  
09/0393

**Applicant:**  
Mr E Norman

**Parish:**  
Orton

**Date of Receipt:**  
15/05/2009

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Burgh

**Location:**  
Field No 6219, Broomhills, Orton Road, Near Little Orton, Carlisle, Cumbria

**Grid Reference:**  
335640 554167

**Proposal:** Erection Of Free Range Poultry Building

**Amendment:**

### REPORT

**Case Officer:** Stephen Daniel

#### Details of Deferral:

Members will recall at Committee meeting held on 10th July 2009 that authority was given to the Head of Planning and Housing Services to issue approval subject to the expiration of the consultation period.

The consultation period has expired and the approval was issued on 16th July 2009.

**Decision:** Grant Permission

**Date:** 16/07/2009

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

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

2. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 215 metres measured down the centre of the access road and the centre of the 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.

## SCHEDULE D: Reports on Previously Deferred Decisions

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

3. The use shall not be commenced until a means of vehicle access has been constructed in strict accordance with the details contained on Plans A, B and C, received on 9 July 2009, unless otherwise agreed in writing by the Local Planning Authority.

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

4. The building hereby approved shall be juniper green unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the building has an acceptable visual impact, in accordance with Policies LE25 and CP5 of the Carlisle District Local Plan 2001-2016.

5. The landscaping scheme, indicated on Plan OL2.2 (received on 16 June 2009) shall be implemented in strict accordance with the details contained in the Supporting Information - Proposed Tree Planting received on 25 June 2009. 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, unless otherwise agreed in writing by the Local Planning Authority.

**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.

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**Item No: 24**

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0394

**Applicant:**  
Mr E Norman

**Parish:**  
Cummersdale

**Date of Receipt:**  
15/05/2009

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Dalston

**Location:**  
Field No 6604, Broomhills, Orton Road, Near Little Orton, Carlisle, Cumbria

**Grid Reference:**  
335659 554043



## **SCHEDULE D: Reports on Previously Deferred Decisions**

**Proposal:** Erection Of Agricultural Workers Dwelling

**Amendment:**

### **REPORT**

**Case Officer:** Stephen Daniel

#### **Details of Deferral:**

Members will recall at Committee meeting held on 10th July 2009 that authority was given to the Head of Planning and Housing Services to issue refusal of the proposal subject to the expiration of the consultation period.

The consultation period has expired and the refusal issued on 16th July 2009.

**Decision:** Refuse Permission

**Date:** 16/07/2009

1. **Reason:** The proposed site lies within the open countryside, some distance from the nearest settlement, in a location where there is a general strong presumption against further residential development unless supported by a proven agricultural or forestry need. Whilst it is accepted that there is a functional need for a full-time worker to be resident on or immediately adjacent to proposed free range poultry building, paragraph 12 of Annex A to PPS7 "Sustainable Development in Rural Areas" makes it clear that new permanent dwellings should only be allowed to support existing agricultural activities on well-established agricultural units. Since a new enterprise is being introduced at Little Orton Farm any dwelling should be of a temporary nature. The application is seeking permission for a permanent dwelling and the proposal is, therefore, contrary to the advice in Annex A of PPS7 and the objectives of Policy H7 (Agricultural, Forestry and Other Occupational Dwellings) of the Carlisle District Local Plan 2001-2016.
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SCHEDULE E

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

05/1123

**Applicant:**

Thomas Duncan

**Parish:**

Dalston

**Date of Receipt:**

24/10/2005

**Agent:**

**Ward:**

Dalston

**Location:**

4 Low Mill, Dalston, CA5 7JU

**Grid Reference:**

337707 551121

**Proposal:** Alteration and extension to existing dwelling and formation of an additional three storey self catering holiday unit within the existing building (revised application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

08/1145

**Applicant:**

Mr Robinson

**Parish:**

Cummersdale

**Date of Receipt:**

17/11/2008 11:30:08

**Agent:**

Edwin Thompson

**Ward:**

Dalston

**Location:**

Rose Barn, Newby West, Carlisle, CA2 6QY

**Grid Reference:**

336777 553874

**Proposal:** Two Storey Extension To Front Elevation To Provide En-Suite Bedroom And Study On Ground Floor With Dining/Breakfast Room Above (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/06/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

08/1172

**Applicant:**

Briery Homes Limited

**Parish:**

Arthuret

**Date of Receipt:**

25/11/2008

**Agent:**

MCK Partnership Limited

**Ward:**

Longtown & Rockcliffe

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

L/A former, Sawmill Site, Netherby Road, Longtown,  
Carlisle

**Grid Reference:**

338160 568945

**Proposal:** Residential Development Comprising 82 Dwellings Together With  
Associated Infrastructure (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

08/1208

**Applicant:**

Longtown Primary School

**Parish:**

Arthuret

**Date of Receipt:**

12/12/2008

**Agent:**

F.A.O. Colin Armstrong

**Ward:**

Longtown & Rockcliffe

**Location:**

Longtown Primary School, Mary Street, Longtown,  
Cumbria, CA6 5UG

**Grid Reference:**

338204 568849

**Proposal:** Erection Of 2no. External Canopies

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/06/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0177

**Applicant:**

Dunbar Bank

**Parish:**

Carlisle

**Date of Receipt:**

10/03/2009 08:01:33

**Agent:**

Orbit Architects Limited

**Ward:**

Currock

**Location:**

The Picture House, King Street, Carlisle, CA1 1SR

**Grid Reference:**

340530 555339

**Proposal:** Change Of Use From 40No. Residential Apartments (Use Class C3) To  
Hotel With 109No. Bedrooms (Use Class C1)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 14/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0186

