

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

Part 1 Items 01 - 03

21st August 2009

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

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

This Schedule of Applications contains reports produced by the Department up to the 07/08/2009 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 12/08/2009.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
01.	<u>09/0507</u> A	Gates Tyres, 54 Scotland Road, Stanwix, Carlisle CA3 9DF	<u>SG</u>	1
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
06.	<u>09/0517</u> B	Reading Room, Hayton, Brampton, CA8 9HT	<u>ARH</u>	247
07.	<u>09/0538</u> A	3 Chiswick Street, Carlisle, CA1 1HQ	<u>CG</u>	262
08.	<u>09/0539</u> A	3 Chiswick Street, Carlisle, CA1 1HQ	<u>CG</u>	276
09.	<u>09/9033</u> A	Low Gelt Quarry, Low Gelt Bridge, Brampton, Carlisle CA8 1SY	<u>RJM</u>	290
10.	<u>09/0441</u> A	L/Adj to Wreay Syke Cottage, Wreay, Carlisle, CA4 ORL	<u>DNC</u>	354
11.	<u>09/0184</u> A	Yew Tree Farm, Fenton, CA8 9JZ	<u>RJM</u>	369
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

Item No.	Application Number/ Schedule	Location	Case Officer	Page No.
16.	<u>08/0586</u> C	Land adjacent to 84, Castlesteads Drive, Carlisle	<u>CHA</u>	423
17.	<u>08/1009</u> C	Elm Bank, Blackford, Carlisle, Cumbria, CA6 4EA	<u>DNC</u>	425
18.	<u>08/1233</u> C	Little Bobbington, The Knells, Carlisle, CA6 4JG	<u>ARH</u>	427
19.	<u>09/9025</u> C	Etterby Terrace, Etterby Street, Carlisle	<u>RJM</u>	429
20.	<u>09/9029</u> C	Kingmoor Infants School, Hether Drive, Lowry Hill, Carlisle, Cumbria, CA3 0ES	<u>RJM</u>	433
21.	<u>08/0751</u> C	204 Newtown Road, Carlisle, Cumbria, CA2 7NJ	<u>ST</u>	437
22.	<u>09/0161</u> D	Stephenson Industrial Estate, Willowholme, Carlisle	<u>ARH</u>	440
23.	<u>09/0393</u> D	Field No 6219, Broomhills, Orton Road, Near Little Orton, Carlisle, Cumbria	<u>SD</u>	445
24.	<u>09/0394</u> D	Field No 6604, Broomhills, Orton Road, Near Little Orton, Carlisle, Cumbria	<u>SD</u>	446

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

09/0507

Item No: 01

Date of Committee: 21/08/2009

Appn Ref No:
09/0507

Applicant:
Kans & Kandy (Properties
) Limited

Parish:
Carlisle

Date of Receipt:
26/06/2009

Agent:
Ian Belsham Associates

Ward:
Stanwix Urban

Location:
Gates Tyres, 54 Scotland Road, Stanwix, Carlisle
CA3 9DF

Grid Reference:
340030 557276

Proposal: Erection Of A Neighbourhood Convenience Store (464.5 Sq. m), Small Retail Unit (92.9 Sq. m) With 9No. Residential Flats Above And Associated Parking (Revised Application)

Amendment:

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination because an earlier application for a similar proposal was refused by the Development Control Committee, which is contrary to this current recommendation. The Council's rejection of that previous application was later overturned on Appeal with costs being awarded against the authority.

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Affecting The Setting Of A Listed Building

Conservation Area

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

RSS Pol DP 1 - Spatial Principles

RSS Pol DP 2 - Promote Sustainable Communities

RSS Pol DP 5 - Manage Travel Demand. Reduce Need to Travel

RSS Pol W 5 - Retail Development

RSS Pol CNL 1 - Overall Spatial Policy for Cumbria

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

Joint St. Plan Pol T30: Transport Assessments

Joint St. Plan Pol T31: Travel Plans

Joint St. Plan Pol E38: Historic environment

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

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

Local Plan Pol LE9 -Other Known Sites&Mons of Arch.Sig.nific

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol EC7 - Neighbourhood Facilities

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 eight highway related planning conditions. A contribution of £3500 is also required to introduce “No Waiting At Any Time” parking restrictions on Cheviot Road;

Environment Agency (N Area (+ Waste Disp)): no objections, in principle, to the redevelopment of the site; however, it has commented on the possible presence of contamination given its former use as a filling station;

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

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

There is no record of flooding issues at this site;

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

Cumbria County Council - (Archaeological Services): existing records and the archaeological desk-based assessment indicate that the site lies in an area of high archaeological potential. It is located immediately to the north of Hadrian’s Wall and the Roman fort at Stanwix. It is also adjacent to the line of a Roman Road to Scotland. Archaeological investigations in the immediate vicinity of the site have revealed Iron Age agricultural features and the remains of the Roman road.

An archaeological evaluation has been undertaken. These results indicate that important remains survive in one area of the site. It is recommended that these are excavated and recorded before they are disturbed by the proposed development. In light of this information it is recommended that the previously suggested conditions are reworded to reflect the additional information;

Development Services Planning & Housing Services - Local Plans: in respect of the previous application the Local Plans section commented that the principle of retail and residential use of the site is acceptable. Given the previous approval and the slight changes to the retail floorspace hereby proposed the Local Plans section has not raised any objections;

Planning & Housing Services - Housing Strategy: as the number of units is below 10 (the threshold above which affordable housing should be provided) there is no requirement for affordable housing;

Environmental Services - Food, Health & Safety: there is potential for nearby residential properties and the proposed flats to be affected by noise from:

1. early morning deliveries (0600 - 0700 hours); and
2. cooling units, fans or compressors located externally;

Environmental Services - Environmental Quality: advice is provided in relation to three distinct aspects of the development -

Noise

The proposed development site falls into Noise Exposure Category (NEC) 'C' as set out in PPG24.

This planning guidance recommends that for development sites that fall into NEC 'C' "planning permission should not normally be granted. Where it is considered that permission should be given for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against the noise".

If minded to approve this application, it is recommended that five planning conditions are imposed to minimise the potential impact upon the existing and proposed neighbouring residential properties through noise disturbance.

Air Quality

Based on the information provided, the proposed development is unlikely to cause significant impact on local air quality.

Contamination

No comments have yet been received regarding this amended proposal; however, it is anticipated that the comments below, which were made in respect of the earlier application, will be reiterated.

The land was a former garage which sold petroleum and it is therefore likely that contaminants are present. Further to the Phase 1: Desk Top Study report the development cannot be classified as commercial for contamination and category purposes as residential properties are also part of this development and thus the sensitivity cannot be considered as low.

The conclusions and recommendations that the report draws are acceptable in that a Phase 2 Ground Investigation works must be carried out before development and a copy submitted to the Local Planning Authority for approval, along with a schedule for site remediation.

There is, however, an omission in relation to the possible contamination of perched water. It is therefore recommended that some borehole sampling occurs at depth to show that no product from the decommissioned tanks has reached perched water, or that the product has not ponded on a clay lens below the base of the decommission tanks. This can be achieved through the imposition of planning conditions;

Development Services Planning & Housing Services - Access Officer: no comments have yet been received regarding this amended proposal; however, it is anticipated that the comments below, which were made in respect of the earlier application, will be reiterated.

There are no details as to the floor layout of the convenience store, toilet facilities etc. There is also no firm decision whether the doors are to be automatic or manual.

The external provision explained within the documents provided is acceptable although the external trolley park is not marked on the plans. This may interfere with the access route from the customer disabled parking space to the entrance of the store. Further information is required to clarify this, which could be regulated by a planning condition;

Cumbria Constabulary - Crime Prevention: A number of comments relating to 'Secured by Design' principles have been provided. In brief the topics covered include:

Demarcation of Space

A primary objective in designing out crime is the demarcation of public and private space. The intention is to create an area over which residents feel they have responsibility and control over.

This objective shall be difficult to achieve when a major part of the development is assigned to retail units, which invites public access. Problems can arise in spaces where ownership is not clearly defined; however, following discussion with the architects, as part of the pre-application consultation, issues such as the establishment of semi-private space and boundary treatments were highlighted.

Consequently, the development has well-defined perimeter treatments, comprising of low level planting (west boundary) and brick walls. The brick wall along the east boundary is sufficiently high to deter climbing (1.8m -2.5m) but should be enhanced by the incorporation of a triangular profile coping stone.

It is recommended that the bin store should be enclosed, to prevent misuse and to deter nuisance gathering.

Hidden Recess

There are concerns regarding the recess created in the south elevation between the stairwell serving the flats and the steps leading down to the retail unit. Access to this area is invited by the break in the west boundary treatment, which leads past the disabled parking spaces and cycle rack. There is concern that this area may become an unwelcome gathering place that may cause nuisance to residents as they enter and leave the building.

Car Parking

The resident's car park can only be entered from the designated access point via Cheviot Road. The car park is reasonably well over-looked from first and second

floor windows and could be improved by providing additional windows in the staircase projection. There is no indication of the proposals for security lighting.

It is not clear if the disabled parking bays are intended for use by retail customers or residents. If these bays are intended for customers, perhaps they should be placed within the visitor car park - closer to the main frontage. If they are intended for residents, they should be placed within the resident's car park, clearly implying ownership.

Cycle Parking

The 'Sheffield' Stand is considered to be best practice for providing secure cycle parking, permitting greater versatility for locking of frame and wheels to the stand. Separate provision should be made for retail customers and residents (i.e. within semi-public space and semi-private space). In the Architectural Liaison Officer's opinion, the current location indicated is not sufficiently prominent and should be in a more active location towards the street.

Landscaping

It is proposed to form the west perimeter with low level planting. A landscaping maintenance programme shall be required to ensure that these plants grown no more than approximately 0.5 metres, to maintain surveillance opportunities across the main frontage and car park.

Physical Security

A number of recommendations were made with regard to the selection of appropriate physical protection for doors and windows. These are not specifically related to this application, but a matter for the developer to consider should permission be granted.

Graffiti Removal

Consideration should be given to graffiti removal measures, in the event of ground floor walls being daubed. To reduce the associated costs for removal, it is recommended that the exterior surfaces (to a height of at least 2.5 metres) should be pre-treated with a protective coating.

Intruder Alarm System

It is recommended that the retail units should be protected with monitored intruder alarm systems, conforming to the current standard BS EN 50131 (Level 2) to generate a police response. It is also recommended that each dwelling should be provided with a 13 amp non-switched fused spur to permit the installation of a domestic intruder alarm, if desired by a resident.

CCTV

CCTV may be deployed for the purposes of crime prevention, crime detection and property management; however, it should not be relied upon as the primary defence against crime.

Cameras must be capable of providing identification quality images within the area of deployment, preferably in colour. The most effective systems are 'active' i.e. an operator is employed to run several pan, tilt and zoom cameras, manage the recording system and respond to any incidents arising. 'Passive' systems utilise fixed focus, fixed view cameras and may require additional units to observe the site fully. The images from this type of system are only reviewed after an incident has occurred, which could be several days later.

Development Services Planning & Housing Services - Local Plans (Trees):

The applicant has not taken on board the need for some landscaping, particularly street tree planting, to improve the frontage of the property and the location generally.

The comments provided in respect of the previous application remain valid and are reproduced below.

The site has at present has no associated landscaping. The redevelopment presents an opportunity to improve the site in particular and the location in general by the implementation of appropriate street tree planting.

The best location for this would be along the frontage with Scotland Road. The applicant should carry out any agreed planting in an appropriate manner for street trees. Details of street tree planting methods can be supplied on request.

Cumbria Fire Service: no comments;

Northern Gas Networks: no objections.

Urban Designer (Carlisle Renaissance): the broad form, materials and massing are substantially the same as in the approved scheme; however, the Urban Designer considers this resubmission an opportunity to resolve the following points which were raised in relation to the approved scheme:

External space (Scotland Road)

The proposed landscaping treatment to Scotland Road remains inadequate. Small scale soft landscaping should be limited and a preferred approach would be the provision of a row of four extra heavy standard trees, pit-planted with a root-directing vertical membrane, to a specification and watering regime agreed with the Council's Landscape Architect/Tree Officer.

External Space (Cheviot Road)

Space to the rear is still unresolved. The proposed 'substation' leaves a triangle of 'space left over after planning' to its north. Relocation of the substation housing into this unused northern area of space would free up usable space adjacent to the proposed 'bin storage area'. This would allow provision of covered bin/cycle store and an opportunity to introduce landscaping.

Ventilation apparatus

Chimney stacks are indicated and are welcome. It should be ensured that these are built as drawn. Further stacks would be beneficial, potentially to house any requisite ventilation apparatus. No ventilation apparatus should protrude through the roofing material.

Fenestration

No detail is apparent to the lintels over the Juliet windows and some other openings. This requires clarification. If artstone lintels are to be used these should span the opening in a single piece or should be subdivided by a keystone. Abutting split-spans should not be used.

Cycle parking

In accordance with the promotion of sustainable transport modes cycle parking should be convenient, safe and ideally prominent. At present provision serving the store is tucked into a hidden corner. It should be provided in a more prominent location to the front of the retail units.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
, 36 Scotland Road	29/06/09	
38 Scotland Road	29/06/09	
4 Cheviot Road	29/06/09	
6 Cheviot Road	29/06/09	
8 Cheviot Road	29/06/09	
10 Cheviot Road	29/06/09	
12 Cheviot Road	29/06/09	
14 Cheviot Road	29/06/09	
1 Knowe Road	29/06/09	
3 Knowe Road	29/06/09	
5 Knowe Road	29/06/09	
7 Knowe Road	29/06/09	
9 Knowe Road	29/06/09	
11 Knowe Road	29/06/09	
13 Knowe Road	29/06/09	
15 Knowe Road	29/06/09	
17 Knowe Road	29/06/09	

19 Knowe Road	29/06/09
21 Knowe Road	29/06/09
23 Knowe Road	29/06/09
25 Knowe Road	29/06/09
27 Knowe Road	29/06/09
56 Scotland Road	29/06/09
58 Scotland Road	29/06/09
60 Scotland Road	29/06/09
62 Scotland Road	29/06/09
64 Scotland Road	29/06/09
66 Scotland Road	29/06/09
68 Scotland Road	29/06/09
70 Scotland Road	29/06/09
72 Scotland Road	29/06/09
74 Scotland Road	29/06/09
76 Scotland Road	29/06/09
78 Scotland Road	29/06/09
80 Scotland Road	29/06/09
82 Scotland Road	29/06/09
84 Scotland Road	29/06/09
86 Scotland Road	29/06/09
43 Scotland Road	29/06/09
45 Scotland Road	29/06/09
47 Scotland Road	29/06/09
49 Scotland Road	29/06/09
51 Scotland Road	29/06/09
53 Scotland Road	29/06/09
55 Scotland Road	29/06/09
57 Scotland Road	29/06/09
59 Scotland Road	29/06/09
61 Scotland Road	29/06/09
63 Scotland Road	29/06/09
65 Scotland Road	29/06/09
67	29/06/09
Scotland Road	
69 Scotland Road	29/06/09
71 Scotland Road	29/06/09
73 Scotland Road	29/06/09
75 Scotland Road	29/06/09
77 Scotland Road	29/06/09
79 Scotland Road	29/06/09
81 Scotland Road	29/06/09
83 Scotland Road	29/06/09
85 Scotland Road	29/06/09
87 Scotland Road	29/06/09
89 Scotland Road	29/06/09
91 Scotland Road	29/06/09
93 Scotland Road	29/06/09
95 Scotland Road	29/06/09
97 Scotland Road	29/06/09
99 Scotland Road	29/06/09
101 Scotland Road	29/06/09
103 Scotland Road	29/06/09
105 Scotland Road	29/06/09
107 Scotland Road	29/06/09
109 Scotland Road	29/06/09
1 York Road	29/06/09
Crown PH	29/06/09
13 Cheviot Road	29/06/09
5 Cheviot Road	29/06/09
65 Scotland Road	29/06/09

67 Scotland Road	29/06/09	
25 Scotland Road	29/06/09	
27 Scotland Road	29/06/09	
29 Scotland Road	29/06/09	
31 Scotland Road	29/06/09	Undelivered
33a Scotland Road	29/06/09	
33b Scotland Road	29/06/09	
33 Scotland Road	29/06/09	
35 Scotland Road	29/06/09	
35a Scotland Road	29/06/09	
35b Scotland Road	29/06/09	
37 Scotland Road	29/06/09	
Wood Villa	29/06/09	
1 Stainton Road	29/06/09	
181 Lansdowne Crescent	29/06/09	
44 Belah Crescent	29/06/09	Objection
36 Longlands Road	29/06/09	
12 High Garth Meadows	29/06/09	
12 Gilbert Road	29/06/09	
12 Thornton Road	29/06/09	
11 Rosebery Road	29/06/09	
8 Lansdowne Crescent	29/06/09	
12 Rosebery Road	29/06/09	
19 Thornton Road	29/06/09	
24 Rosebery Road	29/06/09	
34 Thornton Road	29/06/09	
	33 29/06/09	
Thornton Road		
15 Kells Place	29/06/09	
Wood Villa	29/06/09	
14 Mulcaster Crescent	29/06/09	Objection
23 Thornton Road	29/06/09	Comment Only
2 Knowe Park Avenue	29/06/09	
10A Whalley	29/06/09	Objection
Road		
5 Andover Close	29/06/09	
42 Scotland Road	29/06/09	
Petrian House	29/06/09	
50 Knowe Road	29/06/09	
22 Knowe Road	29/06/09	
72 Etterby Road	29/06/09	
46 Scotland Road	29/06/09	
18 Knowe Road	29/06/09	
Petrian House	29/06/09	
32 Scotland Road	29/06/09	
Aldingma House	29/06/09	
38 Knowe	29/06/09	
Road		
13 Lansdowne Crescent	29/06/09	
141 Brampton Road	29/06/09	
40 Scotland Road	29/06/09	
44 Scotland Road	29/06/09	
46 Scotland Road	29/06/09	
48 Scotland Road	29/06/09	
50 Scotland Road	29/06/09	
52 Scotland Road	29/06/09	
1 Mulcaster Crescent	29/06/09	
3 Mulcaster Crescent	29/06/09	
5 Mulcaster Crescent	29/06/09	
7 Mulcaster Crescent	29/06/09	
9 Mulcaster Crescent	29/06/09	
11 Mulcaster Crescent	29/06/09	

13 Mulcaster Crescent	29/06/09
15 Mulcaster Crescent	29/06/09
17 Mulcaster Crescent	29/06/09
19 Mulcaster Crescent	29/06/09
21 Mulcaster Crescent	29/06/09
1 Cheviot Road	29/06/09
3 Cheviot Road	29/06/09
5 Cheviot Road	29/06/09
7 Cheviot Road	29/06/09
9 Cheviot Road	29/06/09
11 Cheviot Road	29/06/09
2 Cheviot Road	29/06/09

3.1 This application has been advertised by means of a site notice and notification letters sent to one hundred and forty eight neighbouring properties. Four letters of objection have been received, which identify the following issues:

1. increased traffic generation to the detriment of pedestrian and highway safety;
2. inadequate parking provision for staff and customers;
3. inadequate access arrangements;
4. increased parking on Cheviot Road would exacerbate the parking problems for local residents;
5. increased traffic on Scotland Road will make access from the side streets impossible;
6. residents parking schemes should be provided for Cheviot Road, Mulcaster Road, Rosebery Road and Thornton Road.
7. the design, scale and appearance of the building are out of keeping with the locality;
8. the building is not in keeping with the Stanwix Conservation Area;
9. increased noise and pollution generated by cars and delivery vehicles;
10. no traffic impact assessment or travel plan has been submitted;
11. no disabled car parking has been provided to serve the residential units;
12. the area is adequately served by existing commercial premises and supermarkets;

13. the proposal will cause the existing shops to close;
14. the site will be contaminated given its previous use as a petrol station; and
15. the site would have been better suited to the medical practice proposed in Stanwix.
16. increase traffic will reduce the quality of life for local residents;
17. the size of the convenience store is larger than a typical convenience store;
18. there is no affordable housing;
19. the increase in the size of the retail store is bound to increase the impact beyond that which was considered by the Planning Inspector at the Informal Hearing;
20. the site is not part of a neighbourhood centre as alleged by the applicant's; and
21. there is neither a qualitative or quantitative need for the extra retail floor space.

4. Planning History

- 4.1 In 1969 planning permission was granted for revisions to the frontage, including demolition, to provide a larger forecourt, the installation of a new petrol tank, showrooms, showrooms, office and a store;
- 4.2 In 1969 advertisement consent was granted for the display of a pole sign;
- 4.3 In 1969 advertisement consent was granted for the installation of illuminated box signs;
- 4.4 In 1974 planning permission was granted for the erection of a forecourt canopy;
- 4.5 In 1974 advertisement consent was granted for the installation of an illuminated sign;
- 4.6 In 1994 planning and Listed Building consent was granted for the demolition of a dilapidated two storey building and an adjacent single storey building to facilitate the erection of single storey extensions to enable the premises to provide a tyre fitting bay; and
- 4.7 In 1996 retrospective planning permission was granted for the display and sale of used cars.