**Applicant:**  
Club 35

**Parish:**  
Carlisle

**Date of Receipt:**  
12/03/2009

**Agent:**  
Jock Gordon

**Ward:**  
Castle

**Location:**  
35 Lowther Street, Carlisle, Cumbria, CA3 8EJ

**Grid Reference:**  
340206 555801

**Proposal:** Erection Of Railings To Frontage Of Property On Existing Boundary Wall  
**Amendment:**

**Decision:** Grant Permission

**Date:** 27/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0187

**Applicant:**  
Club 35

**Parish:**  
Carlisle

**Date of Receipt:**  
12/03/2009

**Agent:**  
Jock Gordon

**Ward:**  
Castle

**Location:**  
35 Lowther Street, Carlisle, Cumbria, CA3 8EJ

**Grid Reference:**  
340206 555801

**Proposal:** Erection Of Railings To Frontage Of Property On Existing Boundary Wall  
(LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0224

**Applicant:**  
Ms Claire Scott

**Parish:**  
Orton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
29/05/2009

**Agent:**

**Ward:**  
Burgh

**Location:**  
Orton Grange Farm Shop, Great Orton, Carlisle,  
Cumbria, CA5 6LA

**Grid Reference:**  
335537 552178

**Proposal:** Display Of 2No. Directional Signs (Retrospective Application)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 24/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0275

**Applicant:**  
Leehand Properties Ltd

**Parish:**  
Brampton

**Date of Receipt:**  
07/04/2009

**Agent:**  
Redisher Ltd

**Ward:**  
Brampton

**Location:**  
15 Capon Hill, Brampton, CA8 1QJ

**Grid Reference:**  
353044 560225

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

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

**Date:** 02/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0277

**Applicant:**  
Food Programme Delivery  
Orchid Group

**Parish:**  
Wetheral

**Date of Receipt:**  
13/05/2009

**Agent:**  
Futurama

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Cooperative Retail Society, Warwick Bridge,  
Carlisle, CA4 8RN

**Grid Reference:**  
347688 556863

**Proposal:** Display Of 1no. Externally Illuminated Fascia Sign

## SCHEDULE E: Decisions Issued Under Delegated Powers

### Amendment:

**Decision:** Grant Permission

**Date:** 08/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0308

**Applicant:**  
Mrs Joanne Brodley

**Parish:**  
Carlisle

**Date of Receipt:**  
22/06/2009

**Agent:**  
Housing Services

**Ward:**  
Morton

**Location:**  
52 Newlaithes Avenue, Carlisle, Cumbria, CA2 6QB

**Grid Reference:**  
338522 554555

**Proposal:** Bedroom And Bathroom Extension To The Rear Of The Existing  
Property Including Ramped Access To The Front And Rear And Minor  
Internal Alterations

### Amendment:

**Decision:** Grant Permission

**Date:** 16/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0315

**Applicant:**  
Virgin Trains

**Parish:**  
Carlisle

**Date of Receipt:**  
12/05/2009

**Agent:**

**Ward:**  
Currock

**Location:**  
Citadel Railway Station, Court Square, Carlisle, CA1  
1QZ

**Grid Reference:**  
340247 555486

**Proposal:** Erection Of Screen To Protect Fireplace In Waiting Room Of Platform 3

### Amendment:

**Decision:** Grant Permission

**Date:** 29/06/2009

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Between 27/06/2009 and 07/08/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0329

**Applicant:**  
Norbrook Laboratories Ltd

**Parish:**  
Wetheral

**Date of Receipt:**  
04/06/2009

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

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Garden Cottage, Corby Castle, Great Corby,  
Carlisle, CA4 8LR

**Grid Reference:**  
347155 554286

**Proposal:** Alterations and Extension To Provide Kitchen, Dining And Living Area  
With Garden Room On Ground Floor With 1no. En-Suite Bedroom  
Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0337

**Applicant:**  
Club 35

**Parish:**  
Carlisle

**Date of Receipt:**  
27/04/2009

**Agent:**  
Jock Gordon

**Ward:**  
Castle

**Location:**  
35 Lowther Street, Carlisle, Cumbria, CA3 8EJ

**Grid Reference:**  
340206 555801

**Proposal:** Erection Of 2no. Wall Mounted Name Signs & 2no. Free Standing  
Information/Menu Boxes (Revised Application) (Listed Building Consent)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0338

**Applicant:**  
Club 35

**Parish:**  
Carlisle

**Date of Receipt:**  
27/04/2009

**Agent:**  
Jock Gordon

**Ward:**  
Castle



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

35 Lowther Street, Carlisle, Cumbria, CA3 8EJ

**Grid Reference:**

340206 555801

**Proposal:** Erection Of 2no. Wall Mounted Name Signs & 2no. Free Standing Information/Menu Boxes (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0361

**Applicant:**

Whitbread Group PLC

**Parish:**

Carlisle

**Date of Receipt:**

05/05/2009 08:01:09

**Agent:**

Cliff Walsingham & Co

**Ward:**

Botcherby

**Location:**

Lakelandgate Brewster & Travel Inn, Walkmill Crescent, CARLISLE, CA1 2WF

**Grid Reference:**

341886 555847

**Proposal:** Proposed Detached Annex To Provide An Additional 21 Bedrooms With Associated Alterations To Car Parking/Landscaping.

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/06/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0365

**Applicant:**

Mr T Bell

**Parish:**

Wetheral

**Date of Receipt:**

13/05/2009

**Agent:**

Taylor & Hardy

**Ward:**

Wetheral

**Location:**

Oakville, Low Cotehill, Cotehill, Carlisle, CA4 0EJ

**Grid Reference:**

347229 550658

**Proposal:** Certificate of Lawful Existing Use For 2No. Self Contained Cottages

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 08/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0367

**Applicant:**  
Mr Geoff Moss

**Parish:**  
Rockcliffe

**Date of Receipt:**  
08/05/2009

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
The Old Forge, Rockcliffe, Carlisle, CA6 4AA

**Grid Reference:**  
336022 561695

**Proposal:** Replacement Of Existing Single Garage With Double Garage Including Storage At First Floor Level

**Amendment:**

**Decision:** Grant Permission

**Date:** 01/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0373

**Applicant:**  
Paragon Veterinary Group

**Parish:**  
Dalston

**Date of Receipt:**  
11/05/2009

**Agent:**  
Alan Fox Design

**Ward:**  
Dalston

**Location:**  
Paragon Veterinary Group, Carlisle House,  
Townhead Road, Dalston, Carlisle, CA5 7JF

**Grid Reference:**  
336483 550016

**Proposal:** Erection Of Single Storey And Two Storey Extensions To Provide Additional Office And Treatment Rooms Together With Additional Parking

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0377

**Applicant:**  
Mr Richard Graham

**Parish:**  
Brampton

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
07/05/2009

**Agent:**

**Ward:**  
Brampton

**Location:**  
33 Greencroft, Brampton, Cumbria CA8 1AX

**Grid Reference:**  
352719 561245

**Proposal:** Two Storey Side and Front Extension to Provide Replacement Garage, Porch, Cloakroom and Kitchen to Ground Floor with 1no. En-Suite Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0380

**Applicant:**  
Stanwix Rural Parish  
Council

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
12/05/2009

**Agent:**  
Stanwix Rural Parish  
Council

**Ward:**  
Stanwix Rural

**Location:**  
Linstock Village Green, Carlisle, Cumbria

**Grid Reference:**  
342657 558391

**Proposal:** Installation of Play Equipment (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0398

**Applicant:**  
Mrs Linda Cousins

**Parish:**

**Date of Receipt:**  
01/06/2009

**Agent:**

**Ward:**

**Location:**  
48 Gilsland Road, Durranshill, Carlisle, CA1 2XD

**Grid Reference:**  
342533 555492

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Change Of Use Of Land To Domestic Garden And Erection Of A Boundary Fence

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0400

**Applicant:**  
Mr Potter

**Parish:**  
Cummersdale

**Date of Receipt:**  
18/05/2009

**Agent:**  
Ashton Design

**Ward:**  
Great Corby & Geltsdale

**Location:**  
Sycamore House, Cumrew, CA8 9DD

**Grid Reference:**  
354861 550833

**Proposal:** Erection Of Conservatory To Rear Elevation (Revised Design)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0402

**Applicant:**  
Mrs R Grimaldi

**Parish:**  
Carlisle

**Date of Receipt:**  
14/05/2009

**Agent:**

**Ward:**  
Stanwix Urban

**Location:**  
71 Scotland Road, Carlisle, Cumbria, CA3 9HT

**Grid Reference:**  
339976 557288

**Proposal:** Discharge Of Condition 3 Of Previously Approved Application 08/1056

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/07/2009

---

Between 27/06/2009 and 07/08/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0403

**Applicant:**  
Environment Agency

**Parish:**  
Carlisle

**Date of Receipt:**  
18/05/2009

**Agent:**  
AXIS P.E.D. Ltd

**Ward:**  
Castle

**Location:**  
The Old Brewery, Bridge Street, Carlisle, CA2 5SX

**Grid Reference:**  
339468 556150

**Proposal:** Replacement Of 10no. Casement Windows To Ground Floor Of River Elevation With Power Coated Steel Framed Double Glazed Windows To Act As A Flood Defence Barrier (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0404

**Applicant:**  
Mr Keith Roddy

**Parish:**  
Carlisle

**Date of Receipt:**  
15/05/2009

**Agent:**  
Axis

**Ward:**  
Denton Holme

**Location:**  
Various Locations Along The Rivers Caldew And Eden, Carlisle

**Grid Reference:**  
339838 554548

**Proposal:** Discharge Of Condition 4 Of Application 06/1473; Condition 5 Of Application 08/0112; Condition 4 Of Application 08/1038; Condition 4 Of Application 08/1081; Condition 4 Of Application 08/1259; Condition 3 Of Application 09/0058 & Condition 3 Of Application 09/0072 - Archaeological Watching Brief And Recording.

Discharge Of Condition 5 Of Application 06/1473; Condition 6 Of Application 08/0112; Condition 5 Of Application 08/1038; Condition 5 Of Application 08/1081; Condition 5 Of Application 08/1259; Condition 4 Of Application 09/0058 & Condition 4 Of Application 09/0072 - Hadrians Wall & Vallum Adjacent To The West Coast Mainline

**Amendment:**

**Decision:** Partial Discharge of Conditions  
09/07/2009

**Date:**

---

## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0406

**Applicant:**  
Robert Byers

**Parish:**

**Date of Receipt:**  
19/05/2009

**Agent:**  
CTM Group Ltd

**Ward:**  
Hayton

**Location:**  
Byegill Farm, Corby Hill, Carlisle, CA4 8QB

**Grid Reference:**  
349753 558212

**Proposal:** Construction Of Slurry Lagoon, Liner And Fencing In Existing Pasture  
**Amendment:**

**Decision:** Grant Permission

**Date:** 20/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0409

**Applicant:**  
Mr Bartholomew

**Parish:**  
Hayton

**Date of Receipt:**  
19/05/2009 08:01:36

**Agent:**  
Ashton Design

**Ward:**  
Hayton

**Location:**  
Low Moor House, Corby Hill, CA4 8QB

**Grid Reference:**  
349296 558069

**Proposal:** Erection Of Single And Two Storey Rear Extension To Provide Ground Floor Kitchen And Sitting Area, With First Floor Extended Bedroom And Bathroom With Balcony Element.