- 4.8 In 2008 retrospective advertisement consent was sought for the erection of a banner sign and two fascia signs. Prior to the application being determined the signs were removed and the application was withdrawn.
- 4.9 In 2008 planning permission was sought for the erection of a three storey building that would comprise two retail units to the ground floor with 9 flats on the two floors above. The application was refused by the Development control Committee; however, it was subsequently allowed by the Planning Inspectorate following an appeal against that decision.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This revised application seeks full planning permission for a mixed development of retail and residential uses on a 0.18 hectare site situated on the east side of Scotland Road, the main route into the City from the north. The site is approximately 900m north of the City Centre and was previously occupied by Gates Tyres, who retailed tyres and exhausts as well as offering MOT's and car repairs. The site is identified on the Proposals Map that accompanies the Local Plan as being within a Primary Residential Area. It is also adjoins the Stanwix Conservation Area and it lies within the Stanwix district centre, the boundaries of which are not defined on the Proposals Map.
- 5.2 The garage and former showroom buildings, which have now been demolished, were essentially one and a half to two storeys in height. The buildings were of no great architectural significance, but they were not obtrusive nor were they a dominant element in the street scene. The buildings were of red brick construction with corrugated sheet roofs.
- 5.3 To the front of the site was a concrete hardstanding that served as a parking area. Along the northern and eastern boundaries of the site, which are enclosed by Cheviot Road, the buildings directly abutted the pavement. To the south of the site the buildings abutted the boundary that the site shares with No.13 Cheviot Road.
- 5.4 To the south of the site, along Scotland Road, is a terrace of Grade II Listed Buildings. The premises at the northern extent of this terrace, adjacent to the application site, is occupied by "Angels" hair and beauty salon. With the exception of "Angels" and the other commercial premises located to the south, the surroundings to the site are predominantly residential. There are, however, three commercial properties located on the opposite side of Scotland Road, including a takeaway and two bed and breakfast premises.
- 5.5 The principal access to the site was from Scotland Road; however, three other access points exist onto Cheviot Road.

Background

- 5.6 Members of the Committee may recall that in August 2008 the Development Control Committee refused planning permission for a similar scheme 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).
- 5.7 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.
- 5.8 The applicant appealed the decision to refuse the application and in March 2009 the Planning Inspectorate allowed both the Appeal and the related application made for an award of costs against the City Council.

The Proposal

- 5.9 This revised application is almost identical to that which was allowed on appeal, the proposed changes to the approved scheme being to incorporate a small electricity substation and to increase, by 20 m², the size of the smaller of the two retail units.
- 5.10 The substation would be accessed from Cheviot Road (opposite the rear boundary of 3 Knowe Road). It would measure 2.8 metres in width, 3.8 metres in length and 2.6 metres to the peak of the shallow pitched roof.
- 5.11 The increase in the size of the smaller retail unit would be created by extending outwards from the main rear wall of the building by 3.1 metres, with an overall width of 6.5 metres. The extension would incorporate a flat roof, which would not be seen above the proposed boundary wall.
- 5.12 The remainder of the application is unchanged from the approved scheme, which proposed the erection of a replacement three storey building that would comprise two retail units to the ground floor with 9 flats on the two floors above. On the first floor 5no. two bedroom flats are proposed, with a further 4no. two bedroom flats proposed on the second floor.
- 5.13 The building occupies a footprint measuring approximately 580 sq. m. and is set back 17 metres from the Scotland Road frontage, a further 3 metres beyond the front of the original buildings, which have been demolished following the appeal being allowed. It is predominantly two and a half storeys in height with the residential accommodation to the second floor being provided within the roof void. The southern and northern gables of the building are stepped down in height to two storeys.
- 5.14 The front and side ground floor elevations of the retail units would be finished using a textured "sparstone" masonry, above which would be a reconstituted stone band. The remainder of the building would be finished using facing brick, with a "Redland" Cambria slate roof. To the front elevation are three

symmetrically positioned feature gables, in which there are "Juliet" balconies serving the residential units. Two feature gables are also incorporated on the rear elevation, also with "Juliet" balconies. The remainder of the windows within the upper residential floors are conventional in appearance and incorporate a rendered surround. All new windows and doors are to be powder-coated aluminium framed.

- 5.15 Along the Scotland Road frontage of the site a landscaped boundary is proposed, which would directly abut the retail car parking area. In total 16 parking spaces are proposed to serve the commercial elements of the development, which includes 2 disabled persons parking bays, and a cycle rack is also proposed. Vehicular access to the retail parking area is obtained from the northern extent of Cheviot Road.
- 5.16 The retail units to be provided on the ground floor have a gross floor area of 464.5 sq. m and 92.9 sq. m. It is proposed that the smaller of the two units would be available for unrestricted A1 retail use, which includes a variety of retail uses ranging from shops, hairdressers or a post office etc. The larger unit would provide a neighbourhood convenience store. It has been suggested that this would be occupied by 'Sainsbury's'; however, Members should be aware that if permission were to be granted the occupation of this unit would be open to any convenience goods retailer.
- 5.17 A service area, to be shared by both retail units, is proposed at the north eastern extent of the site. This area would be enclosed by a brick boundary wall in excess of 1.8m high. The units would also be served by a 2.7 metre wide loading bay located alongside the boundary that the site shares with Cheviot Road. It is proposed that the retail uses would be able to trade between 0700 hours to 2300 hours Monday to Saturday and between 0700 hours and 2200 hours on Sundays.
- 5.18 A car park providing 11 car parking spaces, including two visitor parking spaces, is proposed to be positioned at the south of the site with access from Cheviot Road. This provides parking for the residential accommodation and would be enclosed by a brick boundary wall that would vary in height between 1.8m to 2.5m. The stairwell leading to the flats would be accessible from both the residential car park or from the Scotland Road frontage.

Assessment

- 5.19 The relevant planning policies against which the application is required to be assessed are Policies DP1, DP2, DP5, W5, CNL1 and CNL2 of the North West of England Plan: the Regional Spatial Strategy to 2021; "saved" Policies T30, T31 and E38 of the Cumbria and Lake District Joint Structure Plan; and Policies DP1, CP5, CP6, CP7, CP12, CP15, CP16, CP17, H2, H3, H4, LE9, LE12, LE19, LE29, EC7 and T1 of the Carlisle District Local Plan 2001-2016.
- 5.20 The proposals raise the following planning issues:

1. Whether The Principle Of The Proposed Development Is Acceptable.

- 5.21 The principle of the proposed development has been established through the approval of the earlier scheme by the Planning Inspectorate. The sole issue for Members to consider is whether the changes to the approved scheme, which are outlined in paragraphs 5.9 to 5.11, are acceptable.
- 5.22 In allowing the earlier appeal the Inspector imposed twenty seven conditions, which covered a range of issues. If Members are minded to approve this revised scheme it is recommended that the same conditions are imposed.

2. Whether The Inclusion Of The Substation Is Acceptable.

- 5.23 The substation is modest in scale and its position would not adversely affect the living conditions of neighbouring residents through loss of light or overdominance. Its appearance is conventional; however, a condition that requires details of the external finishes to be submitted and agreed will provide the opportunity to ensure that the materials used complement the remainder of the scheme.

3. Whether The Alterations To The Smaller Retail Unit Are Acceptable.

- 5.24 The flat roof extension to the retail unit would be screened from public view by the boundary wall. As such its inclusion does not materially affect the appearance of the approved scheme.
- 5.25 With regard to the 20 sq. m. increase in the floor area, it is not significant and it is unlikely to intensify vehicle movements to such an extent that the living conditions of neighbouring residents would be adversely affected. Although one of the grounds of opposing the application submitted by a Town Planning consultancy states that this would increase the impact beyond that assessed by the Inspector at the Informal Hearing, "impact" in terms of the size of floorspace was not an issue nor part of the Council's case for refusing that application.

4. Highway Matters.

- 5.26 The development would require the extension of 'no waiting at any time' restrictions along Cheviot Road to enable delivery vehicles to negotiate the loading bay, as well as vehicles using the residential parking area to egress safely. Although a plan illustrating the full extent of the extension to these areas has not been submitted, the Highway Officer has confirmed that the restrictions will extend from the junction of Scotland Road and Cheviot Road to a point around the corner 12 metres from the southern kerblines of Cheviot Road to protect the loading bay and allow sufficient manoeuvring space. On the opposite side of the road the waiting restrictions will extend to a similar point (approximately 19 metres when measured along the eastern side of Cheviot Road).
- 5.27 If Members are minded to approve this application it would be necessary to

grant “authority to issue” the approval to enable the completion of a s.106 Agreement. The agreement would secure the funding of £3500 to pay for an amendment to the Traffic Regulation Order to extend the ‘no waiting at any time’ restrictions along Cheviot Road.

- 5.28 In respect of the recent appeal the applicant submitted a unilateral undertaking to the Planning Inspectorate, which is a legal agreement that stated they would make the necessary payment to the Highway Authority. A copy of this agreement has been provided; however, its content has yet to be agreed with the Council’s Legal Services Department. If the Legal Services Department confirms that the wording of the unilateral undertaking is acceptable it will negate the need to enter into a s.106 agreement and enable the application to be determined at the meeting.

5. Impact Upon Bats.

- 5.29 In allowing the appeal the Planning Inspector imposed a condition that required a survey to be undertaken into the possible presence of bats. To address this issue a “Wildlife Survey” has been submitted with this application.
- 5.30 It concluded that no bats were recorded during the survey and that the surrounding area is considered to be of low quality for such species. This is because it is dominated by relatively dense urban residential development with a busy road immediately adjacent to the site and high light levels due to the presence of security lights on buildings and numerous street lights in the surrounding area.
- 5.31 Notwithstanding the above, the survey advised that there is scope to improve the habitat for the local bat population by creating bat roosts. It recommended that four external crevice roost sites are provided, one on each elevation, which would be created through the installation of "bat bricks". Four purpose designed "bat slates" should be accommodated on the roof to provide access to the gap between the roof covering and the roof lining. Access to the underside of the ridge tiles could also be provided in ten locations.
- 5.32 If Members are minded to approve this application it is recommended that the condition imposed by the Planning Inspector is reworded to require the development to be undertaken in accordance with the recommendations of the “Wildlife Survey”.

6. Archaeology.

- 5.33 The County Council’s Historic Environment Officer (HEO) has advised that since the appeal was allowed an archaeological evaluation has been undertaken. These results indicate that important remains survive in one area of the site. The HEO has advised that these should be excavated and recorded before they are disturbed by the proposed development. In light of this information HEO has recommended that the previously suggested conditions are reworded to reflect the additional information.

7. Other Matters.

- 5.34 Several consultees, such as the Landscape Architect, Urban Designer and Architectural Liaison Officer, have suggested possible amendments to the application. These suggestions have been raised with the agent who has agreed to consider the points further. Members are reminded, however, that where these points relate to aspects of the scheme that have already been established as acceptable it would be unreasonable of Members to refuse the application if the applicant chooses not to incorporate the changes.

Conclusion

- 5.35 In overall terms, the principle of the retail and residential aspect of the proposed development remains acceptable. The scale, siting and design of the proposed building are acceptable in relation to the setting of the adjacent Stanwix Conservation Area and Grade II Listed terrace. Subject to the imposition of several planning conditions, the use of the retail units would not detract from the living conditions of neighbouring properties through noise or disturbance. In respect of the residential accommodation, adequate separation distance has been maintained to ensure that the living conditions of neighbouring properties are not compromised as a result of loss of light, loss of privacy or overdominance.
- 5.36 If the submitted unilateral undertaking is not acceptable to the Council's Legal Services Department it will be requested that Members grant "authority to issue" approval to allow the undertaking to be reworded or to enable the completion of s.106 Agreement, both of which would secure the payment of £3500 to facilitate an amendment to the Traffic Regulation Order to increase the 'no waiting at any time' restriction along Cheviot Road.

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 Subject to S106 Agreement

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

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

2. The development hereby permitted shall not exceed 560 sq m gross Class A1 retail floorspace as defined in the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification; and there shall be no increase in Class A1 retail floor space by installation of a mezzanine floor or in any other way, unless permitted in writing by the Local Planning Authority.

Reason: To prevent an adverse impact upon the Council's proposals to achieve a new District Centre at Morton in accordance with Policy EC5 of the Carlisle District Local Plan 2001-2016.

3. The larger retail store of 465 gross sq m Class A1 retail floorspace shall only be used for the purpose of a food store selling convenience goods, and not more than 10% of the net retail sales area shall be used for the sale of comparison goods.

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

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

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

5. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological excavation of the remains of archaeological interest revealed in the evaluation in accordance with a written scheme of investigation which shall be submitted

to and agreed, in writing, by the Local Planning Authority.

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

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

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

7. The development hereby approved shall incorporate the bat habitat creation measures outlined in paragraph E1.5 of the Wildlife Survey submitted 25th June, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To enhance the habitat for the local bat population in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development shall commence until particulars of the height and materials of all screen walls and boundary fences have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner and to ensure compliance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

9. Notwithstanding any description of materials in the application no development shall be commenced until samples or full details of materials to be used externally on the building have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

10. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence, and the

development shall be implemented in accordance with the approved scheme.

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

11. The rainwater goods shall be finished in black upvc unless otherwise agreed, in writing, by the Local Planning Authority.

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

12. No development shall commence until full details of the siting and design of the proposed trolley bay have been submitted to and approved, in writing, by the Local Planning Authority. The development shall subsequently take place in complete accordance with the approved details.

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

13. No development shall commence until construction details of the proposed reconstruction of the Highway Footway shall be submitted to and approved, in writing, by the Local Planning Authority. The use shall not be commenced until the approved works have been completed.

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

14. The commercial and residential car parks shall be surfaced in bituminous or cement bound materials, or otherwise bound, and shall be constructed and completed before the development is brought into use.

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

15. The existing access and parking/turning requirements shall be retained viable during demolition and building operations on the site so that construction traffic can be accommodated clear of the highway until such times as the replacement parking areas and associated accesses can provide alternative provision.

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

16. Full details of the surface water drainage system shall be submitted to the

Local Planning Authority for approval, in writing, prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

17. Within 6 months of the development (or any part thereof) opening for business, the developer shall prepare and submit to the Local Planning Authority for their written approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the development (or any part thereof) opening for business.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS1 and LD4, as well as Policy T31 of the Cumbria and Lake District Joint Structure Plan.

18. An annual monitoring report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the Local Planning Authority for approval annually for a period of 5 years from the full development opening.

Reason: To aid in the delivery of sustainable transport objectives to support Local Transport Plan Policies WS1 and LD4.

19. Prior to the occupation of the development the details of the number, location and design of powered two wheelers and bicycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be constructed in accordance with the approved details and shall be provided before the occupation of any part of the development and retained at all times thereafter.

Reason: To ensure appropriate powered two wheeler and bicycle parking is provided in accordance with Policy CP15 of the Carlisle District Local Plan and to support Local Transport Plan Policies LD5, LD7 and LD8.

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

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

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

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

22. No development shall commence until a detailed scheme for the external lighting of all proposed building, parking and servicing areas has been submitted to and approved, in writing, by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

23. Before the occupation of any residential unit, noise level measurements must be undertaken in at least one residential unit overlooking Scotland Road, at least one unit overlooking Cheviot Road to the side of the development and at least one unit overlooking Cheviot Road to the rear of the proposed development to verify that the internal noise levels do not exceed 35 dB LAeq 16 hours 0700 to 2300 hours (daytime) and that they do not exceed 30dB LAeq 8 hours 2300 to 0700 hours (night time). The measured noise levels are to be reported to and approved, in writing, by the Local Planning Authority. The noise level measurements shall be carried out in accordance with the following requirements:

- i) The night time period measurements must include LA max levels to ensure that the instantaneous noise levels due to external events do not exceed 45 dB Lmax fast;
- ii) The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels are to be measured in bedrooms.
- iii) Before the measurements are undertaken a schedule of the residential units and rooms to be used must be submitted to and approved, in writing, by the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

Reason: To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

24. All habitable rooms shall be provided with sound attenuating trickle ventilators or wall mounted acoustic air brick to allow the ventilation of rooms

without the need to open windows. The vents shall not compromise the attenuation of the glazing.

Reason: To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

25. The residential units shall not be occupied until the food store, which forms part of this approval, is open for business.

Reason: To enable adequate assessment of the potential noise impact of the fixed mechanical and refrigeration plant and to safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail units hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

26. With regards to fixed mechanical and refrigeration plant, development shall not commence until details of the fixed plant serving the development hereby permitted and any mitigation measures to achieve this condition are submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the fixed mechanical and refrigeration units associated with the site shall not exceed the minimum monitored background noise level during the daytime (0700 – 2300 hours), determined to be 43.1 dB(A) at 7 Knowe Road and 62.1 dB(A) at 56 Scotland Road; and night time (2300 – 0700), determined to be 37.3dB(A) at 7 Knowe Road and 41.3dB(A) at 56 Scotland Road seven days a week. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises to the proposed service and plant areas. The measurements and assessments shall be made according to BS4142:1992.

Reason: To safeguard the living conditions of future residents of the development by providing satisfactory measures to reduce the noise disturbance resulting from the retail unit hereby approved in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

27. No part of the development hereby permitted shall commence until:

- i) A detailed site investigation has been carried out to determine the extent and severity of contamination on the site and to formulate such proposals as may be necessary for the remediation of the site. The remediation proposals must relate to human health and ground water;
- ii) There shall have been submitted to the Local Planning Authority the results in writing of the detailed site investigation;
- iii) Remediation measures as are identified in the detailed site investigation

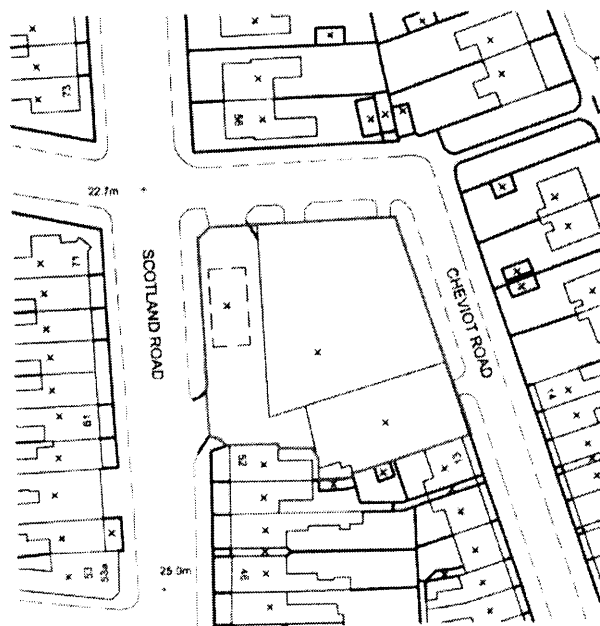
shall be submitted to the Local Planning Authority for approval in writing;

- iv) Remediation proposals agreed by the Local Planning Authority must be completed to the reasonable satisfaction of the Local Planning Authority; and
- v) Upon completion of the proposed Remediation measures a remediation report verifying the work must be submitted to the Local Planning Authority for approval in writing.

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

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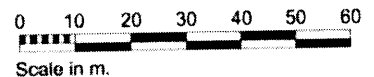
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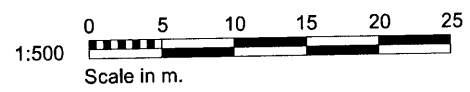
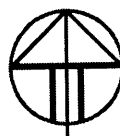
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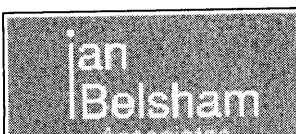


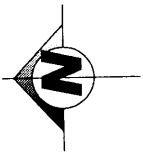
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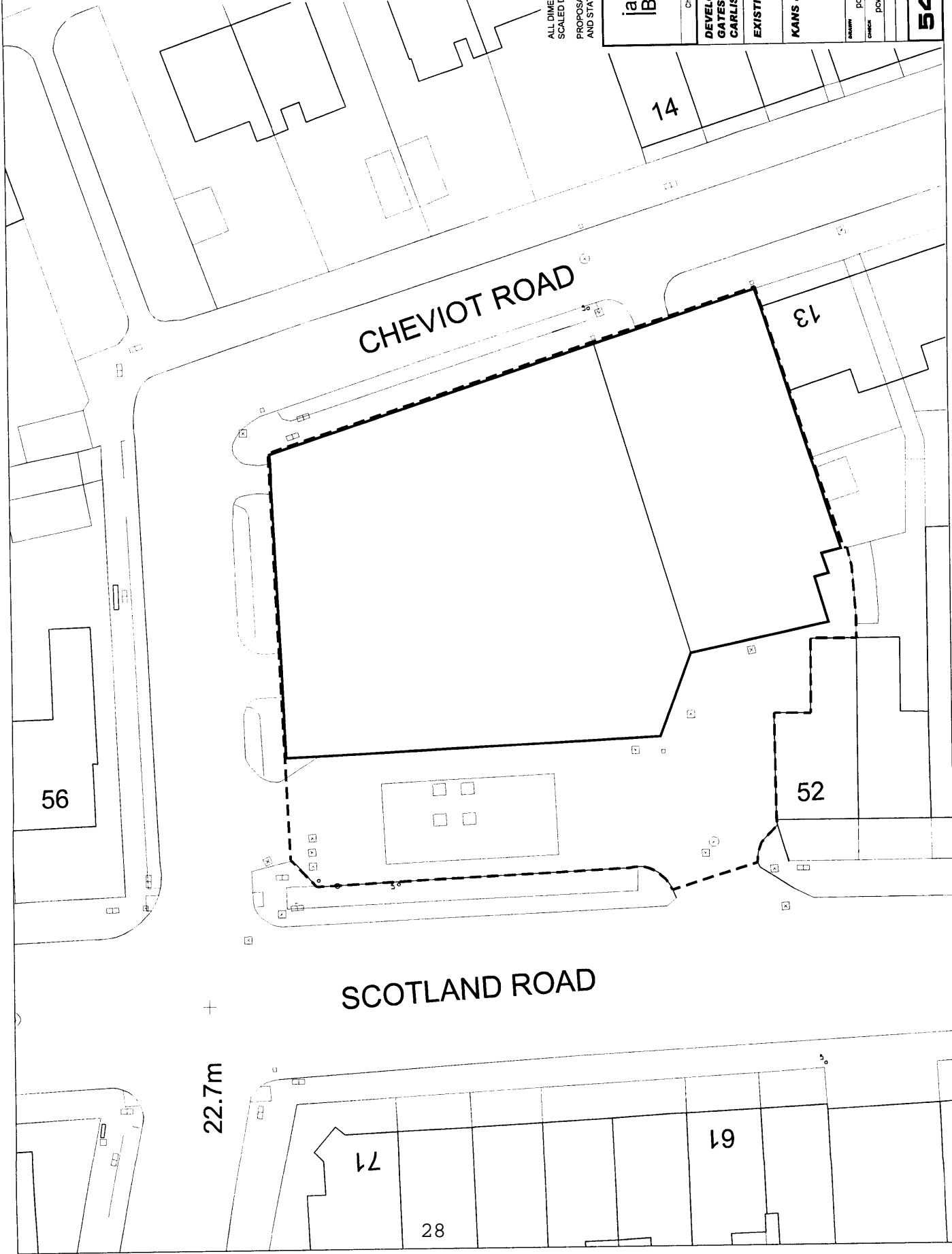


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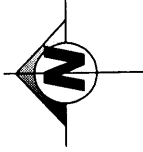


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DEVELOPMENT SITE GATES TYRES : SCOTLAND ROAD CARLISLE		EXISTING SITE LAYOUT	
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**DEVELOPMENT SITE
GATES TYRES : SCOTLAND ROAD
CARLISLE**

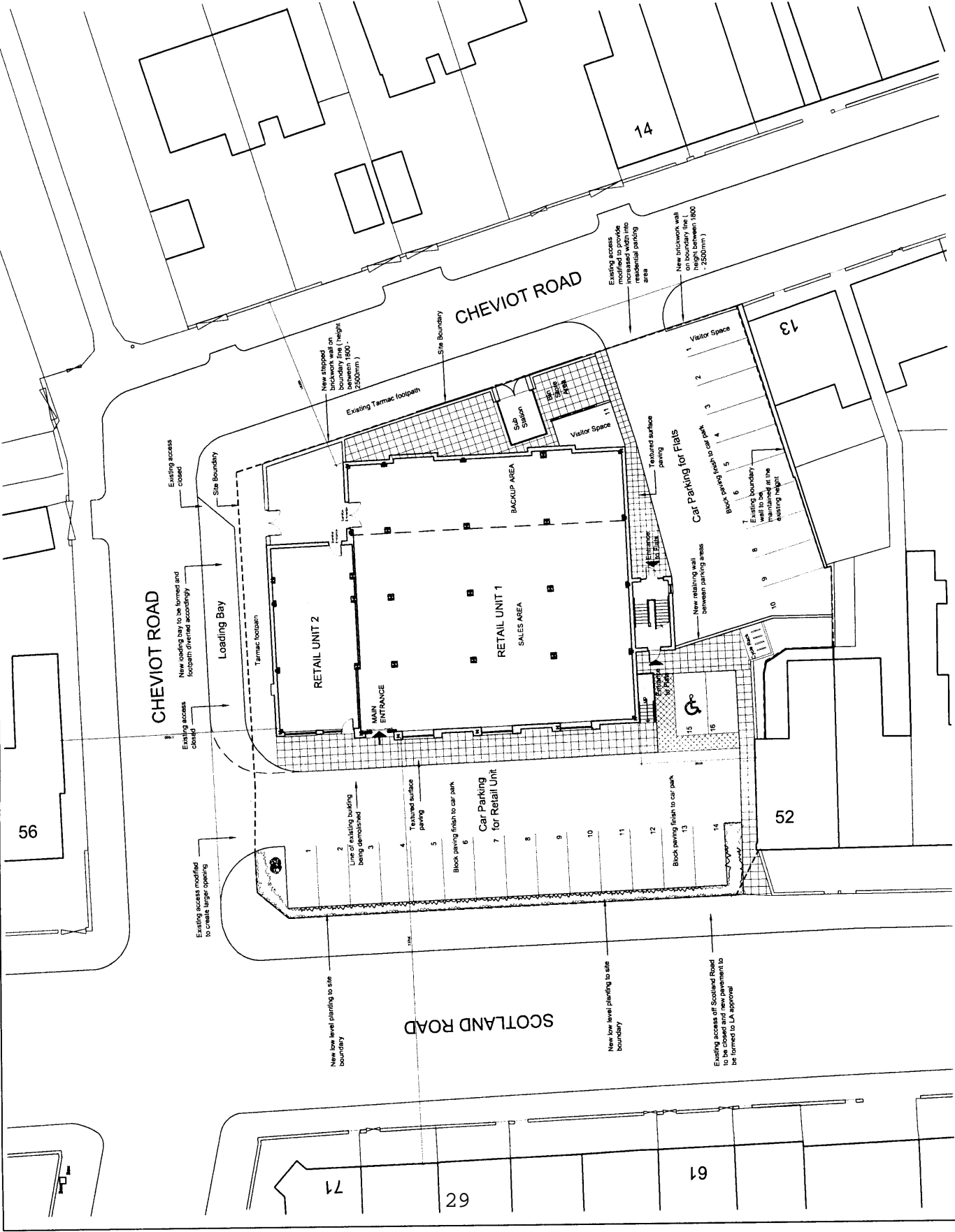
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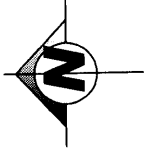
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 architects@belsham.com

DEVELOPMENT SITE
GATES TYRES : SCOTLAND ROAD
CARLISLE

PROPOSED SITE LAYOUT

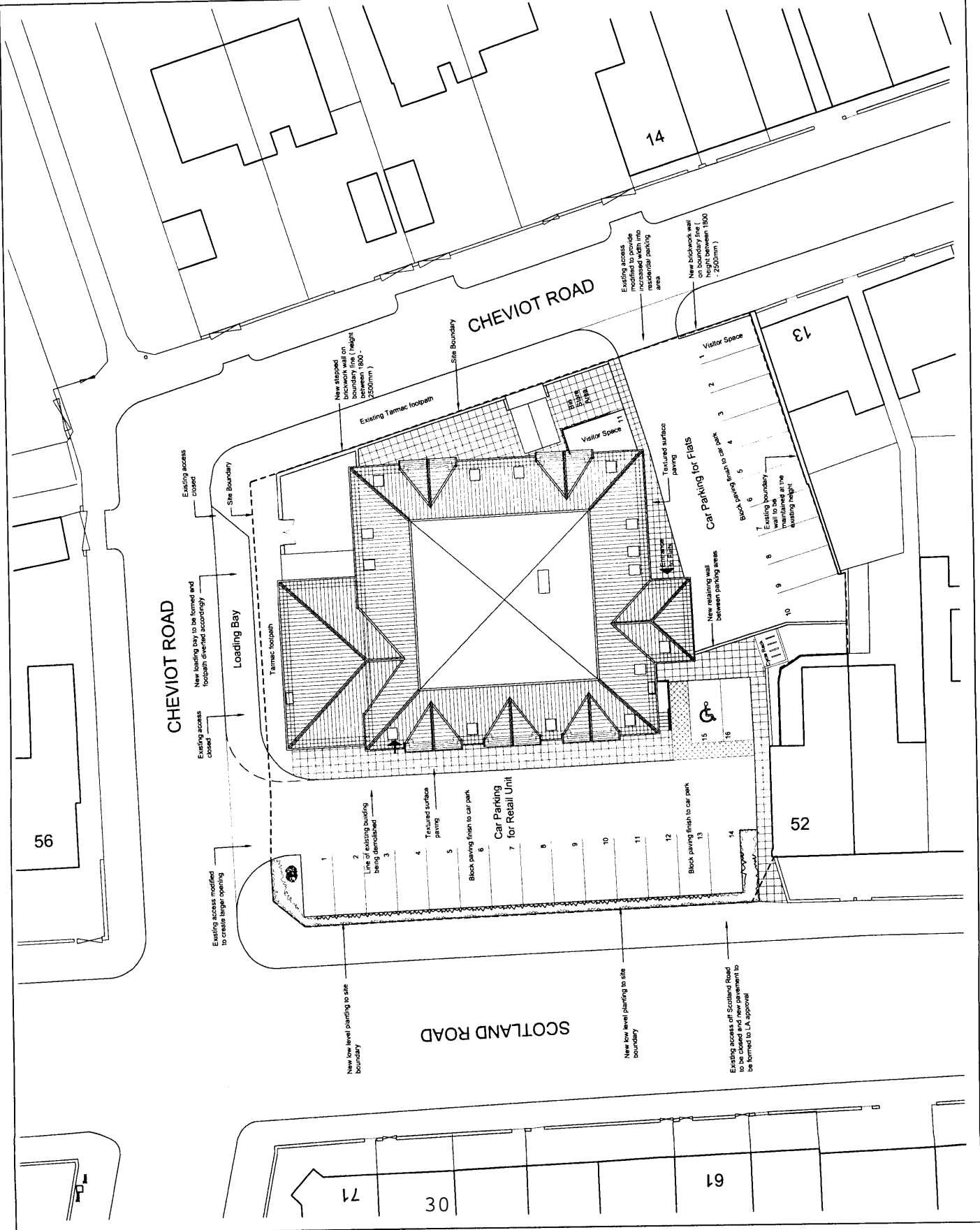
KANS & KANDY
PROPERTY DEVELOPMENTS LTD

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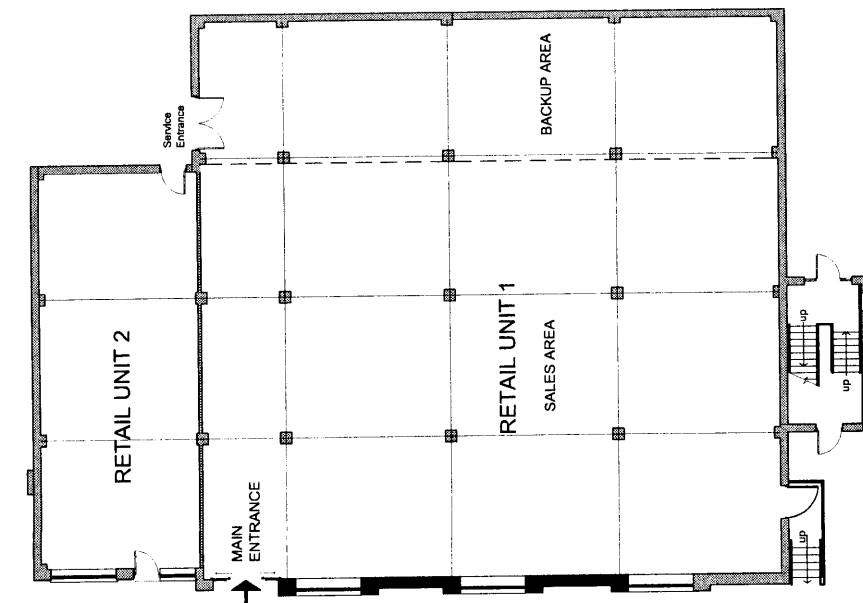
542/cravings/late base
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN

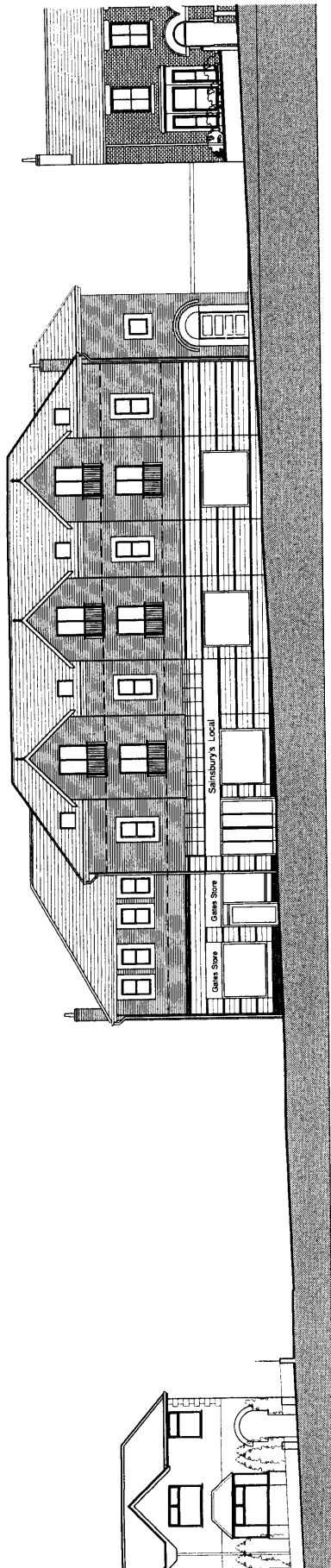
1:100 Scale 0 1 2 3 4 5

ian Belsham Associates Chartered Architects 100, The Quadrant, Gateshead, NE11 5SZ Tel: 0191 461 1411 Fax: 0191 460 5253 info@ianbelsham.co.uk		Visit Site: 100, The Quadrant, Gateshead, NE11 5SZ Tel: 0191 461 1411 Fax: 0191 460 5253 info@ianbelsham.co.uk
DEVELOPMENT SITE GATES TYRES SCOTLAND ROAD CARLISLE		DEVELOPMENT SITE GATES TYRES SCOTLAND ROAD CARLISLE
PROPOSED FLOOR PLANS		PROPOSED FLOOR PLANS
KANS AND KANDY PROPERTY DEVELOPMENTS LTD		KANS AND KANDY PROPERTY DEVELOPMENTS LTD
DRAWN: SM CHECKED: PCW DATE: 20.02.08	SCALE: 1:100 @ A1 PROJECT: KANS AND KANDY PROPERTY DEVELOPMENTS LTD	DRAWN: SM CHECKED: PCW DATE: 20.02.08
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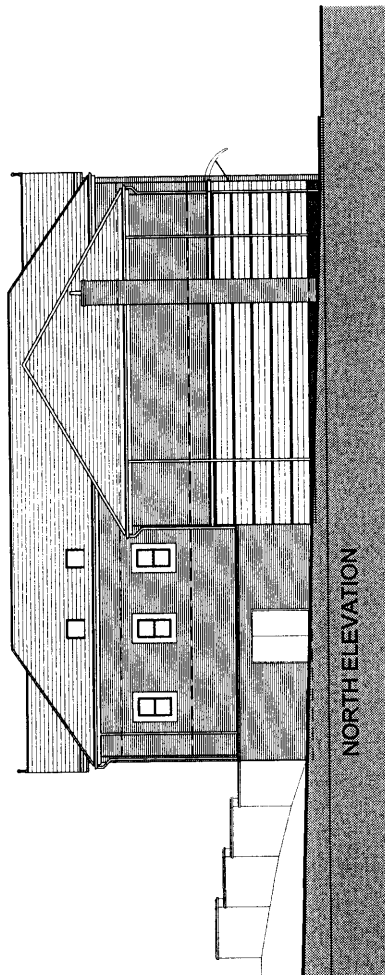
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PROPOSALS ARE SUBJECT TO SITE SURVEY
AND STATUTORY APPROVALS

MATERIALS

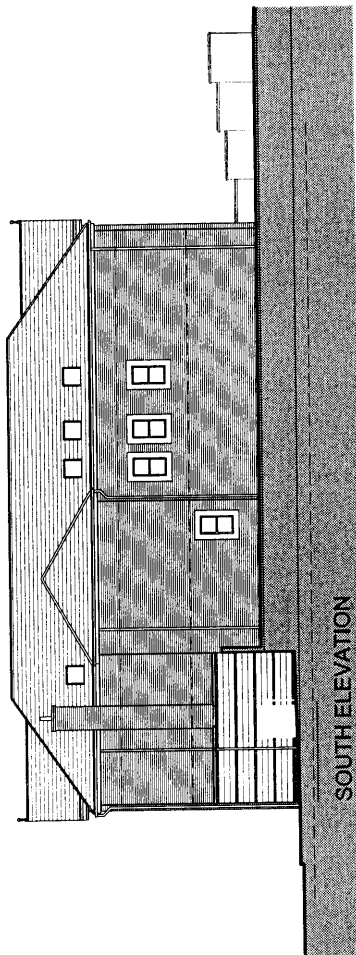
Roof : Redland Cambrian Slate
Walls :
Red multi facing brickwork to with
rendered surround to windows all to
LA approval
Render - colour to LA approval with
reconstructed stone band course.
Cornices to be rendered. Scaffolding
masonry to the Ground Floor retail.
Doors : To be aluminium powder
coated framed units in white
Windows : To be aluminium powder
coated framed double glazed units
Boundary Walls : Red multi facing
brickwork to match main building