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0410

**Applicant:**  
Mr Williamson

**Parish:**  
Carlisle

**Date of Receipt:**  
22/06/2009

**Agent:**  
Ashton Design

**Ward:**  
St Aidans

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

Land and Buildings adjacent Lismore Cottage,  
Lismore Place, Carlisle

340687 556164

**Proposal:** Discharge Of Conditions 6 & 8 Relating To Planning Reference 04/1364

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0416

**Applicant:**  
Mr M Francis

**Parish:**  
Hayton

**Date of Receipt:**  
01/06/2009

**Agent:**  
TSF Developments Ltd

**Ward:**  
Hayton

**Location:**  
Four Winds, Faugh, Brampton, CA8 9EA

**Grid Reference:**  
351140 554402

**Proposal:** Erection Of Detached Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/06/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0417

**Applicant:**  
Mountain Warehouse

**Parish:**  
Carlisle

**Date of Receipt:**  
28/05/2009

**Agent:**  
Mr Phillips

**Ward:**  
Castle

**Location:**  
42 Scotch Street, Carlisle, CA3 8PS

**Grid Reference:**  
340080 556066

**Proposal:** Display Of 1no. Illuminated Fascia Sign And 1no. Illuminated Projecting Sign (Retrospective)

**Amendment:**

**Decision:** Withdrawn by Applicant/or by default

## SCHEDULE E: Decisions Issued Under Delegated Powers

Date: 23/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0420

**Applicant:**  
Story Homes

**Parish:**  
Carlisle

**Date of Receipt:**  
20/05/2009 13:00:56

**Agent:**

**Ward:**  
Castle

**Location:**  
Our Lady and St Joseph's, Warwick Square,  
Carlisle, CA1 1NG

**Grid Reference:**  
340669 555870

**Proposal:** Display Of A Directional Sales Board For The Adjoining Hanson Court  
Development (Revised and Retrospective Application)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 15/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0424

**Applicant:**  
Mr D Mason

**Parish:**  
Hayton

**Date of Receipt:**  
22/05/2009

**Agent:**

**Ward:**  
Hayton

**Location:**  
94 Hurley Road, Corby Hill, Carlisle, CA4 8QF

**Grid Reference:**  
347995 557215

**Proposal:** Erection Of First Floor Side Extension To Provide En-Suite Bedroom  
Above Together With A Detached Double Garage/Store

**Amendment:**

**Decision:** Grant Permission

**Date:** 17/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0425

**Applicant:**  
Mr & Mrs Lancaster

**Parish:**  
Hethersgill



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
22/05/2009

**Agent:**  
Jock Gordon

**Ward:**  
Lyne

**Location:**  
Kirklington Park House, Kirklington, Carlisle, CA6 6DR

**Grid Reference:**  
345018 566552

**Proposal:** Change Of Use Of First Floor Of Outbuilding To Provide Ancillary Domestic Accommodation For The Main House

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0426

**Applicant:**  
Mrs Sheila Smart

**Parish:**  
Wetheral

**Date of Receipt:**  
22/05/2009

**Agent:**  
Hogg & Robinson (BLD)  
Ltd

**Ward:**  
Wetheral

**Location:**  
Fairhurst, Aglionby, Carlisle, CA4 8AQ

**Grid Reference:**  
344638 556468

**Proposal:** Single Storey Rear Extension To Provide Living Room & Kitchen Together With Two Storey Rear Extension To Provide Dining/Study On Ground Floor With En-Suite Bedroom Above. Erection Of Attached Garage To Side Elevation And Internal Alterations (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 08/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0427

**Applicant:**  
Mr Richard Woodmass

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
28/05/2009

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Stanwix Rural

**Location:**  
Harene, Linstock, Carlisle, CA6 4PZ

**Grid Reference:**  
342490 558278

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Proposal:** Erection Of Agricultural Building

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0428

**Applicant:**  
Mr D Farrell

**Parish:**  
Wetheral

**Date of Receipt:**  
28/05/2009

**Agent:**  
Hogg & Robinson Design  
Services

**Ward:**  
Wetheral

**Location:**  
Wheelbarrow Hall, Holme Lane, Carlisle, CA4 8AD

**Grid Reference:**  
343839 556275

**Proposal:** Change Of Use Of Existing Cottage Into Nursery Space

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0430

**Applicant:**  
Mr Dilip Kumar De

**Parish:**  
Carlisle

**Date of Receipt:**  
02/06/2009

**Agent:**  
S & H Construction

**Ward:**  
Belle Vue

**Location:**  
20 Kirkstead Close, Belle Vue, Carlisle CA2 7RE

**Grid Reference:**  
336759 555908

**Proposal:** Two Storey Side Extension To Provide 1No. Bedroom And Shower  
Room On Ground Floor With 1No. En-Suite Bedroom And 1No.  
Extended Bedroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 14/07/2009