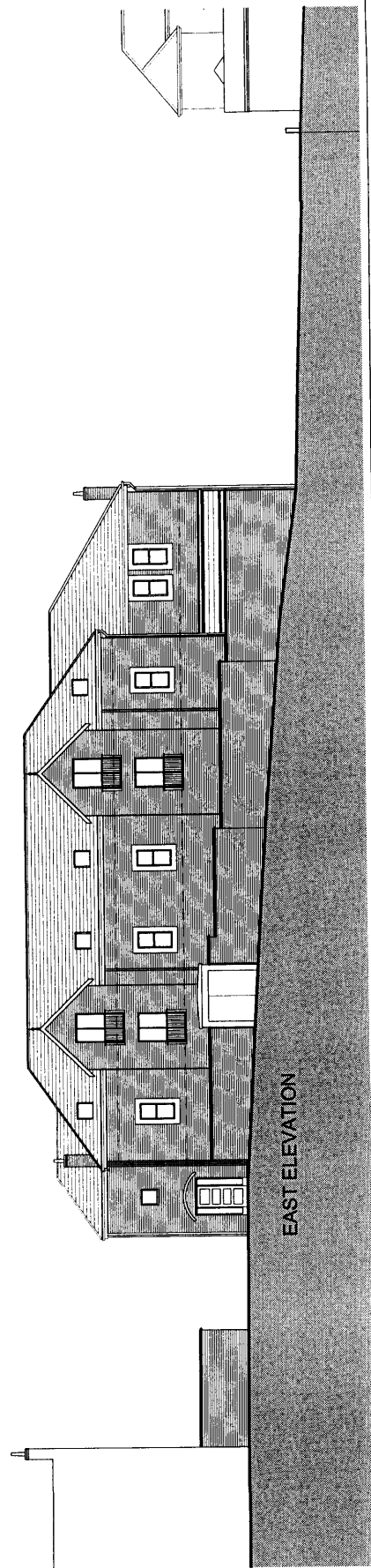
PROPOSED VIEW FROM SCOTLAND ROAD



NORTH ELEVATION



SOUTH ELEVATION



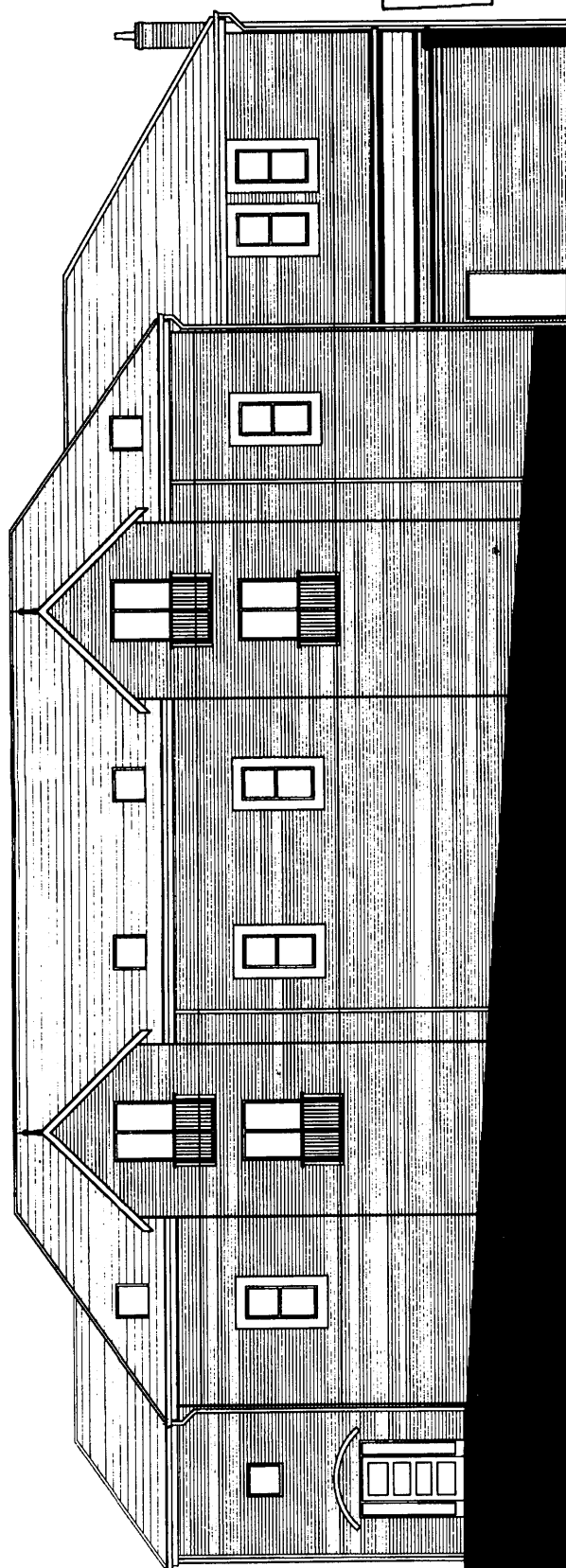
EAST ELEVATION

1:100
0 1 2 3 4

Prepared by:
Checked by:
Drawn by:
Scale:
Date:

ian Belsham Associates	Kidd Street 4 The Watermark Glenhead NE11 5SZ Tel: 0191 461 1411 Fax: 0191 466 3273 www.ianbelsham.co.uk	DEVELOPMENT SITE	
		GATES TYRES SCOTLAND ROAD	
Carlisle, Cumbria		CARLISLE	
		PROPOSED ELEVATIONS	
		ELEVATION TO SCOTLAND ROAD	
		KANS AND KANDY	
		PROPERTY DEVELOPMENTS LTD	
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 SCALED DIMENSIONS ARE NOT TO BE USED
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ian Belsham Architect Keel Row 4 The Watermark Gateshead NE11 9SZ Tel: 0191 481 1411 Fax: 0191 480 8223 i@i-belsham.com	GATES TYRES : SCOTLAND ROAD CARLISE EAST ELEVATION (EXCLUDING BOUNDARY WALL)		DRAWN DATE SCALE CHECK POW 17.06.09 1:100@A3 POW
	THIS DRAWING IS COPYRIGHT 5420/drawing/planning2		542 (0)04

SCHEDULE A: Applications with Recommendation

07/1383

Item No: 02

Date of Committee: 21/08/2009

Appn Ref No:
07/1383

Applicant:
Dalston Tennis Club

Parish:
Dalston

Date of Receipt:
08/01/2008

Agent:
CT Planning

Ward:
Dalston

Location:
Recreation Field, The Green, Dalston, Carlisle, CA5
7QB

Grid Reference:
336757 549579

Proposal: Variation Of Condition 2 Of Planning Permission 06/1357 To Allow For
400 Lux To Meet The Lawn Tennis Association's Minimum Level For
Club Tennis

Amendment:

1. Updated block plan and lighting report to take into account the approved position of the lighting columns.
 2. Letter from the applicant's bat consultant to Natural England, together with professional studies relating to the impact of lighting upon bats.
-

REPORT

Case Officer: Sam Greig

Reason for Determination by Committee:

This application is brought before the Development Control Committee for determination as two local residents wish to exercise their right to speak against the application. The Ward Councillor, Cllr. Allison, has also reserved his right to speak regarding the proposal.

1. Constraints and Planning Policies

Flood Risk Zone

Conservation Area

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

Local Plan Pol LC1 - Leisure Development

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol LE19 - Conservation Areas

2. Summary of Consultation Responses

Northern Gas Networks: no objections;

Cumbria County Council - (Highway Authority): no objection, subject to the attachment of one planning condition to any notice of consent;

Natural England: originally objected to the application on the understanding that the proposal involved increasing the lighting level of the proposed flood lights by a further 200 lux to the previous application (Application 06/1357) which sought permission for a lighting level of 400 lux. Natural England subsequently confirmed that it wished to withdraw its original objection on the basis that it has already commented on the impact of a lighting level of 400 lux in its response to the 2006 application.

During the course of the application there have been a number of comments made by Natural England in response to the various information that has been submitted in support of this application. The principal issue that Natural England raise relates to the potential impact of an increase in the lighting levels upon bats, which may use the hedgerow to the east and the tree/hedge line to the south of the site.

More recently the applicant has commissioned a bat consultant to liaise with Natural England regarding its concerns. As a consequence of these discussions Natural England has confirmed that the additional information relating to the design of the rear shields proposed for these lights and the consequent effect on light spillage demonstrates adequate reasonable avoidance measures to prevent disturbance to a route used by foraging and commuting bats. The suggested mitigation strategy outlined by the bat consultant should be implemented by the provision of 120mm rear shields on lights to reduce light spillage on the hedgerows to the east and south of the site;

Environmental Services - Environmental Quality: the Environmental Quality Section has a statutory duty to identify and prevent Statutory Nuisance this includes light nuisances.

In principle, the Environmental Quality Section does not raise any objection to the application proposal providing that there is no resulting light pollution affecting residential properties, so as to constitute a statutory light nuisance. The avoidance of nuisance from light spill has been addressed in this application and providing that the design criteria for this type and location of light fittings to be installed are such as to avoid nuisance occurring then the proposal is considered satisfactory.

The Environmental Quality Section is, however, not in a position to advise on the intrusiveness of any light spillage which does not constitute a statutory nuisance or the environmental impact of light on amenity;

Development Services Planning & Housing Services - Conservation

Section: does not wish to comment on this application on the basis that no new physical structures are proposed and as the Conservation Section is not qualified to comment on the increase in the light spillage and light pollution;

Conservation Area Advisory Committee: has commented that there should be a time limit on the use of these lights in order to reduce any visual disturbance to residents;

Council for Protection of Rural England/Friends of the Lake District: no comments received;

Sport England North West: the variation of the planning condition to allow an illuminance level of 400 lux will enable the club to meet the Lawn Tennis Association's minimum level for club tennis.

If this is not secured the club will be unable to receive funding from the Lawn Tennis Association towards the floodlighting proposals. The provision of floodlighting at the tennis club represents a benefit to community sports facilities through the potential increased hours of use for the facility. In light of this, Sport England supports the proposal;

Dalston Parish Council: does not wish to comment on the application.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
Mulberry House	09/01/08	
34 The Green	09/01/08	
36 The Green	09/01/08	
35 The Green	09/01/08	Objection
37 The Green	09/01/08	Objection
Skyreholme	09/01/08	
Glave Hill House	09/01/08	
Park Lodge	09/01/08	
Nook House	09/01/08	
Moss Side	09/01/08	Support
LTA Cumbria	09/01/08	Support
Nook Lane Foot	09/01/08	
21 Nook Lane Close	09/01/08	
12 Shankly Road	09/01/08	
Blackdish	09/01/08	
The Old Garage	09/01/08	
30 The Green	09/01/08	
Boulder Garth	09/01/08	Objection
33 The Green	09/01/08	
High Walls		Objection

- 3.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty four neighbouring properties. In response six letters of objection from five households have been received, together with two letters of support.
- 3.2 The letters of objection identify the following issues:
1. A lighting level of 200 lux is appropriate for a tennis club in a rural location;
 2. Funding for the proposed lighting columns is dependent upon a lighting level of 400 lux being achieved, which is the sole reason behind this application;
 3. The Lighting Guide 4: Sports Lighting published in 2006 by the Chartered Institute of Building and Service Engineers states that for a small village club like Dalston, which carries out low level competition that generally does not involve spectators, the lighting level should be Class 3, with lights of an intensity of 200 lux. That recommendation is consistent with British Standard EN 12193 "Lights and lighting – Sports Lighting";
 4. Other lighting experts such as Capita and Exclusively Leisure Ltd of Leicester have confirmed that a lighting level of 400 lux is unnecessarily high for the level of tennis to be played;
 5. A lighting level of 400 lux will result in an intense block of light that would be detrimental to the living conditions of neighbouring residents;
 6. The substantial hedgerow to the east of the tennis courts would lessen the effects of the floodlighting; however, the Recreation Committee, which owns the tennis courts, has advised that the hedgerow is in a poor state and poses a potential fire risk. Consequently the hedgerow may need to be removed and, therefore, the impact of floodlighting on the nearby houses will be far greater;
 7. The site is situated within the Dalston Conservation Area and it abuts open countryside. The intensity of lighting for which planning permission is sought is inappropriate to this location;
 8. The increase in the lighting levels is environmentally unfriendly; and
 9. The level of illumination will cause disturbance to local residents as well as wildlife.
- 3.3 One of the letters of support makes reference to the fact that the lighting columns would be sited within the corner of the recreation field, which has been used for this purpose for over 50 years. In the authors view, the light that

spills from the high level windows of the adjacent recreation hall would be more conspicuous and this building would dwarf the proposed floodlights.

- 3.4 The other letter of support has been received from the Tennis Development Manager of the Cumbria branch of the Lawn Tennis Association, which considers that the improvement of the existing facilities at Dalston will be a benefit to the local community.

4. Planning History

- 4.1 In 1993 planning permission was granted for the erection of a replacement tennis pavilion (Application 93/0798).
- 4.2 In 1997 planning permission was granted for the erection of nine 6.7 metre high floodlighting columns, although this scheme was not implemented (Application 96/0987).
- 4.3 In 2000 planning permission was granted for the erection of a recreation hall (Application 99/0964).
- 4.4 In 2004 planning permission was sought to renew application 99/0964 for the erection of a recreation hall (Application 04/1377). The application was withdrawn prior to determination.
- 4.5 In 2006 planning permission was granted to modification to application 99/0964 for the erection of a recreation hall (Application 06/0574).
- 4.6 In 2006 planning permission was sought for the erection of six 8 metre high floodlighting columns (Application 06/0820). The application was withdrawn prior to determination.
- 4.7 In 2007 planning permission was granted for the erection of nine 6.7 metre high floodlighting columns (Application 06/1357). When the application was determined by the Development Control Committee condition 2 was modified to restrict the lux level to 200 as opposed to 400 lux, which is the level that approval was being sought for.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application seeks permission to vary condition 2 of application 06/1357 to enable the approved floodlighting to be erected at Dalston Recreation Ground to be illuminated at 400 lux as opposed to 200 lux.
- 5.2 The application site is situated to the west of a row of detached properties that align the western side of The Green, Dalston. Access to the site is via a narrow vehicular access between Nos. 28 and 29 The Green. The site is

situated within an established recreation ground that comprises a bowling green, four tennis courts (including those that are subject to this application), a children's play area and a recently erected sports hall.

- 5.3 The site is situated within the Dalston Conservation Area, which was extended in 2008 to include the application site. When the previous application was approved the site was on the periphery of the Conservation Area. Immediately to the east of the site are residential dwellings, which are divided from the application site by a substantial hedge that is approximately 3 metres in height. To the south of the site lies open countryside and to the west and north is the remainder of the recreation ground.

Background

- 5.4 In 2007 the Development Control Committee granted permission to erect nine 6.7 metre high lighting columns around the two tennis courts located at the southern extent of the recreation ground. Whilst permission was granted the proposal has not yet been implemented.
- 5.5 Prior to determining the application the Development Control Committee visited the site to assess residents concerns regarding the impact upon the Conservation Area, but also the adjacent residential properties, the nearest of which is positioned 55 metres to the east of the site.
- 5.6 Whilst Members considered the visual impact of the proposal to be acceptable they voiced concern that the illuminance level of 400 lux, which was sought by the applicant, would have a harmful effect upon the living conditions of nearby residents.
- 5.7 The Development Control Committee consequently approved the application subject to the imposition of a condition that restricted the illuminance level to 200 lux. Condition 2 of the decision notice, which the applicant now seeks to vary, stated the following:

"The lighting scheme hereby approved, consisting of lights with a luminance level of 200 luxs shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority."

- 5.8 An additional condition (No.3) was also imposed that restricted when the lights could be used in order to safeguard the living conditions of nearby residents. It requires that the lights are switched off between the hours of 9pm and 9am everyday throughout the months of October to April and between the hours of 10pm and 9am from May to September.

The Proposal

- 5.9 As previously stated the applicant seeks permission to vary the restriction of the lighting levels to enable the floodlighting to be illuminated 400 lux.
- 5.10 The applicant seeks this variation in order to achieve grant funding from the Lawn Tennis Association, as this is the minimum lighting level that it will

accept. In respect of the latter point Members are reminded that whilst this outlines the applicant's desire to vary the permission, this factor alone should not influence Members view of the proposal.

- 5.11 The application is accompanied by a variety of documents, including a lighting report that provides technical data regarding light spillage from the proposed floodlights.

Assessment

- 5.12 The relevant planning policies against which the application is required to be assessed are Policies LC1, CP5, CP6 and LE19 of the Carlisle District Local Plan 2001-2016.

- 5.13 The proposals raise the following planning issues:

1. Whether The Principle Of The Proposed Development Is Acceptable.

- 5.14 The principle of the development has already been established through the approval of the earlier application. The sole issue for Members to consider is the impact that an increase in the lighting levels would have upon the character of the Dalston Conservation Area; the living conditions of neighbouring residents and its potential impact upon wildlife.

2. Impact Upon The Character Of The Dalston Conservation Area

- 5.15 Since the previous application was approved Dalston's Conservation Area has been significantly extended to include this site, along with the land as far down as Bridge End to the south and Buckabank to the east.

- 5.16 In assessing the impact that the development has upon the Conservation Area Members are reminded that this application does not propose to alter the position or size of the lighting columns, which have already been established as acceptable through the approval of the earlier application, nor does it propose to alter the times that the tennis courts can be illuminated. The issue for Members to consider is whether the intensification of the lighting levels would harm the character or setting of the Conservation Area.

- 5.17 The lights would only be illuminated in the evening when the surrounding Conservation Area would be largely shrouded in darkness, although there would be background illumination from neighbouring houses, street lighting and potentially the approved floodlighting. As such, it is questionable as to what further, if any, physical harm the increased lighting level would have upon the Conservation Area's historic or architectural qualities.

- 5.18 The Council's Conservation Officer was involved in discussions regarding the previous applications, where a reduction in the height of the lighting columns, from 8 metres to 6.7 metres, was negotiated to safeguard views out of the Conservation Area. With regard to this current proposal the Conservation Officer has not commented on the application on the basis that no new physical structures are proposed and as he is not qualified to comment on the

increase in the light spillage and light pollution.

- 5.19 On balance, given that no new structures are proposed, the increase in the lighting levels will not have any physical impact upon the character of the Conservation Area during daytime hours. Whilst the mass of light that this proposal will generate will be visible from within the Conservation Area it will not result in any demonstrable lasting harm in addition to that which could be generated by the approved scheme.

3. Impact Upon Wildlife

- 5.20 Natural England had raised concerns regarding the potential impact of the lighting levels upon bats that may use the adjacent hedgerows as foraging grounds or as commuting routes.
- 5.21 In order to address these concerns the applicant has employed the services of a bat consultant who is a licensed bat worker and Natural England trainer. The bat consultant has been liaising directly with Natural England regarding these issues. The bat consultant has referred to the applicant's lighting reports in conjunction with the evidence that has been provided within professional studies, which have investigated the effects of lighting on bats.
- 5.22 In summary, the bat consultant has demonstrated that for the most part the level of light that falls on the hedgerows is below that at which bats emerge. The consultant has argued that the provision of rear shields would reduce overspill lighting by "almost 40%", which would reduce the lighting level in the area of greatest concern for Natural England from 10-20 lux to 6-12 lux. In doing so, it is the bat consultant's opinion that the lighting will have minimal, or no adverse effect, upon bats that may be using the hedgerow as a foraging or commuting route.
- 5.23 Natural England has subsequently confirmed that it agrees with the consultants findings. Natural England has stated that the suggested mitigation strategy outlined by the bat consultant should be implemented by the provision of 120mm rear shields on lights to reduce light spillage on the hedgerows to the east and south of the site. If Members are minded to approve this application the implementation of the mitigation strategy could be ensured through the wording of the recommended Condition 4.

4. The Impact Of The Proposal On The Living Conditions Of Neighbouring Residents.

- 5.24 The site has residential properties adjacent to the eastern boundary and the living conditions of the occupiers of these properties should be protected from unacceptable light pollution. Members previous concerns regarding this issue resulted in the Development Control Committee approving the 2006 lighting scheme, albeit with a restriction limiting the level of illumination to 200 lux, as opposed to 400 lux, which was the level for which the applicant was seeking permission.
- 5.25 In respect of this current application the Environmental Quality Section (EQS)

has commented that it has a statutory duty to identify and prevent “statutory nuisance” which includes light nuisances. The EQS stated that the avoidance of nuisance from light spill has been addressed; however, the EQS has also stated that it is not in a position to advise on the intrusiveness of any light spillage which does not constitute a statutory nuisance or the environmental impact of light on amenity.

- 5.26 In order to make an informed judgement regarding the impact of light spillage on neighbouring properties the Council commissioned Avoca Consulting Engineers Ltd, a lighting specialist recognised by the Institute of Lighting Engineers, to provide independent technical advice relating to the lighting levels proposed by this application.
- 5.27 The independent consultant was asked to review the supporting technical information and to comment upon whether an increase in the illuminance levels by a further 200 lux, to 400 lux, would adversely affect the living conditions of neighbouring residents. In doing so the consultants were asked to consider two specific issues. Firstly, the impact of light spillage and, secondly, the impact of the increased intensity of the glare from the lights.
- 5.28 The independent consultant has provided two reports, both of which have been reproduced in the Schedule following this report. The first report, dated September 2008, comments upon the original lighting report submitted by the applicant. The second report, dated March 2009, comments on the revisions to the applicant’s lighting report, which were made as a consequence of the consultant’s original findings.
- 5.29 To assist Members in understanding the issues regarding the impact upon neighbouring residents the Institute of Lighting Engineers (ILE) has produced a guidance note for the “Reduction of Obtrusive Light”. The guidance note identifies four categories, or “Environmental Zones”, together with suggested light limitations for exterior lighting in these zones.
- 5.30 A copy of the ILE guidance note is provided in Appendix 5 of the applicant’s supporting documentation, which is reproduced in the Schedule following this report. The four Environmental Zones are outlined below.

Category

- | | | |
|----|-----------------------------------|--|
| E1 | Intrinsically dark landscapes: | National Parks or Areas of Outstanding Natural Beauty; |
| E2 | Low district brightness areas: | Rural, small village or relatively dark urban locations; |
| E3 | Medium district brightness areas: | Small town centres or urban locations; |
| E4 | High district brightness areas: | Town/city centres with high levels of night time activity. |

- 5.31 Within each of the above categories the ILE guidance note identifies four different types of obtrusive lighting. The guidance note identifies the lighting levels that development proposals should not exceed in order to prevent the

light emitted from being obtrusive.

5.32 The four categories of obtrusive light relate to sky glow, light trespass (into windows), source intensity and building luminance. The independent consultant has advised that building luminance is not applicable to this proposal and, therefore, Members should only consider the first three types of obtrusive lighting.

5.33 In respect of the residents concerns the consultant's original report highlights the following points.

"With any increase in lighting level it is inevitable that the following will occur when increasing a lighting system by 100% of the original level.

- i) The extent of the 'spill light' or light trespass will increase.*
- ii) The source intensity or quantity of light sources will increase.*
- iii) The amount of light reflected upward (contributing to sky glow) will increase.*
- iv) The quantity of energy consumed will increase.*

Whilst all of the above appear as negatives for the application they can be minimised by the selection and installation of suitable floodlighting equipment".

5.34 The applicant's lighting report identified that the application site is within Category E2. The Council's independent consultant did not raise any concerns regarding that classification of the site.

5.35 The consultant identified that the applicant's original lighting report only addressed the issue of light trespass and not sky glow or source intensity; however, the following assessment of these issues is not intended to be a critique of the applicant's submission, but a summary of the independent consultant's findings.

5.36 The consultant's original report states that the applicant's lighting calculations need to demonstrate compliance with the ILE "Guidance Notes for the Reduction of Obtrusive Light". For ease of reference an extract summary of the lighting consultant's assessment regarding each of these issues is provided below.

Sky Glow

"The maximum ULR of the floodlight for an environmental zone E2 is 2.5%. The data sheet for the floodlight included in page 16 of 17 indicates an ULR of 0%, therefore this criteria is met provided that the floodlights are not inclined greater than 0° from horizontal".

Light Trespass

"The maximum values of Ev are 5 lux (pre-curfew) and 1 lux (post curfew) for an environmental zone E2. The lighting calculations have been submitted for

2 properties to show compliance with this criterion”.

Source Intensity

“An E2 zone requires maximum values of source intensity pre-curfew of 7.5 kcd and post-curfew of 0.5 kcd.

The lighting calculations indicate values for 2 observer positions, these being ‘Green Tiles’ and ‘Boulder Garth’. The values are 156 cd (0.156 kcd) and 195 cd (0.195 kcd) which indicates compliance with the ILE document”.

- 5.37 The consultant’s executive summary, which comments on the revised lighting report put forward by applicant’s states:

“Issue No. 1 of this report (the consultant’s first report) identified a number of issues that required reassessment or further information from the applicant in order than Avoca Consulting Engineers Ltd could make a recommendation to Carlisle City Council.

The revised information has largely addressed the issues raised.

This revised report concludes that the revised lighting scheme will be no more or less intrusive when providing an average lighting level of 400 lux against a scheme designed to achieve 200 lux.

What this report can not do is state that the lighting will not give rise to complaints from local residents”.

- 5.38 In the interest of completeness the consultant recommends that the Authority requests additional information from the applicant to prove beyond any doubt that the criteria set out in the ILE Guidance Note have been met.
- 5.39 This additional information relates to the suggestion that the hedgerow to the east of the site, which separates the courts from the nearest residential properties, could be removed in the future. In summary, the consultant recommends that the revised lighting report provided by the applicant is recalculated to omit the potential screening effect of the hedgerow. There is a separate planning issue for Members to consider regarding the potential removal of the hedgerow, which is discussed in paragraphs 5.48 to 5.50 of this report.
- 5.40 The applicant has recently provided the additional information requested by the consultant; however, it contains some discrepancies in that the date that the report was produced has not been updated and the light spillage diagrams still include an annotation referring to a hedge.
- 5.41 The lighting consultant has commented informally on the additional information stating that the applicant has addressed the issues raised; however, to avoid any doubt it is recommended the applicant provides the correct technical information and that Officers obtain a further formal response from the lighting consultant.

- 5.42 The independent consultant's advice so far is quite clear in that the applicant's amended lighting scheme will be no more or less intrusive when providing an average lighting level of 400 lux against a scheme designed to achieve 200 lux.
- 5.43 On the basis of this independent advice Officers are satisfied that the previous concerns of this Committee have been addressed. Whilst the consultant states that he is unable to confirm that the proposal, if permitted, will not give rise to complaints, the applicant's have demonstrated that the light from the tennis courts will not constitute obtrusive lighting nor will its impact be significantly greater than a lighting scheme designed to achieve 200 lux.
- 5.44 As such, it is requested that Members grant "authority to issue" approval subject to formal confirmation from the Council's independent lighting consultant that the additional calculations omitting the hedgerow comply with the ILE guidance note.
- 5.45 Some of the objectors have questioned whether the times that the tennis court can be illuminated ought to be amended as a result of the increased lighting level. Similarly, objectors have raised concerns regarding intensity of the "block of light". On the basis of the advice provided by the consultant regarding the differences between the approved and the proposed scheme, neither of these issues ought to prejudice the outcome of the application.
- 5.46 Members attention is drawn to Condition 4 of the 2006 application which stated:
- "Notwithstanding any description of the lighting in the application no development shall be commenced until details of the lighting have been submitted to and approved by the Local Planning Authority".*
- 5.47 In order to ensure that the lighting details required to discharge this condition comply with the technical data that the consultant has assessed, Members, if minded to approve this application, may wish for this information to be assessed by the independent consultant. This may provide the objectors a degree of reassurance that the details are acceptable.

5. The Possible Removal Of The Hedgerow To The East Of The Tennis Courts.

- 5.48 The objectors to the scheme have suggested that the hedgerow to the east of the tennis courts, which provides a substantial screen, is to be removed as it is too high and poses a potential fire risk.
- 5.49 A revised assessment of the applicant's lighting scheme that omits the screening effect of the hedgerow has been requested from the lighting consultant in the interest of completeness. This additional information should demonstrate that the lighting scheme complies with ILE with or without the presence of the hedgerow.

- 5.50 Notwithstanding the above point, no firm evidence has been supplied to verify that the hedge is to be removed or reduced in height. The issue was first raised in September 2008; however, the hedge still remains. Members will no doubt appreciate the difficulty of applying “what if” scenario’s when determining applications; however, with regard to this issue, Members should also take into account that the hedgerow in question is outside of the control of the applicant, but in the ownership of the Tennis Club’s landlord, the Recreation Association. If the hedgerow was to be removed at a future date the landlord would be entitled to restrict the use of the tennis courts if it was sufficiently concerned regarding the impact of the floodlighting.

6. Other Matters

- 5.51 Members will note that the objectors have made reference to other lighting related documents such as the British and European Standard (BS EN 12193: 2007). Whilst the information is material to the application BS EN 12193: 2007 provides guidance for the minimum levels of lighting recommended to participate at different levels. The consultant touched upon this issue in the original response, which stated that:

“Governing bodies and institutions for sport and lighting will quote lighting levels required for each sport. These recommended levels will then vary depending upon the level the sport is to be played at the facility. A British and European Standard (BS EN 12193: 2007) also exists detailing sports lighting levels.

A very broad rule of thumb is the smaller and faster the ball or playing object the higher the lighting level that is required. In this instance a tennis ball is a small and fast moving object and requires a relatively high level of lighting which increases as the level of players skill increases.

For the purposes of the report we have ignored increased lighting levels required for coloured, digital and high definition television.

These lighting levels will be quoted as the “minimum maintained average horizontal illuminance” and will be one of a number of criteria that the lighting design is required to comply with, particularly if funding is to be granted from the governing body.

Put simply the minimum maintained average horizontal illuminance is the minimum lighting level, as an average across the playing surface that is required in order to comply with requirements laid out by the governing body”.

- 5.52 The guidance provided by the British and European standard provides the minimum level of lighting to take part in a sport at a particular level. They do not focus on the potential impact of the lighting upon living conditions of neighbouring residents and, therefore, for the purpose of assessing the merits of the application Members should concentrate on the guidance provided by the independent lighting consultant.

Conclusion

- 5.53 On the basis of the advice provided by the independent consultant Officers are satisfied that the previous concerns of the Development Control Committee have been overcome. In the light of this professional advice Members would be justified in approving this current application, whilst having approved the earlier scheme subject to a reduced lighting level.
- 5.54 The Council's consultant is quite clear that the applicant's lighting scheme will be no more or less intrusive when providing an average lighting level of 400 lux against a scheme designed to achieve 200 lux. As the increased impact of the lighting scheme would not be significantly greater than that which has been approved Members would have no justifiable reason to refuse this current application.
- 5.55 In the interest of completeness it is advised that the consultant's recommendations are followed through and that the applicant provides an amended lighting report that omits the screening effect of the hedge. As the consultant does not envisage that this will significantly affect his recommendation Members are asked to grant "authority to issue" approval, subject to the independent consultant's confirmation that the additional information complies with the ILE guidance note.

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. 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 lighting scheme hereby approved, consisting of lights with an illuminance level of 400 luxs shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority.

Reason: To ensure the living conditions of the neighbouring properties are protected in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

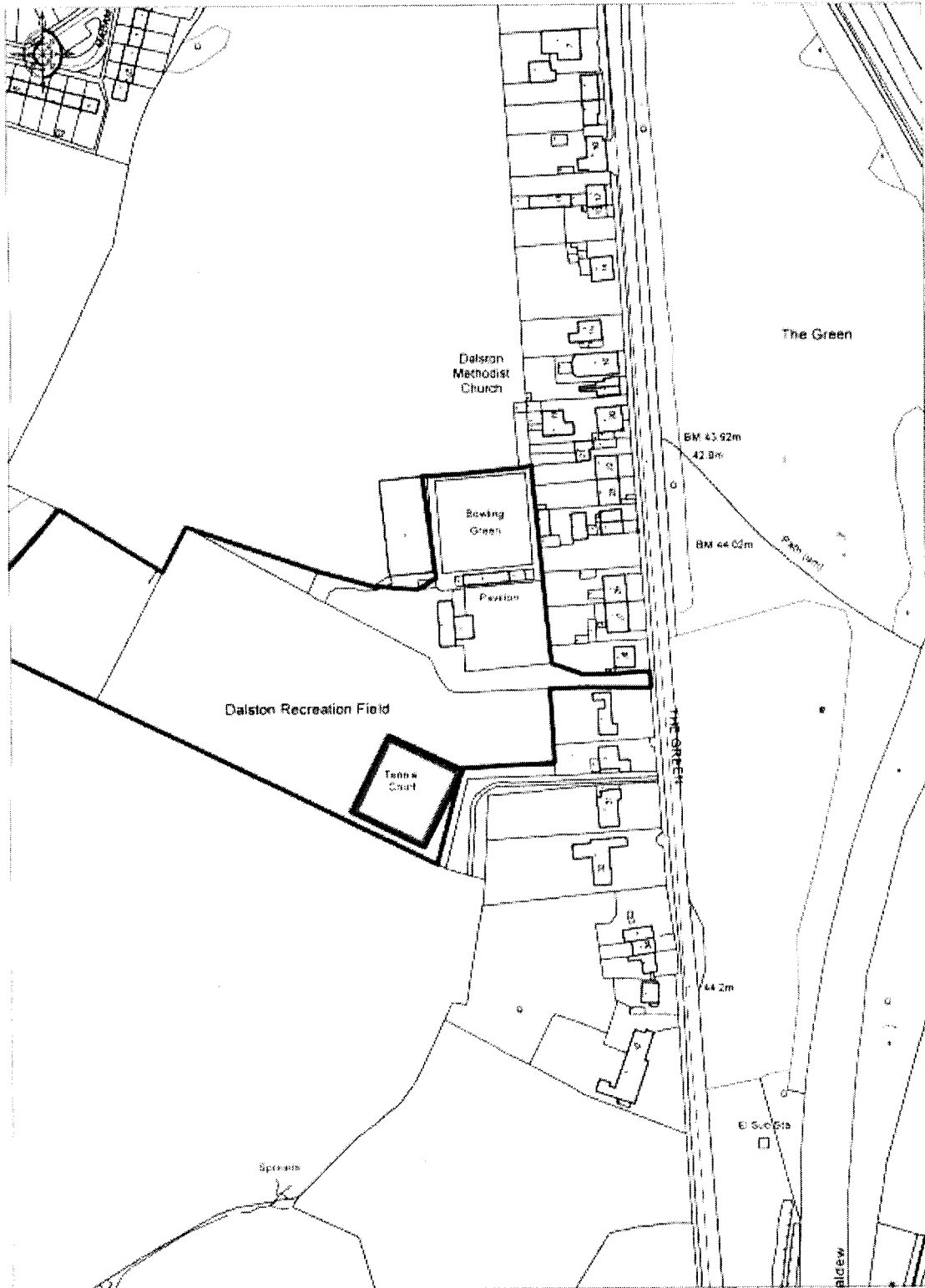
3. Prior to the lighting system hereby approved being brought into use, the luminaries/columns shall be connected to an appropriate time switch which shall be maintained to ensure that the luminaries are automatically switched off between the hours of 9pm and 9am everyday throughout the months of October to April and between the hours of 10pm and 9am everyday through the months of May to September.

Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

4. Notwithstanding any description of the lighting in the application no development shall be commenced until details of the lighting have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

DALSTON TENNIS CLUB, THE GREEN, DALSTON, CARLISLE



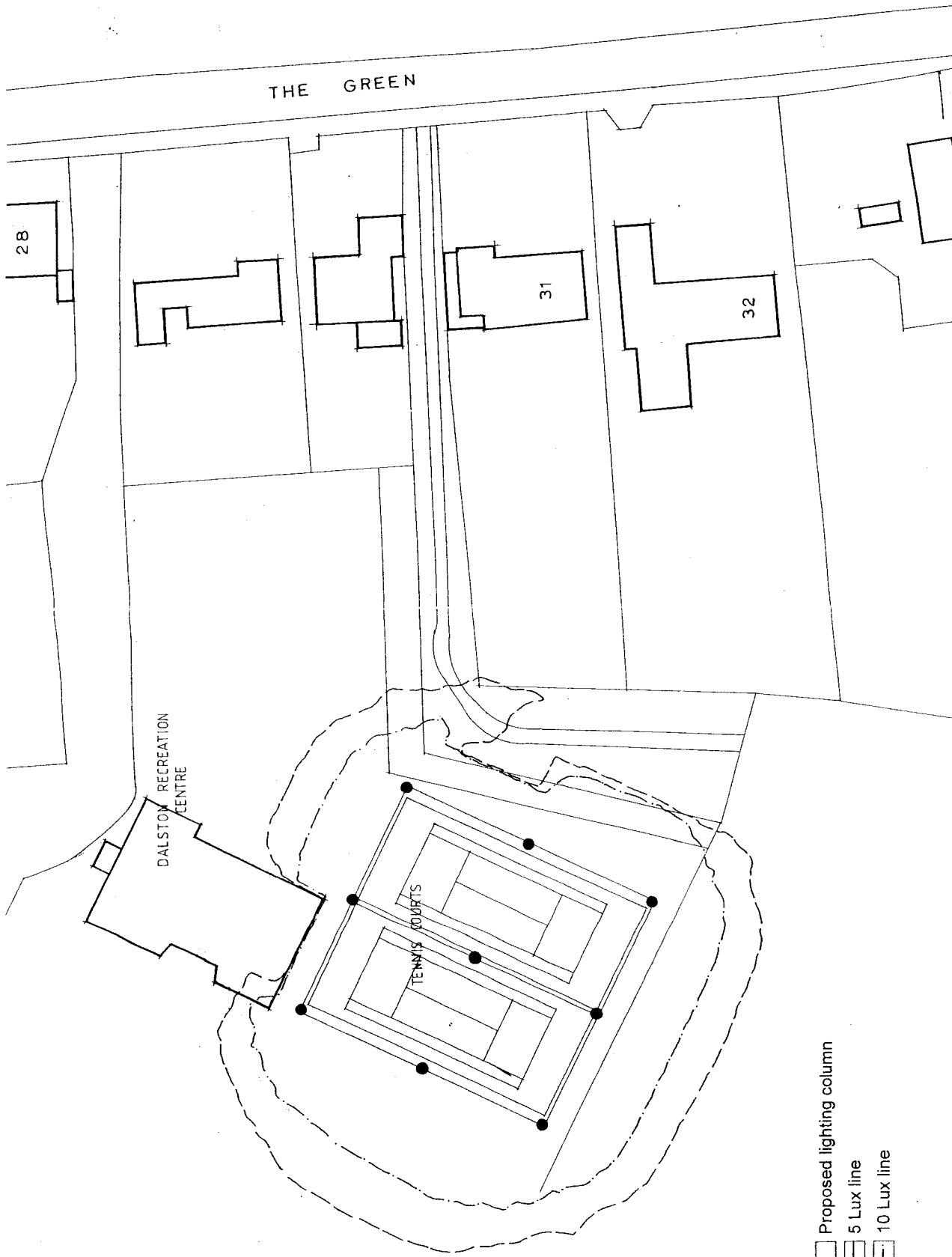
Ordnance Survey

© Crown Copyright 2007. All rights reserved. Licence number 100030449. Plotted Scale - 1:2500

Drawing 3386/99: Location Plan
1/2500 @ A4

22 DEC 2007
2007/1383


RECEIVED
28 JAN 2009
07/1383



- Proposed lighting column
- 5 Lux line
- 10 Lux line

BLOCK PLAN SHOWING REVISED LIGHTING SCHEME
DRAWING NO: 3386/5R SCALE: 1/500 @ A3
JANUARY 2009

PROPOSED FLOODLIGHTING
DALSTON TENNIS CLUB
THE GREEN
DALSTON
CARLISLE



CT Planning

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2007/1383

PLANNING STATEMENT

APPLICANT : **Dalston Tennis Club**

SITE : **Recreation Field
The Green
Dalston
Carlisle
Cumbria
CA5 7QB**

PROPOSAL : **Variation of Condition 2 of
planning permission 06/1357
to allow for a maximum level
of illumination of 400 Lux to
meet the Lawn Tennis
Association's minimum level
for club tennis**

REFERENCE : **CET/3386**

DATE : **11th December 2007**



1.0 INTRODUCTION

- 1.1 In April 2007 planning permission (reference 06/1357 - see Appendix 1) was granted for the installation of a floodlighting system at Dalston Tennis Club, Recreation Field, The Green, Dalston.
- 1.2 This application seeks to vary Condition 2 of planning permission 06/1357 (Appendix 1) so as to enable a luminance level of 400 lux to be achieved across the two tennis courts; this is the minimum lighting level required by the Lawn Tennis Association. Without this level of illumination, Dalston Tennis Club is unable to secure funding from the Lawn Tennis Association.

Planning History

- 1.3 Planning permission was granted in April 2007 (reference 06/1357 - Appendix 1) for the erection of 9 no. 6.7 metre high lighting columns to courts 3 and 4 at Dalston Lawn Tennis Club.

Application Site and its Surroundings

- 1.4 Photographs of the application site and its surroundings are provided at Appendix 2.
- 1.5 Dalston Tennis Club is located at Recreational Field, The Green, Dalston. The club comprises 4 tennis courts. Courts 1 and 2 lie to the north of the access road to the recreational field (see photographs 1 and 2) adjacent to the club's pavilion. The application courts (3 and 4) lie south of the access road (see photographs 3 and 4). Within the recreation ground, to the north of courts 1 and 2, there is also a bowling green. Immediately to the north of courts 3 and 4 is located a recreation hall which was granted planning permission in 2006 (reference 06/0574 -



Appendix 3). The recreation hall has a maximum height of 7.7 metres, that is 1 metre higher than the floodlighting columns permitted on the application site. The relationship of the application site to the recently constructed recreation hall can be seen in photographs 7 and 8. The application site is located on the periphery of the Dalston Conservation Area.

- 1.6 The nearest residential properties to the application site are 31 and 32 The Green. These are located some 60 metres to the east of the application site. Along the boundary of the application site, with 31 and 32 The Green, there is a 3 metre high hedge (see photographs 5 and 6). The recreation zone is surrounded on the north, south and west by open countryside.

Proposal

- 1.7 Permission is sought for the substitution of Condition 2 of planning permission 06/1357 with the following condition:

"The lighting scheme hereby approved shall provide for a maximum level of 400 lux over the marked court area in accordance with the drawing 3386/6 and the specification provided by Ian Hounsham of LTL Contracts lighting consultants dated 11th April 2006 and shall not be modified or intensified in any form without prior written approval of the Local Planning Authority."



CT Planning

- 1.8 The condition is intended to allow for a minimum level of illumination of 400 lux across courts 3 and 4 so as to meet the minimum level required by the Lawn Tennis Association. Such minimum provision is required in order for the Club to attract funding from the Lawn Tennis Association.



2.0 PLANNING POLICY

National Planning Policy

- 2.1 The Government's policy in respect of open space sport and recreation is contained in the recent review of PPG17. In the introduction to PPG17, the Government states that open space sport and recreation **"all underpin people's quality of life"**. In respect of proposals for floodlighting, the revised PPG17 states (paragraph 19) that Local Authorities should **"ensure that local amenity is protected"**.

Planning Policies for Sport : Sport England - November 1999

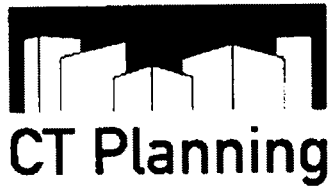
- 2.2 In November 1999 Sport England published its Planning Policies for Sport (see Appendix 4). In respect of floodlighting, Planning Policy Objective 25 states that they will support the installation of floodlighting of sports facilities **"where this will lead to a significant increase in opportunities for sport"**. Sport England recognises (paragraph 154) that the installation of floodlighting at sports facilities will lead to a significant increase in the opportunities for sport. Sport England seeks to ensure that policies for floodlighting **"are not overly restrictive in relation to hours of use"**. However, Sport England do recognise the need to take account of the need to protect residential amenity **"by seeking to minimise the impact of light pollution from lighting systems through sensitive siting and design and of the intensification of use"**.