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0431

**Applicant:**  
Mr M Taylor

**Parish:**  
Carlisle

**Date of Receipt:**  
29/05/2009

**Agent:**

**Ward:**  
Belle Vue

**Location:**  
59 Criffel Road, Belle Vue, Carlisle, CA2 7QP

**Grid Reference:**  
337059 555870

**Proposal:** Two Storey Side Extension To Provide Garage With En-suite Bedroom Above; Single Storey Rear Extension To Provide Kitchen

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0432

**Applicant:**  
Mr & Mrs Glover

**Parish:**  
Wetheral

**Date of Receipt:**  
18/06/2009

**Agent:**  
Abound Technical  
Drawings

**Ward:**  
Wetheral

**Location:**  
6 Park Close, Scotby, Carlisle, CA4 8AX

**Grid Reference:**  
343831 555494

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 16/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0433

**Applicant:**  
Mr McCleary

**Parish:**  
Carlisle

**Date of Receipt:**  
27/05/2009

**Agent:**  
Mr Rodney Jeremiah

**Ward:**  
Harraby

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Location:**

31 Carloli Drive, Carlisle, CA1 2RF

**Grid Reference:**

341478 554140

**Proposal:** Two Storey Extension To Provide Extended Kitchen, Living Room With En-Suite Bathroom Above.

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0434

**Applicant:**

Mr S Gate

**Parish:**

Burgh-by-Sands

**Date of Receipt:**

02/06/2009

**Agent:**

Mr M Graham

**Ward:**

Burgh

**Location:**

Bridge Cottage, Boustead Hill, Burgh by Sands,  
Carlisle, CA5 6AA

**Grid Reference:**

329466 559290

**Proposal:** Single Storey Side Extension To Provide Additional Bedroom And New Bathroom Together With Replacement Of Existing Workshop

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0436

**Applicant:**

Mr D Farrell

**Parish:**

Wetheral

**Date of Receipt:**

02/06/2009

**Agent:**

Hogg & Robinson Design  
Services

**Ward:**

Wetheral

**Location:**

Wheelbarrow Hall, Holme Lane, Carlisle, CA4 8AD

**Grid Reference:**

343839 556275

**Proposal:** Change Of Use Of Existing Cottage Into Nursery Space (LBC)

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 10/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0438

**Applicant:**  
Mr Fisher

**Parish:**  
Dalston

**Date of Receipt:**  
28/05/2009

**Agent:**  
Paramount Windows &  
Conservatories

**Ward:**  
Dalston

**Location:**  
28 Station Road, Dalston, Carlisle, CA5 7LR

**Grid Reference:**  
336735 550384

**Proposal:** Erection Of Conservatory To Side Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0440

**Applicant:**  
Mr & Mrs Koelle

**Parish:**  
Carlisle

**Date of Receipt:**  
29/05/2009

**Agent:**  
Jock Gordon

**Ward:**  
Upperby

**Location:**  
38 Brisco Meadows, Carlisle, Cumbria, CA2 4NY

**Grid Reference:**  
341319 553376

**Proposal:** Single Storey Rear Extension To Provide Sunroom & Shower Room

**Amendment:**

**Decision:** Grant Permission

**Date:** 29/06/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0448

**Applicant:**  
A G Grant Construction

**Parish:**  
Carlisle

**Date of Receipt:**

**Agent:**

**Ward:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

02/06/2009

BSP Architects

Harraby

**Location:**

34 Central Avenue, Carlisle, CA1 3QB

**Grid Reference:**

342258 554492

**Proposal:** Discharge Of Condition 2 (Details Of Works To Modify Rollerblind And Additional Building Work To Secure ATM) Of Application 09/0040

**Amendment:**

**Decision:** Grant Permission

**Date:** 24/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0449

**Applicant:**

Mr & Mrs Lancaster

**Parish:**

Hethersgill

**Date of Receipt:**

01/06/2009

**Agent:**

Jock Gordon

**Ward:**

Lyne

**Location:**

Kirklington Park House, Kirklington, Carlisle, CA6 6DR

**Grid Reference:**

345018 566552

**Proposal:** Change Of Use Of First Floor Of Outbuilding To Provide Ancillary Domestic Accommodation For The Main House(LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 02/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**

09/0454

**Applicant:**

Mr Geoffrey Ruddick

**Parish:**

Carlisle

**Date of Receipt:**

23/06/2009

**Agent:**

**Ward:**

Harraby

**Location:**

35 Hopeshill Drive, Harraby, Carlisle CA1 3LD

**Grid Reference:**

342417 553755

**Proposal:** Erection Of Conservatory To Rear

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 31/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0457

**Applicant:**  
North Lakes Children  
Services

**Parish:**  
Brampton

**Date of Receipt:**  
04/06/2009

**Agent:**  
Architectural Design  
Limited

**Ward:**  
Brampton

**Location:**  
Kirby Moor School, Longtown Road, Brampton,  
Cumbria, CA8 2AB

**Grid Reference:**  
352384 561476

**Proposal:** Retention Of Temporary Classroom Accommodation For Permanent Use  
(Renewal Of Condition 1 Of Application 06/1459)

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0458

**Applicant:**  
The Governors

**Parish:**  
Kirklington Middle

**Date of Receipt:**  
04/06/2009

**Agent:**  
Swarbrick Associates

**Ward:**  
Lyne

**Location:**  
Fir Ends School, Smithfield, Carlisle, CA6 4AY

**Grid Reference:**  
344292 565442

**Proposal:** Single Storey Extensions And Alterations To Provide Staff/Administration  
Facilities And To Improve Childrens W.C.s And Circulation Areas