Carlisle District Local Plan

- 2.3 The Development Plan includes the Carlisle District Local Plan. The application site is shown to be located in a Primary Leisure Area on



the Proposals Map to the Local Plan. Within such areas, Local Plan Policy L2 indicates that proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings will be acceptable. Local Plan Policy H17 relates to development within existing residential areas and indicates such residential areas will be protected from inappropriate development where that development is for a use inappropriate to a residential area, is of an unacceptable scale, leads to an unacceptable increase in traffic or noise, is visually intrusive and/or leads to a loss of housing stock.



3.0 PLANNING CONSIDERATIONS

3.1 Condition 2 of planning permission 06/1357 states the following:

"The lighting scheme hereby approved, consisting of lights with a luminance level of 200 luxs shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority."

The reason for imposing the Condition was stated to be:

"To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan."

- 3.2 This application seeks to replace Condition 2 with a condition that would allow for the level of luminance across courts 3 and 4 to be some 400 lux. 400 lux is the minimum level of illumination that is required by the Lawn Tennis Association. The Lawn Tennis Association will not assist tennis clubs with the funding of floodlighting proposals where this minimum is not achieved. Consequently, if this floodlighting scheme is to be implemented with the assistance of the Lawn Tennis Association then, a minimum level of illumination of 400 lux must be achieved.
- 3.3 The reason for imposing Condition 2 is evidently to safeguard the living conditions of adjacent residential properties. In this case this must relate principally to numbers 28 to 32 The Green. These properties lie some 30 metres to the east of the courts.
- 3.4 Enclosed as Appendix 5 is a copy of the guidance notes for the reduction of light pollution prepared by the Institution of Lighting



Engineers. These guidance notes provide Local Planning Authorities with advice on "**environmental zones**" to exterior lighting that should be incorporated into development plans. These guidance notes provide the maximum spillage that is permissible onto windows in adjoining residential properties as a consequence of floodlighting schemes. Within a small village location (Category E2 : Low Brightness Areas) the level of light spillage on to a principal window of a neighbouring residential property should not exceed 5 lux.

- 3.5 The light spillage from the proposed floodlighting scheme has been assessed by Ian Hounsham and is incorporated into the specification that is submitted with the application proposals. The analysis undertaken by Ian Hounsham demonstrates that as a consequence of the design of the lighting system there will only be a limited spillage of light outside of the application site. Application drawing 3386/6 shows the layout of the approved floodlighting, on to which is superimposed both the 10 lux and the 5 lux contours from the analysis provided by Ian Hounsham.
- 3.6 It is submitted that it will be correct in this instance to assume that the application site is located in a "**small village location**". In which case the maximum light spillage permissible on to a window in any neighbouring property is 5 lux. It is evident from drawing 3386/6 that the 5 lux contour is 50 metres from the rear elevation of 31 The Green.
- 3.7 The proposed floodlighting scheme with a 400 lux level of illumination across courts 3 and 4 is therefore considered to be entirely compliant with the Guidance provided by the Institution of Lighting Engineers (Appendix 5). Consequently, it has been demonstrated that there will be no material harm to any nearby



property by virtue of light incident upon windows of surrounding properties as a consequence of increasing the maximum level of illumination on courts 3 and 4 from 200 lux to 400 lux. The proposed development would not therefore result in harm being caused to the living conditions of nearby residential properties. In any event, the boundary between 31 and 32 The Green and the application site is defined by a hedgerow some 3 metres in height (see photographs 5 and 6 of Appendix 2).

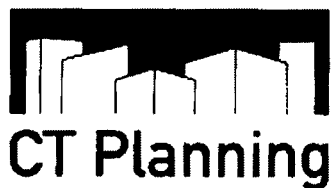
- 3.8 Enclosed as Appendix 6 is a copy of the Planning Officer's Report in respect of application 06/1357. It will be noted from this report that the Planning Authority had consulted with the Council's own Environmental Protection Services Department, who confirmed that the information submitted in the application is sufficient to address the issue of lights spillage on to neighbouring properties. Environmental Protection Services stated:

".... no objection to this proposal providing that there is no resulting light pollution affecting any residential property so as to constitute a statutory nuisance. The avoidance of nuisance from light spill has been addressed in this application and providing that the design criteria for this type and location of the light fittings to be installed are such as to avoid nuisance occurring then the proposal would be considered satisfactory."

- 3.9 It is also noted from the report that the application received the full support of Sport England.

Conclusion

- 3.10 Planning permission was granted in April 2007 (06/1357 – Appendix 1) for the installation of floodlighting on courts 3 and 4 at Dalston Tennis Club. Condition 2 of that permission sought to restrict the maximum level of luminance to 200 lux. The reason for imposing Condition 2 was to ensure the amenity of neighbouring properties are protected.
- 3.11 A level of illumination on courts 3 and 4 of some 400 lux is required to meet the Lawn Tennis Association's minimum standard for club tennis. Unless this level of illumination can be achieved, then the club will not be able to secure funding to install the scheme from the Lawn Tennis Association.
- 3.12 The Institution of Lighting Engineers has produced guidance notes (see Appendix 5) for the reduction of light pollution. These guidance notes indicate that in a small village location the level of light spillage on to the window of a dwellinghouse should not exceed 5 lux.
- 3.13 This application has demonstrated that the 5 lux line (see drawing 3386/6) would be some 50 metres from the nearest residential property, namely 31 The Green. The application has further demonstrated that the scheme is entirely compliant with the guidance provided by the Institution of Lighting Engineers and that there would be no material harm to the living conditions of any nearby residential property by virtue of light incident upon windows. This application has thus demonstrated that the level of illumination permissible on courts 3 and 4 can be increased from 200 to 400 lux without causing demonstrable harm to the amenity of neighbouring properties.



3.14 In the light of the above circumstances, it is submitted that Condition 2 of planning permission 06/1357 should be replaced with a condition that reads as follows:

"The lighting scheme hereby approved shall provide for a maximum level of 400 lux over the marked court area in accordance with the drawing 3386/6 and the specification provided by Ian Hounsham dated 11th April 2006 and shall not be modified or intensified in any form without prior written approval of the local Planning Authority."

CET/CMF/3386

11th December 2007

Planning Statement

Dalston Tennis Club
Recreation Field
CA5 7QB



4.0 LIST OF APPENDICES

- Appendix 1 : Planning permission 06/1357 dated 27th April 2007
- Appendix 2 : Photographs of the Application Site and its Surroundings
- Appendix 3 : Planning Permission 06/0574 dated 4th July 2006 and Planning Officer's delegated report
- Appendix 4 : Sport England : Planning Policies for Sport
- Appendix 5 : Guidance Notes for the reduction of light pollution produced by the Institution of Lighting Engineers
- Appendix 6 : Planning Officer's Report to Committee in respect of application 06/1357

CET/CMF/3386

11th December 2007



For additional information please contact:

**Christopher Timothy or Philippa Kreuser at
CT Planning Limited,
Trafalgar House,
20a Market Street,
Lichfield,
Staffordshire,
WS13 6LH.**

**Tel: 01543 418779
Fax: 01543 418115**



27 DEC 2007
2007/1383

PLANNING STATEMENT

APPENDIX 1

**(Planning Permission 06/1357
dated 27th April 2007)**



Development Services
Planning and Housing Services
Civic Centre, Rickergate, Carlisle, CA3 8QG.
Phone: 01228 817000 Fax: 01228 817199
Typetalk: 0800 95 95 98
Email: DC@carlisle.gov.uk

Application for Planning Permission

Notice of Approval

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

Applicant:
Dalston Tennis Club
Holly Cottage
The Green
Dalston
Carlisle
CA5 7QB

Agent: (if any)
Gray Associates
Moryn House
The Square
Carlisle
CA5 7PH

Part 1 - Particulars of Application

Date of Application: 13/12/2006

Application Number: 06/1357

Particulars and Location of Proposal:

Proposal:

9no. 6.7m lighting columns to courts 3 & 4

Location:

Recreation Field, The Green, Dalston, Carlisle, CA5 7QB

Part 2 - Particulars of Decision

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

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 lighting scheme hereby approved, consisting of lights with a luminance level of 200 luxs shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority.

Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District

Local Plan.

3. Prior to the lighting system hereby approved being brought into use, the luminaries/columns shall be connected to an appropriate time switch which shall be maintained to ensure that the luminaries are automatically switched off between the hours of 9pm and 9am everyday throughout the months of October to April and between the hours of 10pm and 9am everyday through the months of May to September

Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

4. Notwithstanding any description of the lighting in the application no development shall be commenced until details of the lighting have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

Summary of Reasons for the Decision

The proposal is supporting an existing leisure use in order to maximise the facilities. Furthermore, planning guidance strongly supporting and encouraging the improvement of leisure facilities. The columns, together with the resulting haze, will be visible on the skyline but the overall visual intrusion is considered to be minimal. Members are reminded that the principle of the proposal has already been accepted with the granting of permission for floodlights in 1996, therefore, the application is recommended for approval.

Relevant Development Plan Policies

Carlisle District Plan Leisure - Proposal L2

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC1- Leisure Development

Proposals for leisure development will be acceptable provided that:

1. there is a need for the development; and
2. the development is of an appropriate scale for the locality;
3. if the proposal is not for a central site, all options for sites in the centre have been thoroughly assessed; and
4. there will be no unacceptable impact on existing centres; and
5. the site is accessible by public transport, walking and cycling; and
6. appropriate car parking and satisfactory access to the site can be achieved; and
7. The proposal does not have an adverse impact on the amenity of the surrounding area and land uses.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

1. is for a use inappropriate for residential areas; and/or

2. is of an unacceptable scale; and/or
3. leads to an unacceptable increase in traffic or noise; and/or
4. is visually intrusive.

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

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

Date: 27/04/2007

A C Eales
Signed: Head of Planning and Housing Services

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Advisory Notes

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.

Notice to Applicant of Rights of Appeal

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms and guidance can be downloaded from The Planning Inspectorate web site www.planning-inspectorate.gov.uk. Alternatively they can be obtained from the following address: -

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Telephone: 0117 372 6372

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special

circumstances which excuse the delay in giving notice of appeal.

- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Further Information

- The Planning Portal web site (www.planningportal.gov.uk) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

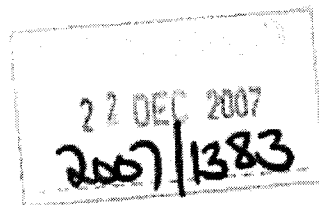
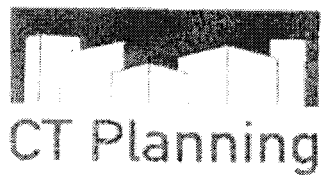
Purchase Notices

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

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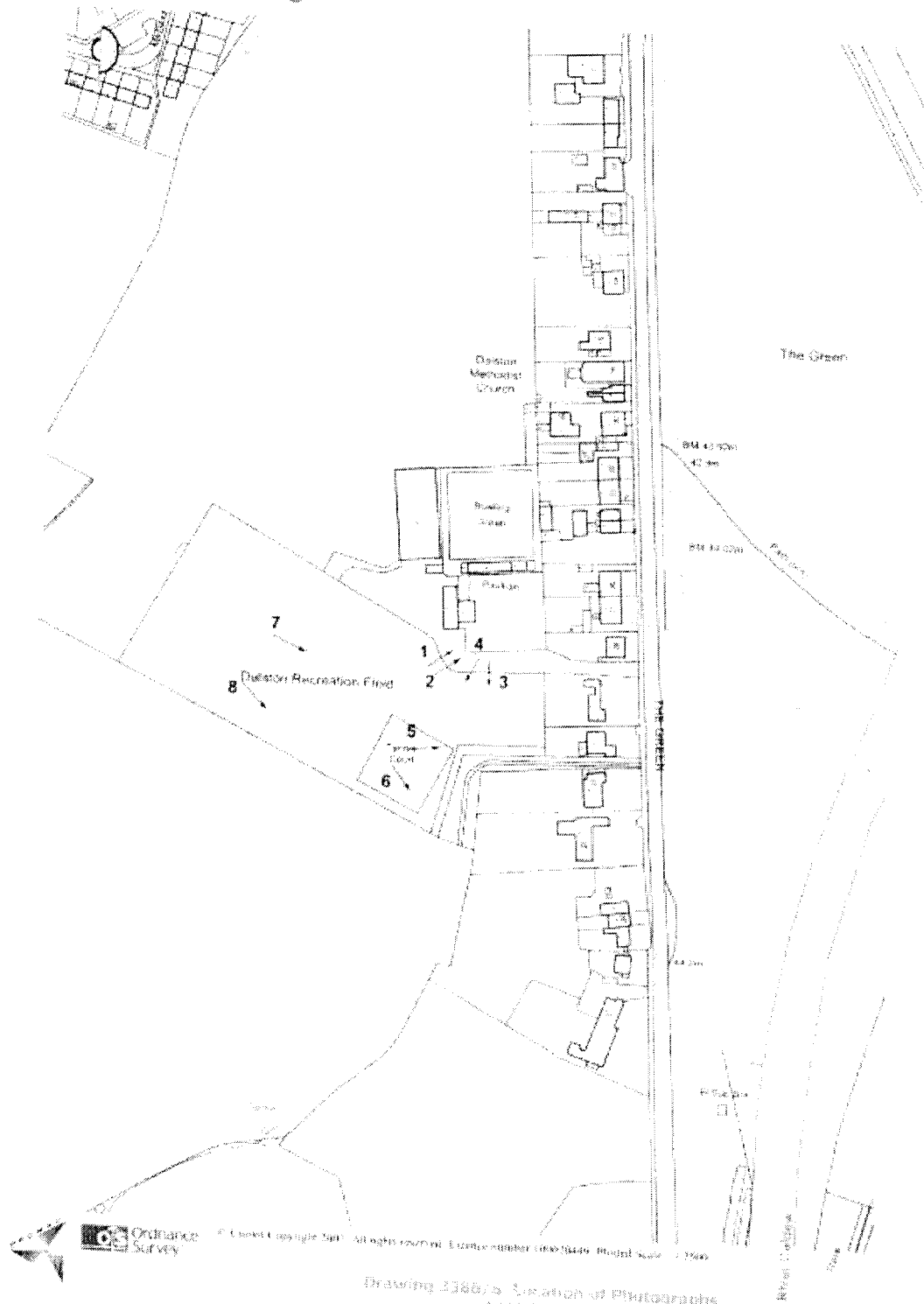
PLANNING STATEMENT

APPENDIX 2

**(Photographs of the Application Site
and its Surroundings)**

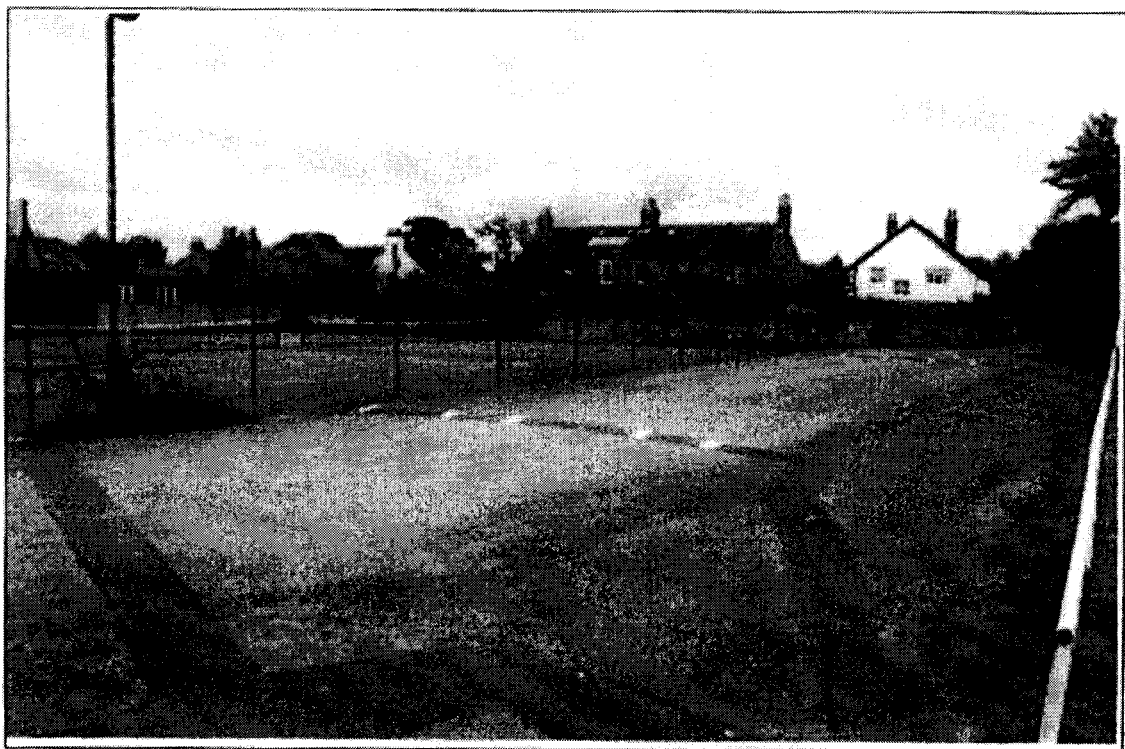


DALSTON TENNIS CLUB, THE GREEN, DALSTON, CARLISLE

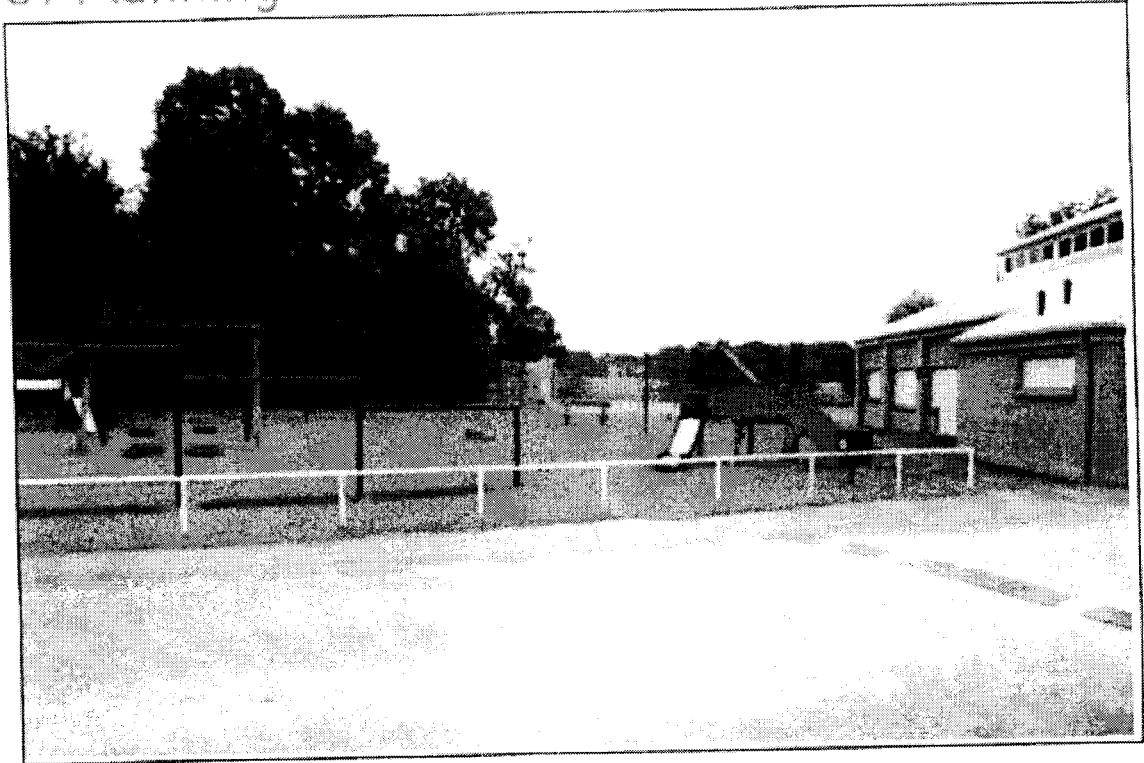




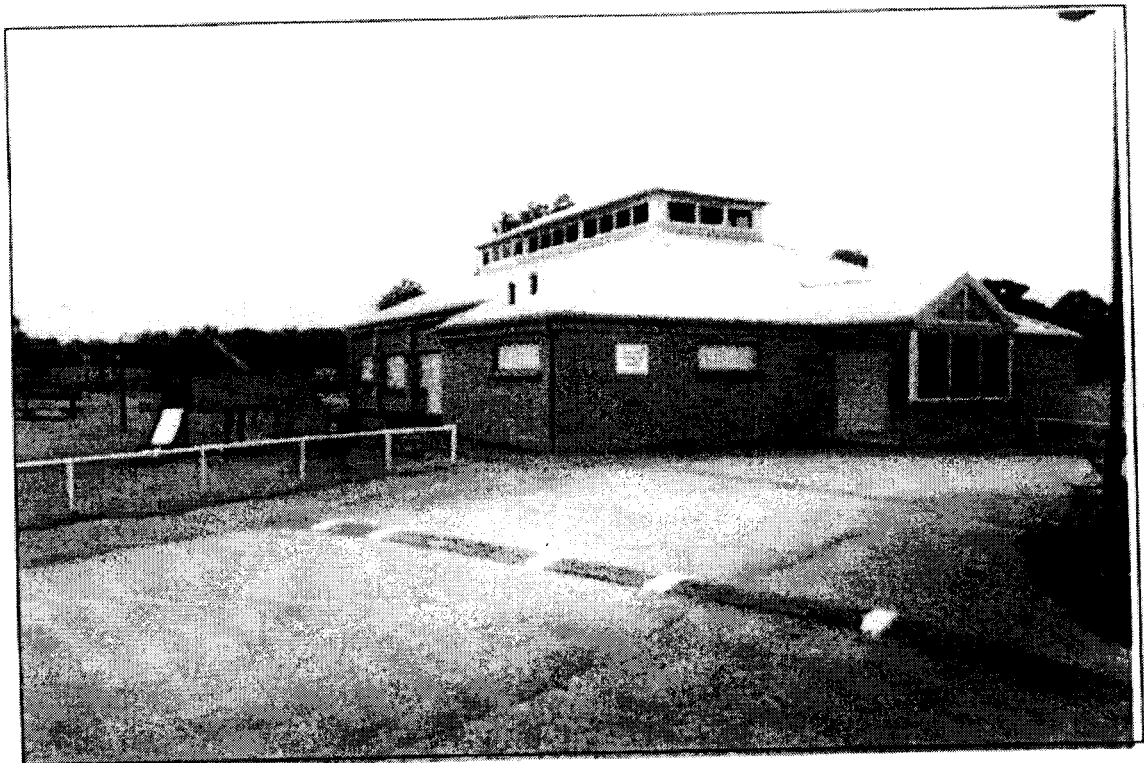
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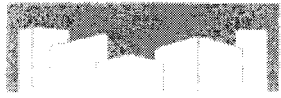
Photograph 2



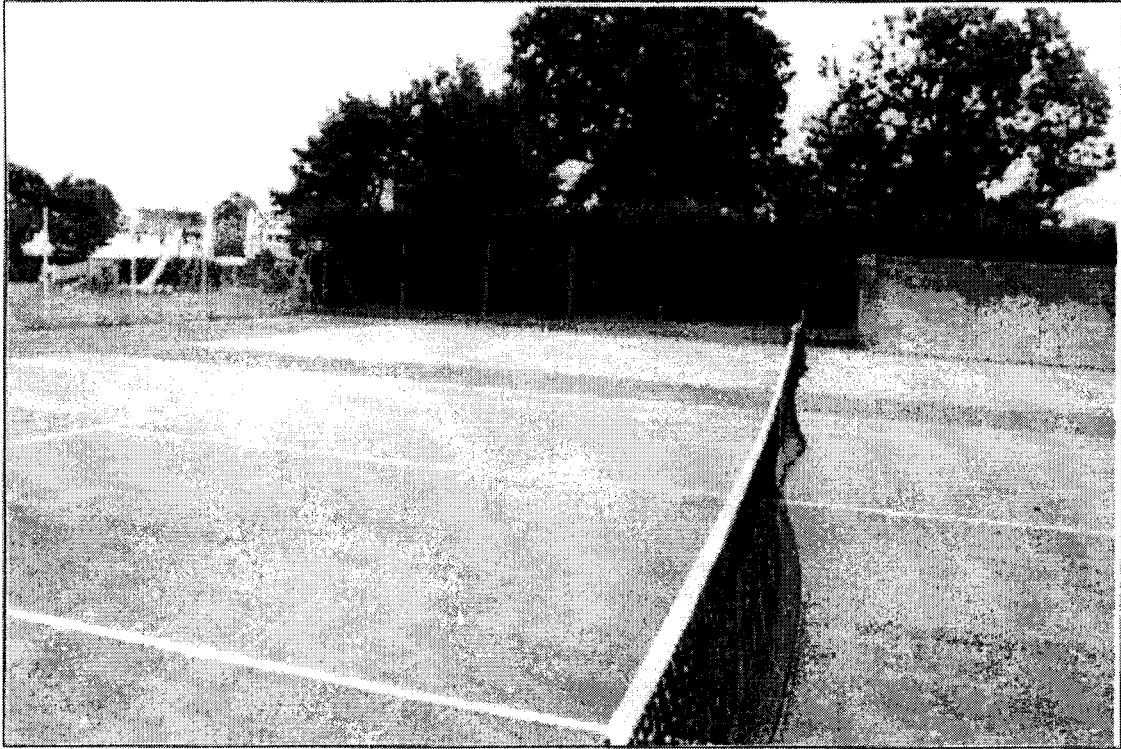
Photograph 3



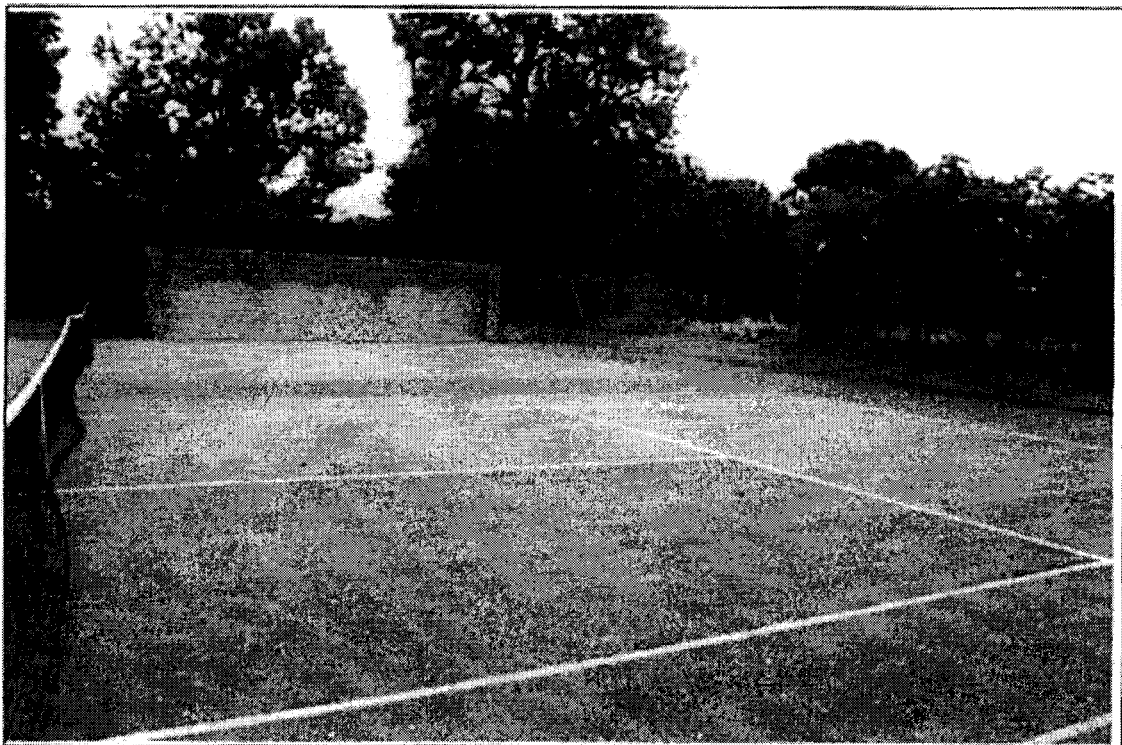
Photograph 4



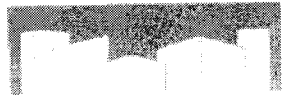
CT Planning



Photograph 5



Photograph 6



CT Planning



Photograph 7



Photograph 8



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2007 / 1383

PLANNING STATEMENT

APPENDIX 3

**(Part 1 – Planning Permission 06/0574
dated 4th July 2006)**

Part 1 of 4



**Development Services
Planning and Housing Services**
Civic Centre, Rickergate, Carlisle, CA3 8QG.
Phone: 01228 817000 Fax: 01228 817199
Typetalk: 0800 95 95 98
Email: DC@carlisle.gov.uk

Application for Planning Permission Notice of Approval

Town and Country Planning Act 1990

Town and Country Planning (General Development Procedure) Order 1995

Applicant:
Dalston Recreation Association
15 Sowerby Road
Dalston
Carlisle
CA5 7LD

Agent: (if any)
Johnston & Wright
15 Castle Street
CARLISLE
Cumbria
CA3 8TD

Part 1 - Particulars of Application
Date of Application: 10/05/2006

Application Number: 06/0574

Particulars and Location of Proposal:

Proposal:
Erection of Recreation Hall (post decision amendment to planning consent
ref.99/0964)

Location:
Dalston Recreation Field, The Green, Dalston, Carlisle, CA5 7QB

Part 2 - Particulars of Decision

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

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

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

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the

Carlisle District Local Plan Redeposit Draft 2001-2016.

3. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy E9 and E19 of the Carlisle District Local Plan.

4. The building shall not be brought into use until the parking areas have been constructed in accordance with the approved plans. The parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

Reason: To ensure adequate access is available for each occupier in accord with Policy T7 of the Carlisle District Local Plan.

5. No development approved by this permission shall be commenced until a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan.

6. All finished floor levels shall be set at a minimum of 44.55m AOD, as recommended in the flood risk assessment prepared by Johnson and Wright dated 4th May 2006 .

Reason: To reduce the danger to intended occupants of the building from potential flooding and to ensure compliance with Policy LE28 of the Carlisle District Local Plan Redeposit Draft 2001-2016.

Summary of Reasons for the Decision

This revised application seeks full planning permission for the erection of a recreation hall on Dalston Recreation Field, The Green, Dalston. The proposed building, which occupies a footprint measuring 300 square metres, would be finished in a combination of Moorland Green profile sheeting and buff stone facing brick. The scheme involves the formation of 34 car parking spaces to serve the development together with additional landscaping. The application site lies in an area, which is identified to be at risk from flooding.

In consideration of this application Policies E5, L2, E9, E19, E20, E22, E43, T7 and H17 of the Carlisle District Local Plan and Policies CP4, CP5, CP10, LE20, LE28, T1 and LC2 of the Carlisle District Local Plan 2001-2016 Redeposit Draft are of relevance.

It should be noted that planning permission was granted for an almost identical proposal under application 99/0964. The sole differences between the applications relate to:

1. The position of the building within the site;
2. Minor modifications to the shape of the footprint and the elevations;
3. The car parking arrangement.

The principle of erecting a recreation hall on the site has been established by the earlier approval. The differences between this current scheme and the earlier approval are relatively minor, but nonetheless required the submission of a revised application. The overall form of the building is largely unchanged and the external finishes for the scheme remain the same as previously approved. In terms of its siting, design and materials to be used the scheme is considered to be acceptable. Whilst the footprint of the building has been amended it is considered to be sufficient distance from the nearest residential properties not to adversely affect their amenity as a result of loss of light or overdominance. The building is sited adjacent the Dalston Conservation Area. However, whilst the building is of a modern design it is not felt that it detracts from the character or setting of the Conservation Area. The alterations to the car parking layout are considered to be acceptable and it is felt that adequate parking provision has been provided. Although the application site is located within an area that is identified to be at risk from flooding the finished floor levels have been raised to minimise any potential risk.

The proposal is considered to be in accordance with Policies E5, L2, E9, E19, E20, E22, E43, T7 and H17 of the Carlisle District Local Plan and Policies CP4, CP5, CP10, LE20, LE28, T1 and LC2 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

Relevant Development Plan Policies

**Carlisle District Plan
Environment - Policy E5**

Within Areas of Local Landscape Significance, permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain the essential open nature will be acceptable. In addition, small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational areas will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the amenity of neighbouring property; and
3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. Where appropriate satisfactory access and car parking can be achieved.

**Carlisle District Plan
Leisure - Proposal L2**

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

**Carlisle District Plan
Environment - Policy E9**

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

**Carlisle District Plan
Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

**Carlisle District Plan
Environment - Policy E20**

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

**Carlisle District Plan
Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**Carlisle District Plan
Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

**Carlisle District Plan
Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**Carlisle District Plan
Housing - Proposal H17**

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP4 Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

Carlisle District Local Plan 2001 - 2016 Redeposit draft



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PLANNING STATEMENT

APPENDIX 3

**(Part 2 – Planning Permission 06/0574
dated 4th July 2006)**

Part 2 of 4

Policy CP5 Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy CP10 Protection of Groundwaters and Surface waters

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

Carlisle District Local Plan 2001 - 2016 Redeposit draft Policy LE20 Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact adversely impinge on the townscape or landscape;
2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate

- should be used and incongruous materials should be avoided;
- 5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
- 6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;
- 7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE28 Developed Land in Floodplains**

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

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy T1 Parking Guidelines**

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

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LC2 Primary Leisure Areas**

Within Primary Leisure Areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Development or change of use of Primary Leisure Areas to non-sport or recreation uses will not be permitted unless:

1. an alternative open space can be provided which is equivalent in terms of size, quality, accessibility, usefulness and attractiveness; or
2. the Open Space, Sports and Recreational Facilities Audit indicates that the ward has a surplus of open space.

The Local Planning Authority will aim to achieve the following standards of recreational open space provision:

- 3.6 hectares of land/1000 population of informal and formal grassed, wooded or landscaped land, and small amenity areas of public open space;
- 1.86 hectares of playing pitches/1000 population;
- all dwellings should be within 3km of an open space of at least 20 hectares which provides general facilities for recreational activity within a landscaped setting;
- all dwellings should be within 1km of an open space of between 5 and 20 hectares which provides general facilities for recreation provision within a landscaped setting;
- all dwellings should be within 400 metres of an open space of between 2 and 10 hectares which caters for informal recreational needs;
- all dwellings should be within 200 metres of a small formal or informal open space between 0.2 and 2 hectares that is suitable for informal use and has high amenity value.

Permission will not be given for development where it would lead to a reduction in the target for recreational open space provision/ 1000 population in the ward in which it is proposed.

Date: 04/07/2006

A C Eales
Signed: Head of Planning and Housing Services

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Advisory Notes

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which the application relates.

Notice to Applicant of Rights of Appeal

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms and guidance can be downloaded from The Planning Inspectorate web site www.planning-inspectorate.gov.uk. Alternatively they can be obtained from the following address: -

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Telephone: 0117 372 6372

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Further Information

- The Planning Portal web site (www.planningportal.gov.uk) contains a range of planning-related guidance and services, which are useful at both the application and appeal stage.

Purchase Notices

- If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development

which has been or would be permitted.

- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

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2007/1383

PLANNING STATEMENT

APPENDIX 3

(Part 3 – Planning Officer's Delegated Report)

Part 3 of 4

Recommendation Report - Delegated/Committee

Date of Application Received: 05/05/2006 Date of Application Registered: 10/05/2006

Applicant:

Dalston Recreation Association
15 Sowerby Road
Dalston
Carlisle
CA5 7LD

Agent: (if any)

Johnston & Wright
15 Castle Street
CARLISLE
Cumbria
CA3 8TD

01228 710751

01228 525161

Particulars and Location of Proposal:**Proposal:**

Erection of Recreation Hall (post decision amendment to planning consent ref.99/0964)

Location:

Dalston Recreation Field, The Green, Dalston, Carlisle, CA5 7QB

Ward: Dalston

Parish: Dalston

Case Officer: Sam Greig

Appn Expiry Date: 05/07/2006

Target Recom Date: 14/07/2006

Earliest Decision Date: 13/06/2006 16:43:46

Policy

Conservation Area: Dalston

TPO:

Listed Building Grade:

Policy Constraints:FRZ. **Flood Risk Zone**

ZE05. **Carlisle District Plan Environment - Policy E5**

Within Areas of Local Landscape Significance, permission will not be given for development which adversely affects the open character of the areas. Development of open space recreational uses such as golf courses and playing fields which retain the essential open nature will be acceptable. In addition, small scale development within or adjacent to established farmsteads and other groups of buildings, together with buildings associated with and required for the use of the area for open recreational areas will be acceptable providing that:

1. The proposal reflects the scale and character of the existing group of buildings; and
2. There is no unacceptable adverse effect on the amenity of neighbouring property; and

3. There is no unacceptable adverse effect on the character and appearance of the surrounding area; and
4. Where appropriate satisfactory access and car parking can be achieved.

**ZL02 Carlisle District Plan
Leisure - Proposal L2**

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

**ZE09. Carlisle District Plan
Environment - Policy E9**

Landscaping schemes will be required for development permitted on the periphery of settlements in order to fully integrate the development with its settlement and the surrounding countryside.

**ZE19. Carlisle District Plan
Environment - Policy E19**

In considering proposals for new development the City Council will where appropriate require the retention of existing trees, shrubs, hedges and other wildlife habitats, and the replacement of any environmental feature lost to development. Landscaping schemes to be implemented by the applicant will be required as part of most planning applications.

**ZE20. Carlisle District Plan
Environment - Policy E20**

Development which would result in the raising of the floor of the floodplain, or which would have an adverse impact on the water environment due to additional surface water run off, or adversely affect river defences will not be permitted unless appropriate alleviation or mitigation measures are included. This applies to the floodplains of the River Eden, Caldew, Petteril, Esk, Irthing and Lyne and their tributaries which are all subject to periodic flooding.

**ZE22 Carlisle District Plan
Environment - Policy E22**

New development will only be permitted if foul sewers and sewage treatment works of adequate capacity and design are available or will be provided in time to serve the development. Within unsewered areas, development which

requires the use of septic tanks or other waste water management systems will only be permitted if ground conditions are satisfactory and the plot of land is of sufficient size to provide an adequate subsoil drainage system.

**ZE43. Carlisle District Plan
Environment - Policy E43**

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

**ZT07. Carlisle District Plan
Transport - Proposal T7**

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

1. The Parking Guidelines for Cumbria as detailed in Appendix 2;
2. The availability of public car parking in the vicinity;
3. The impact of parking provision on the environment of the surrounding area;
4. The likely impact on the surrounding road network; and
5. Accessibility by and availability of other forms of transport.

**ZH17. Carlisle District Plan
Housing - Proposal H17**

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

1. Is for a use inappropriate for residential areas; and/or
2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

**NSP. Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP4 Design**

The suitability of any new development or redevelopment will be assessed against the following design principles. Proposals should:

1. Have regard to surrounding buildings in the context of their form in relation to height, scale and massing and making use of appropriate materials and detailing.
2. Take into consideration any important landscape or topographical features and respect local landscape character.
3. Reinforce local architectural features where appropriate promoting and respecting local distinctiveness rather than detracting from it.
4. Be well integrated- ensuring all components of a development are well related to one another e.g. buildings, associated parking, access routes, open space, and hard and soft landscaping to ensure a successful and attractive outcome.
5. Not adversely affect the residential amenity of existing areas, nor adjacent land uses, nor result in unacceptable standards for future users and occupiers of the development.
6. Ensure where possible the retention of existing trees, shrubs, hedges and other wildlife habitats and the replacement of any environmental feature lost to development.
7. Recognise that landscaping schemes (both hard and soft) will be required to assist in integrating new development into existing areas and ensure that development on the edge of settlements is fully integrated into its surroundings.
8. Ensure that the necessary services and drainage infrastructure can be incorporated without causing unacceptable harm to retained features.
9. Through layout and design, encourage the promotion of energy and water conservation by its future occupiers, the incorporation of sustainable forms of energy production within the overall design should also be explored where appropriate.
10. Have a layout and design which minimises the potential for crime and antisocial behaviour.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP5 Residential Amenity**

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

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

In order to ensure residential amenity is not compromised a minimum

distance of 21 metres should be allowed between primary facing windows between dwellings (12 metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy CP10 Protection of Groundwaters and Surface waters**

Proposals for development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE20 Conservation Areas**

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

1. the development should preserve or enhance all features which contribute positively to the area's character or appearance, in particular the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact adversely impinge on the townscape or landscape;
2. the development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area;
3. development proposals should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and redevelopment behind retained facades;
4. wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided;
5. individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shopfronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original;
6. proposals which would generate a significant increase in increased traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity;

7. proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LE28 Developed Land in Floodplains**

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

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy T1 Parking Guidelines**

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

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

**Carlisle District Local Plan 2001 - 2016 Redeposit draft
Policy LC2 Primary Leisure Areas**

Within Primary Leisure Areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Development or change of use of Primary Leisure Areas to non-sport or recreation uses will not be permitted unless:

1. an alternative open space can be provided which is equivalent in terms of size, quality, accessibility, usefulness and attractiveness; or
2. the Open Space, Sports and Recreational Facilities Audit indicates that the ward has a surplus of open space.