**Amendment:**

**Decision:** Grant Permission

**Date:** 09/07/2009

---

Between 27/06/2009 and 07/08/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0460

**Applicant:**  
Mr Coulter

**Parish:**  
Carlisle

**Date of Receipt:**  
08/06/2009

**Agent:**

**Ward:**  
Harraby

**Location:**  
98 Longholme Road, Carlisle, CA1 3HU

**Grid Reference:**  
342613 553909

**Proposal:** Two Storey Side And Single Storey Rear Extension To Provide Enlarged Garage, Bathroom, Living Room And Sun Room With Bedroom And En-Suite Bathroom Above

**Amendment:**

**Decision:** Grant Permission

**Date:** 13/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0461

**Applicant:**  
Mr Postlethwaite

**Parish:**  
Burgh-by-Sands

**Date of Receipt:**  
04/06/2009 16:00:42

**Agent:**  
Phoenix Architecture &  
Planning

**Ward:**  
Burgh

**Location:**  
Fauld Farm, Burgh by Sands, Carlisle, CA5 6AN

**Grid Reference:**  
332381 559089

**Proposal:** Alterations To Re-Located Kitchen Internally And Convert And Access First Floor Store To Form Bedroom With Ensuite (LBC)

**Amendment:**

**Decision:** Refuse Permission

**Date:** 13/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0463

**Applicant:**  
Mr Martin Graham

**Parish:**  
Dalston

**Date of Receipt:**  
09/06/2009

**Agent:**  
Edwin Thompson

**Ward:**  
Dalston

**Location:**

**Grid Reference:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

Cumdivock Farm, Cumdivock, Dalston, Carlisle,  
CA5 7JJ

334402 548755

**Proposal:** Replacement Silage Barn (Revised Application)

**Amendment:**

**Decision:** Grant Permission

**Date:** 10/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0464

**Applicant:**  
Mr J Telford

**Parish:**  
Carlisle

**Date of Receipt:**  
18/06/2009

**Agent:**

**Ward:**  
Currock

**Location:**  
6 Millholme Avenue, Carlisle, Cumbria, CA2 4DP

**Grid Reference:**  
340565 554197

**Proposal:** Single Storey Extension To Rear Elevation To Provide Extended Kitchen  
& Bathroom

**Amendment:**

**Decision:** Grant Permission

**Date:** 31/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0467

**Applicant:**  
Mr Powley

**Parish:**  
Hethersgill

**Date of Receipt:**  
09/06/2009 08:00:46

**Agent:**  
Tsada Building Design  
Services

**Ward:**  
Lyne

**Location:**  
Sandholes, Bolton Fell, Hethersgill, Carlisle, CA6  
6HW

**Grid Reference:**  
347498 568652

**Proposal:** Single Storey Extensions To Rear And Gable Elevations To Provide  
Living Room, Utility, Bathroom And Kitchen

**Amendment:**

1. Revised Drawings Showing Consistency Between The Scale Indicated And  
The Drawing

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 16/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0472

**Applicant:**  
Miss French

**Parish:**  
Carlisle

**Date of Receipt:**  
11/06/2009 08:00:36

**Agent:**  
Edenholme Building  
Services

**Ward:**  
Castle

**Location:**  
Land Adjacent 31 Wilson Street, Carlisle, CA2 7PD

**Grid Reference:**  
338471 556107

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

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0473

**Applicant:**  
Trade Window & Door  
Centre

**Parish:**  
Carlisle

**Date of Receipt:**  
15/06/2009

**Agent:**  
Jock Gordon

**Ward:**  
Belah

**Location:**  
91 Blackdyke Road, Kingstown, Carlisle, Cumbria,  
CA3 0PJ

**Grid Reference:**  
338813 559406

**Proposal:** Erection Of A Single Storey Extension To The Frontage Of The  
Premises To Be Used As A Reception Area

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/07/2009

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## SCHEDULE E: Decisions Issued Under Delegated Powers

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0476

**Applicant:**  
Mr John Briggs

**Parish:**  
Carlisle

**Date of Receipt:**  
30/06/2009

**Agent:**  
Mrs Kathreen Burns

**Ward:**  
Castle

**Location:**  
55 Newtown Road, Carlisle, Cumbria, CA2 7JB

**Grid Reference:**  
338766 555903

**Proposal:** Change Of Use From Residential Property To A Care Home Office  
**Amendment:**

**Decision:** Grant Permission

**Date:** 28/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0478

**Applicant:**  
Mr Tom Dennis

**Parish:**  
Wetheral

**Date of Receipt:**  
03/07/2009

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Tithebarn Hill House, Warwick on Eden, Carlisle,  
Cumbria, CA4 8PR

**Grid Reference:**  
346502 556613

**Proposal:** Erection Of TV Satellite Receiving Dish (LBC)  
**Amendment:**

**Decision:** Grant Permission

**Date:** 07/08/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0480

**Applicant:**  
Mr Russell Blain

**Parish:**  
Wetheral

**Date of Receipt:**  
23/06/2009

**Agent:**

**Ward:**  
Wetheral

**Location:**  
Ivy House, Ghyll Road, Scotby, Carlisle, Cumbria,

**Grid Reference:**  
344267 554678

## SCHEDULE E: Decisions Issued Under Delegated Powers

CA4 8BT

**Proposal:** Demolition Of Two Storey Rear Extension, Installation Of Replacement Fireplace, Installation Of Window To Redundant Door In Utility Room Together With Installation Of New Floors To Cellar, Kitchen And Utility (LBC)

**Amendment:**

**Decision:** Grant Permission

**Date:** 20/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0481

**Applicant:**  
Mr Crossley

**Parish:**  
Wetheral

**Date of Receipt:**  
16/06/2009

**Agent:**  
Gray Associates Limited

**Ward:**  
Wetheral

**Location:**  
23 Broomfallen Road, Scotby, Carlisle, CA4 8DE

**Grid Reference:**  
344159 554483

**Proposal:** Replacement Of Felt Flat Roof With Pitched Tiled Roof

**Amendment:**

**Decision:** Grant Permission

**Date:** 28/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0482

**Applicant:**  
Mr James Young

**Parish:**  
Cummersdale

**Date of Receipt:**  
18/06/2009

**Agent:**  
Black Box Architects  
Limited

**Ward:**  
Dalston

**Location:**  
1 Garden Village, Wigton Road, Carlisle CA2 6QX

**Grid Reference:**  
337510 553961

**Proposal:** Two Storey Extension To Rear Elevation Provide Kitchen/ Dining Room and Utility Room On Ground Floor With 1no. Bedroom And 1no. Ensuite Bedroom Above (Revised Application)

**Amendment:**

1. Revised Drawing Showing The Relocation And Enlargement Of 3no.

## SCHEDULE E: Decisions Issued Under Delegated Powers

Rooflights In The South-West Elevation; Removal Of 1no. Rooflight On The North-West Elevation; Installation Of Sun Pipe; And Insertion Of 1no. Second Floor Window In The South-West Elevation.

**Decision:** Grant Permission

**Date:** 16/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0483

**Applicant:**  
Mr Paul Hayton

**Parish:**  
Hayton

**Date of Receipt:**  
18/06/2009

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

**Ward:**  
Hayton

**Location:**  
Stonebridge Lees, Faugh, Heads Nook, Brampton,  
CA8 9EA

**Grid Reference:**  
351133 553766

**Proposal:** Conversion Of Existing Outbuildings To Provide Additional Living  
Accommodation And Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 21/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0485

**Applicant:**  
Network Rail  
(Infrastructure) Ltd

**Parish:**  
Carlisle

**Date of Receipt:**  
17/06/2009

**Agent:**  
Network Rail

**Ward:**  
Currock

**Location:**  
Platform Four, Citadel Station, Court Square,  
Carlisle, CA1 1QX

**Grid Reference:**  
340247 555486

**Proposal:** Demolition Of Buffet Building On Platform 4

**Amendment:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Grant Permission

**Date:** 20/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0488

**Applicant:**  
Mr Moore

**Parish:**  
Carlisle

**Date of Receipt:**  
16/06/2009 16:02:28

**Agent:**  
Rol Design

**Ward:**  
Stanwix Urban

**Location:**  
1 York Road, Carlisle, CA3 9HJ

**Grid Reference:**  
339964 557418

**Proposal:** Change Of Use From Class C3 (Dwellinghouse) To Live/work Unit Consisting Of Class B1 (Office) And Class D1 (Consulting Rooms For Remedial Masseuse And Manipulative Therapist) On Ground Floor With Class C3 (Dwellinghouse) On First And Second Floors. Construction Of 2 Storey Extension To Provide Reception Area And Consulting Room On Ground Floor And Living Room On First Floor. Erection Of Storage Shed.

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0495

**Applicant:**  
Mr Wise

**Parish:**  
Wetheral

**Date of Receipt:**  
23/06/2009

**Agent:**  
Green Design Group

**Ward:**  
Wetheral

**Location:**  
The Larches, Plains Road, Wetheral, Carlisle, CA4 8JY

**Grid Reference:**  
346546 554787

**Proposal:** Demolition Of Existing Garage;Erection Of Replacement Double Garage

**Amendment:**

**Decision:** Grant Permission

**Date:** 30/07/2009

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Between 27/06/2009 and 07/08/2009

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Appn Ref No:**  
09/0497

**Applicant:**  
Mrs Doris Hughes

**Parish:**  
Carlisle

**Date of Receipt:**  
25/06/2009

**Agent:**  
Mr Peter Orr

**Ward:**  
Belle Vue

**Location:**  
16 Burgh Road, Carlisle, Cumbria, CA2 7NB

**Grid Reference:**  
337789 556118

**Proposal:** Erection Of Conservatory To Rear Elevation

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/08/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0498

**Applicant:**  
Mr Michael Hall

**Parish:**  
Rockcliffe

**Date of Receipt:**  
26/06/2009

**Agent:**

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Roslyn, 19 Harker Park Road, Harker, Carlisle, CA6  
4HS

**Grid Reference:**  
339700 560800

**Proposal:** Erection Of First Floor Extension To Rear Elevation To Provide 1No.  
Bathroom And 1No. Bedroom; Erection Of Rear Conservatory To  
Ground Floor

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/08/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0500

**Applicant:**  
Mr John Fisher

**Parish:**  
Irthington

**Date of Receipt:**  
23/06/2009

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Stanwix Rural

**Location:**

**Grid Reference:**

## SCHEDULE E: Decisions Issued Under Delegated Powers

The Glebe Farm, Hethersgill, Carlisle, Cumbria,  
CA6 6EZ

348946 565027

**Proposal:** Dismantle Existing Building And Replace With Steel Portal Framed  
Cattle Shed On Same Foot Print

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0501

**Applicant:**  
Mr Ian Pipes

**Parish:**  
Carlisle

**Date of Receipt:**  
26/06/2009

**Agent:**

**Ward:**  
Harraby

**Location:**  
464 London Road, Carlisle, CA1 3EJ

**Grid Reference:**  
342382 553385

**Proposal:** Erection Of Single Storey Rear Extension To Provide Kitchen

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/07/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0502

**Applicant:**  
Impact Housing  
Association Ltd

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
24/06/2009

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

**Ward:**  
Dalston

**Location:**  
L/A Side of Rutherford House, Garlands Road,  
Carlisle, CA1 3SU

**Grid Reference:**  
342962 553837

**Proposal:** Discharge of Condition 13 (Planting Scheme) Of Application 08/1186

**Amendment:**



## SCHEDULE E: Decisions Issued Under Delegated Powers

**Decision:** Partial Discharge of Conditions  
08/07/2009

**Date:**

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0508

**Applicant:**  
Mr John Fisher

**Parish:**  
Irthington

**Date of Receipt:**  
25/06/2009

**Agent:**  
H & H Bowe Ltd

**Ward:**  
Stanwix Rural

**Location:**  
Field No. 1724, The Glebe, Hethersgill, Carlisle,  
Cumbria, CA6 6EZ

**Grid Reference:**  
348300 565243

**Proposal:** Discharge Of Conditions 2 And 4 Of Planning Application 09/0018

**Amendment:**

**Decision:** Grant Permission

**Date:** 07/08/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0519

**Applicant:**  
Atlas Developments

**Parish:**  
Carlisle

**Date of Receipt:**  
30/06/2009

**Agent:**  
Johnston & Wright

**Ward:**  
Castle

**Location:**  
8 and 9 Warwick Square, Carlisle, Cumbria, CA1  
1LB

**Grid Reference:**  
340651 555773

**Proposal:** Change Of Use From Commercial To Residential To Create 2no. Town  
Houses

**Amendment:**

**Decision:** Grant Permission

**Date:** 03/08/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0522

**Applicant:**  
Mrs Cath Morley

**Parish:**  
Carlisle

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date of Receipt:**  
03/07/2009

**Agent:**  
Mr Les Armstrong

**Ward:**  
Belah

**Location:**  
7 Netherby Drive, Carlisle, Cumbria, CA3 0DL

**Grid Reference:**  
339104 558798

**Proposal:** Partial Conversion Of Garage Into Utility/Store And Bathroom, With Entrance Hall To Front Elevation And Extended Kitchen With Family Room To Side And Rear Of Property. New Pitched Roof To All Areas

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/08/2009

---

Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0528

**Applicant:**  
Mr & Mrs Askew

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
01/07/2009 08:00:30

**Agent:**  
Nether Row Construction  
Consultants

**Ward:**  
Harraby

**Location:**  
62 Watermans Walk, Carlisle, CA1 3TU

**Grid Reference:**  
342816 554083

**Proposal:** Erection Of First Floor Extension Above Existing Garage To Provide En-Suite Bedroom With Study/Office

**Amendment:**

**Decision:** Grant Permission

**Date:** 05/08/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0560

**Applicant:**  
Mr Michael Wilson

**Parish:**  
St Cuthberts Without

**Date of Receipt:**  
10/07/2009

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

**Ward:**  
Dalston

**Location:**  
Woodside Farm, Wreay, Carlisle, CA4 0RJ

**Grid Reference:**  
343340 549940

## **SCHEDULE E: Decisions Issued Under Delegated Powers**

**Proposal:** Discharge Of Condition 2 (Materials) and Condition 4 (Roof Lights) of Previously Approved Application 09/0249

**Amendment:**

**Decision:** Grant Permission

**Date:** 27/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/0591

**Applicant:**  
Messrs Tinning

**Parish:**  
Arthuret

**Date of Receipt:**  
21/07/2009

**Agent:**  
C & D Property Services

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Land Forming Part of Burnfoot Farm, Longtown

**Grid Reference:**  
337573 566946

**Proposal:** Discharge Of Condition 2 (Visibility Splays); Condition 4 (Construction And Drainage Of Access Area) And Condition 5 (Landscaping Scheme) Of Previously Approved Application 09/0348

**Amendment:**

**Decision:** Grant Permission

**Date:** 06/08/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
09/9020

**Applicant:**  
Humax Horticulture Ltd

**Parish:**  
Kirkandrews

**Date of Receipt:**  
01/07/2009

**Agent:**  
Lesley Hulett

**Ward:**  
Longtown & Rockcliffe

**Location:**  
Peat & Compost Packing Plant, Mill Hill, Gretna,  
Dumfries & Galloway, DG16 5HU

**Grid Reference:**  
333866 567667

**Proposal:** Extensions To Existing Packing Building

**Amendment:**

**Decision:** City Council Observation - Observations

## SCHEDULE E: Decisions Issued Under Delegated Powers

**Date:** 16/07/2009

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Between 27/06/2009 and 07/08/2009

**Appn Ref No:**  
66/6666

**Applicant:**  
Mr A N Other

**Parish:**  
Wetheral

**Date of Receipt:**  
14/01/2009

**Agent:**  
How Planning

**Ward:**  
Wetheral

**Location:**  
1 High Street, Carlisle

**Grid Reference:**  
345191 554622

**Proposal:** test application - please ignore

**Amendment:**

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1. Test text for pre decision amendment.

**Decision:** (Special - deleted record - TESTING)

**Date:** 05/08/2009

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