The Local Planning Authority will aim to achieve the following standards of

Application Number: 06/0574

Application Type: Full Planning Permission PW3

recreational open space provision:

- 3.6 hectares of land/1000 population of informal and formal grassed, wooded or landscaped land, and small amenity areas of public open space;
- 1.86 hectares of playing pitches/1000 population;
- all dwellings should be within 3km of an open space of at least 20 hectares which provides general facilities for recreational activity within a landscaped setting;
- all dwellings should be within 1km of an open space of between 5 and 20 hectares which provides general facilities for recreation provision within a landscaped setting;
- all dwellings should be within 400 metres of an open space of between 2 and 10 hectares which caters for informal recreational needs;
- all dwellings should be within 200 metres of a small formal or informal open space between 0.2 and 2 hectares that is suitable for informal use and has high amenity value.

Permission will not be given for development where it would lead to a reduction in the target for recreational open space provision/ 1000 population in the ward in which it is proposed.

Other Constraints:

.....
.....

Reason for Advert

Code	Text	Press Date	Site Notice Date
CON	Within a Conservation Area	19/05/2006	19/05/2006

Departure from Development Plan: YES [] NO []

Statutory Publicity Responses

Neighbour Notification Expiry Date	
Site Notice Expiry Date	09/06/2006
Press Notice Expiry Date	09/06/2006

Newspaper

Publication Date: 19/05/2006	Clear by:	Readvertise:
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Consultees

Initial:	Consulted	Reply Due	Date Replied	Reconsult	Contact Status
HICC	11/05/06	01/06/06	25/05/06	11/05/06	RESP
EANA	11/05/06	01/06/06	25/05/06	11/05/06	RESP
PADA	11/05/06	01/06/06	19/06/06	11/05/06	RESP

Summary of Consultee Responses:

Cumbria County Council - (Highway Authority): no objection;



27 DEC 2007
2007/1383

PLANNING STATEMENT

APPENDIX 3

(Part 4 – Planning Officer's Delegated Report)

Part 4 of 4

Application Number: 06/0574

Application Type: Full Planning Permission PW3

Environment Agency (N Area (+ Waste Disp)): no objection, subject to the attachment of two planning conditions to any notice of consent;

Dalston Parish Council: no comment.

Number of Neighbour Notification Responses: 0

Total Support: 0

Total Objection: 0

Total Petitions: 0

Representations Received

Initial:	Consulted	Reply Due	Reconsulted	Reply Type	Contact Status
The Occupier, 26 The Green	11/05/06	01/06/06	11/05/06		INIT
The Occupier, 27 The Green	11/05/06	01/06/06	11/05/06		INIT
The Occupier, 28 The Green	11/05/06	01/06/06	11/05/06		INIT
The Occupier, 29 The Green	11/05/06	01/06/06	11/05/06		INIT
The Occupier, 30 The Green	11/05/06	01/06/06	11/05/06		INIT
The Occupier, 31 The Green	11/05/06	01/06/06	11/05/06		INIT
Mr Warren, Secretary Dalston Tennis Club	11/05/06	01/06/06	11/05/06		INIT
The Owner/Occupier, 32 The Green	23/05/06	13/06/06	23/05/06		INIT
The Bowling Club, Dalston Recreation Field	23/05/06	13/06/06	23/05/06		INIT

Summary of Representations:

This application has been advertised by means of site and press notices as well as notification letters sent to nine neighbouring properties. No verbal or written representations have been made during the consultation period.

Delegated Powers/Reasons for delegated power recommendation:

Reason for recommending Delegated Power Decision

This revised application seeks full planning permission for the erection of a recreation hall on Dalston Recreation Field, The Green, Dalston. The proposed building, which occupies a footprint measuring 300 square metres, would be finished in a combination of Moorland Green profile sheeting and buff stone facing brick. The scheme involves the formation of 34 car parking spaces to serve the development together with additional landscaping. The application site lies in an area, which is identified to be at risk from flooding.

In consideration of this application Policies E5, L2, E9, E19, E20, E22, E43, T7 and H17 of the Carlisle District Local Plan and Policies CP4, CP5, CP10, LE20, LE28, T1 and LC2 of the Carlisle District Local Plan 2001-2016 Redeposit Draft are of relevance.

It should be noted that planning permission was granted for an almost identical proposal under application 99/0964. The sole differences between the applications relate to:

1. The position of the building within the site;
2. Minor modifications to the shape of the footprint and the elevations;
3. The car parking arrangement.

The principle of erecting a recreation hall on the site has been established by the earlier approval. The differences between this current scheme and the earlier approval are relatively minor, but nonetheless required the submission of a revised application. The overall form of the building is largely unchanged and the external finishes for the scheme remain the same as previously approved. In terms of its siting, design and materials to be used the scheme is considered to be acceptable. Whilst the footprint of the building has been amended it is considered to be sufficient distance from the nearest residential properties not to adversely affect their amenity as a result of loss of light or overdominance. The building is sited adjacent the Dalston Conservation Area. However, whilst the building is of a modern design it is not felt that it detracts from the character or setting of the Conservation Area. The alterations to the car parking layout are considered to be acceptable and it is felt that adequate parking provision has been provided. Although the application site is located within an area that is identified to be at risk from flooding the finished floor levels have been raised to minimise any potential risk.

The proposal is considered to be in accordance with Policies E5, L2, E9, E19, E20, E22, E43, T7 and H17 of the Carlisle District Local Plan and Policies CP4, CP5, CP10, LE20, LE28, T1 and LC2 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

Reason for Determination by Committee:

Planning History:

From the 1960's onwards, there were a number of timber buildings erected on the site, for various recreational uses. In March 1997, approval was given for 9no. 8 metre high floodlighting columns, related to existing tennis courts, but this has not been implemented.

In February 2000 planning permission was granted, under application, 99/0964, for the erection of a recreation hall.

Human Rights Act 1998

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";

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;

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.

Officers Report for Committee:

Recommendation: - Grant Permission

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

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

2. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP4 of the Carlisle District Local Plan Redeposit Draft 2001-2016.

3. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority.

Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy E9 and E19 of the Carlisle District Local Plan.

4. The building shall not be brought into use until the parking areas have been constructed in accordance with the approved plans. The parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the local planning authority.

Reason: To ensure adequate access is available for each occupier in accord with Policy T7 of the Carlisle District Local Plan.

5. No development approved by this permission shall be commenced until a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory means of surface water disposal and in accord with Policy E22 of the Carlisle District Local Plan.

6. All finished floor levels shall be set at a minimum of 44.55m AOD, as recommended in the flood risk assessment prepared by Johnson and Wright dated 4th May 2006 .

Reason: To reduce the danger to intended occupants of the building from potential flooding and to ensure compliance with Policy LE28 of the Carlisle District Local Plan Redeposit Draft 2001-2016.

Summary of Reasons for the Decision

This revised application seeks full planning permission for the erection of a recreation hall on Dalston Recreation Field, The Green, Dalston. The proposed building, which occupies a footprint measuring 300 square metres, would be finished in a combination of Moorland Green profile sheeting and buff stone facing brick. The scheme involves the formation of 34 car parking spaces to serve the development together with additional landscaping. The application site lies in an area, which is identified to be at risk from flooding.

In consideration of this application Policies E5, L2, E9, E19, E20, E22, E43, T7 and H17 of the Carlisle District Local Plan and Policies CP4, CP5, CP10, LE20, LE28, T1 and LC2 of the Carlisle District Local Plan 2001-2016 Redeposit Draft are of relevance.

It should be noted that planning permission was granted for an almost identical proposal under application 99/0964. The sole differences between the applications relate to:

1. The position of the building within the site;
2. Minor modifications to the shape of the footprint and the elevations;
3. The car parking arrangement.

The principle of erecting a recreation hall on the site has been established by the earlier approval. The differences between this current scheme and the earlier approval are relatively minor, but nonetheless required the submission of a revised application. The overall form of the building is largely unchanged and the external finishes for the scheme remain the same as previously approved. In terms of its siting, design and materials to be used the scheme is considered to be acceptable. Whilst the footprint of the building has been amended it is considered to be sufficient distance from the nearest residential properties not to adversely affect their amenity as a result of loss of light or overdominance. The building is sited adjacent the Dalston Conservation Area. However, whilst the building is of a modern design it is not felt that it detracts from the character or setting of the Conservation Area. The alterations to the car parking layout are considered to be acceptable and it is felt that adequate parking provision has been provided. Although the application site is located within an area that is identified to be at risk from flooding the finished floor levels have been raised to minimise any potential risk.

The proposal is considered to be in accordance with Policies E5, L2, E9, E19, E20, E22, E43, T7 and H17 of the Carlisle District Local Plan and Policies CP4, CP5, CP10, LE20, LE28, T1 and LC2 of the Carlisle District Local Plan 2001-2016 Redeposit Draft.

Schedule:

Material for inclusion in Schedule:-

Material for inclusion in Powerpoint:-

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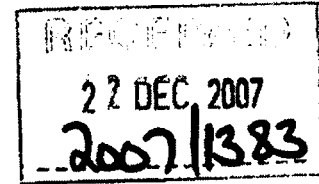
Application Number: 06/0574

Application Type: Full Planning Permission PW3

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Validated please initial/date

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PLANNING STATEMENT

APPENDIX 4

(Sport England : Planning Policies for Sport)

PLANNING POLICIES FOR SPORT

A LAND USE PLANNING POLICY
STATEMENT ON
BEHALF OF SPORT



November 1999

FACILITY ISSUES

Intensive Use Facilities

Floodlighting

- 15.1 **Issue.** Floodlighting is now an integral part of many sports facilities, particularly hard-surfaced areas such as synthetic turf pitches and tennis courts, and practice facilities such as golf driving ranges. Floodlighting, and the intensification of use it can bring can, however, be intrusive in some locations. This can be an issue in both urban and rural areas.

PLANNING POLICY OBJECTIVE 25: To support the installation of floodlighting of sports facilities where this will lead to a significant increase in opportunities for sport.

- 15.2 **Guidance.** In seeking the views of people with an interest in a plan that:
- allow for the installation of floodlighting of sports facilities where it will lead to a significant increase in the opportunities for sport;
 - are not overly restrictive in relation to hours of use;
 - take account of the need to protect residential amenity by seeking to minimise the impact of light pollution from lighting systems through sensitive siting and design and of the intensification of use.
- 15.3 Floodlighting comes in many guises and is used on a wide range of surfaces which are less susceptible than natural ground to adverse weather conditions and dramatic improvements can be accommodated for at every price. Floodlighting can also extend the natural hours of use of the facilities outside the summer months and is often critical to the viability of many facilities which rely on income from mid-week evening letting to cover operating costs and provide a financial return. It is essential that these sports facilities are not devalued to the detriment of the public and justify the level of capital expenditure and operation. Clearly, without floodlighting, opportunities for sport would be significantly restricted.
- 15.4 There are many technical details which need to be considered including levels of illumination and intensity of lighting, height of the floodlights, colour and type of light source. A number of governing bodies of sport have laid down standards for the appropriate level of floodlighting for different levels of use, but local authorities will vary from site to site. The planning authority will need to be concerned with lighting, lamp and level of noise and light pollution, glare, arrangement, and traffic generated.
- 15.5 Floodlights should be installed so that so-called 'light trespass' is kept to a minimum and in this way visual disturbance to neighbouring properties can be avoided or kept to a low level. With the publication of planning guidance on lighting and advances in floodlighting technology, it is important that local planning authorities draw up policies which recognise the important role that floodlighting plays in sport and give a positive lead.
- 15.6 There are examples where, although the principle of floodlighting within the development of a sports facility is acceptable to the planning authority, conditions attached to a planning permission restricting the hours of use affect the viability of the operation. Local planning authorities should

avoid overly restrictive conditions when seeking to minimise the impact on the amenity of neighbouring properties.

159 Additional Information:

159.1 ESC (1998) *Intensive-Use Sports Facilities* (Planning Bulletin Issue 3)

159.2 ESC (1994) *Floodlighting*, Guidance Note No. 632

159.3 DFT/R/Countryside Commission (1997) *Lighting in the Countryside: Towards Good Practice*

159.4 The Chartered Institution of Building Services Engineers (1990) *Lighting Guide LG4 Sports*

159.5 The Chartered Institution of Building Services Engineers (1990) *Lighting Guide LG6 The Outdoor Environment*

Examples of Development Plan Policies

Kennet Local Plan, Policy SR3 (adopted 1997)

Applications to increase the use and availability of existing outdoor sports and recreation provision by the introduction of ancillary facilities such as changing rooms, artificial surfaces and/or floodlighting will be permitted provided that they will not result in an adverse impact upon adjacent land uses or the highway. In particular the Council will pay attention to the potential noise and nuisance impacts and the effects of increased traffic.

See also Macclesfield Borough Council - floodlighting for sporting activities, supplementary planning guidance

Synthetic Turf Pitches and Multi-Use Games Areas

- 160 Issue Multi-use synthetic turf pitches (STPs) or other smaller counterparts multi-use games areas (MUGAs) can accommodate higher levels of use than the equivalent area of natural grass, the only constraint being the time available. This quality, along with the consistent surface, makes them ideal facilities for intensive play and for coaching purposes. Because of the extended periods of activity possible, the use of floodlighting and the numbers of users these facilities can accommodate, particular care must be taken in choosing a location.

PLANNING POLICY OBJECTIVE 26: To support the development for sporting use of floodlit synthetic turf pitches and hard-surfaced multi-use games areas as an integral part of community sports provision.

- 161 Sport England is seeking the inclusion of policies within development plans that:

- recognise the value of STPs and MUGAs in areas where there is a limited number of natural turf pitches available



CT Planning

2007/1383

PLANNING STATEMENT

APPENDIX 5

(Institution of Lighting Engineers : Guidance Notes)



The Institution of Lighting Engineers

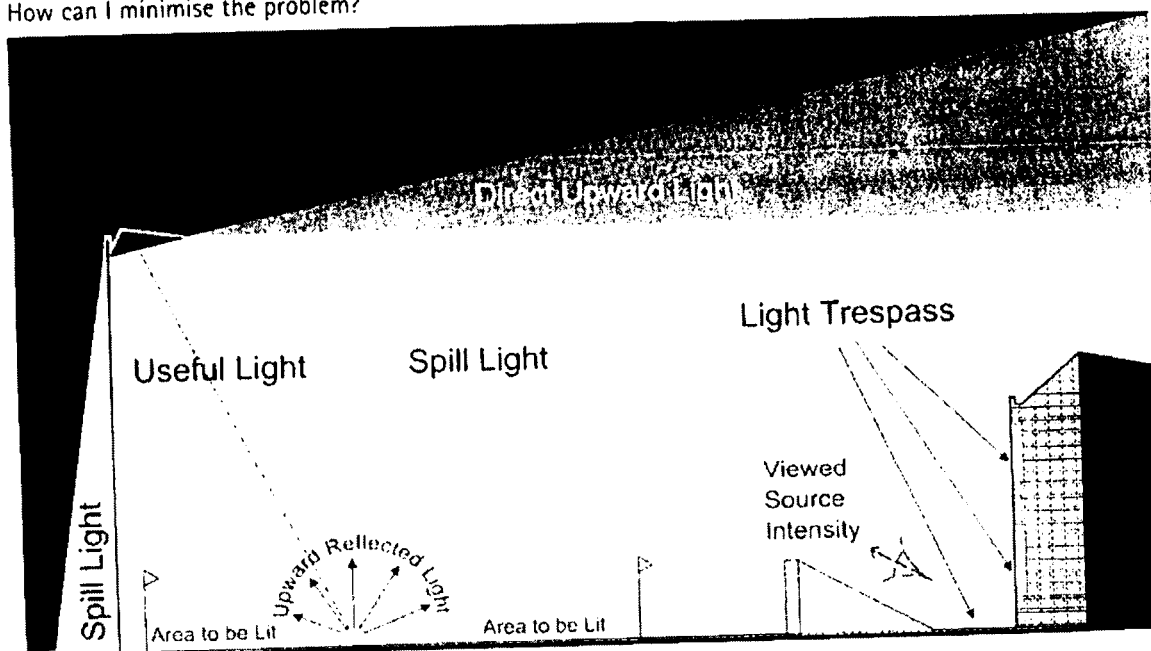
E-mail ile@ile.org.uk Website www.ile.org.uk

GUIDANCE NOTES FOR THE REDUCTION OF OBTRUSIVE LIGHT

ALL LIVING THINGS adjust their behaviour according to natural light. Man's invention of artificial light has done much to enhance our night-time environment but, if not properly controlled, **obtrusive light** (commonly referred to as light pollution) can present serious physiological and ecological problems.

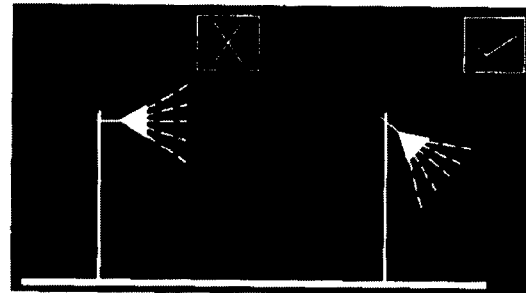
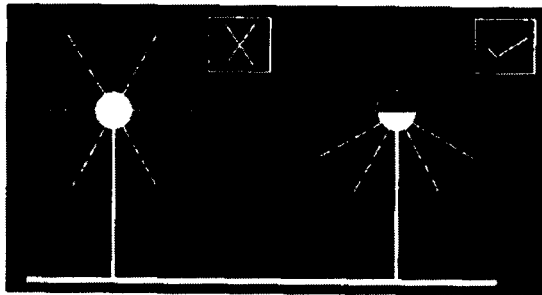
Obtrusive Light, whether it keeps you awake through a bedroom window or impedes your view of the night sky, is a form of pollution and can be substantially reduced without detriment to the lighting task.

Sky glow, the brightening of the night sky above our towns, cities and countryside, **Glare** the uncomfortable brightness of a light source when viewed against a dark background, and **Light Trespass**, the spilling of light beyond the boundary of the property or area being lit, are all forms of obtrusive light which may cause nuisance to others, waste money and electricity and result in the unnecessary emissions of greenhouse gases. Think before you light. Is it necessary? What effect will it have on others? Will it cause a nuisance? How can I minimise the problem?



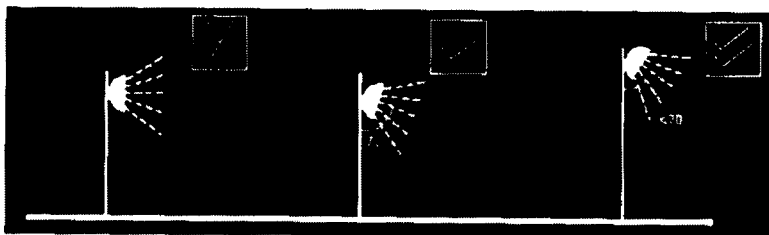
Do not "over" light. This is a major cause of obtrusive light and is a waste of energy. There are published standards for most lighting tasks, adherence to which will help minimise upward reflected light. Organisations from which full details of these standards can be obtained are given on the last page of this leaflet.

Dim or switch off lights when the task is finished. Generally a lower level of lighting will suffice to enhance the night time scene than that required for safety and security.



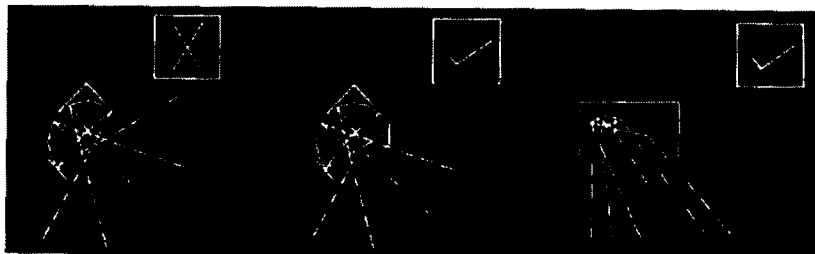
Use specifically designed lighting equipment that minimises the upward spread of light near to and above the horizontal. Care should be taken when selecting luminaires to ensure that appropriate units are chosen and that their location will reduce spill light and glare to a minimum. Remember that lamp light output in LUMENS is not the same as lamp wattage and that it is the former that is important in combating the problems of obtrusive light

Keep glare to a minimum by ensuring that the main beam angle of all lights directed towards any potential observer is not more than 70°. Higher mounting heights allow lower main beam angles, which can assist in reducing glare. In areas with low ambient lighting levels, glare can be very obtrusive and extra care should be taken when positioning and aiming lighting equipment. With regard to domestic security lighting the ILE produces an information leaflet GN02 that is freely available from its web site.

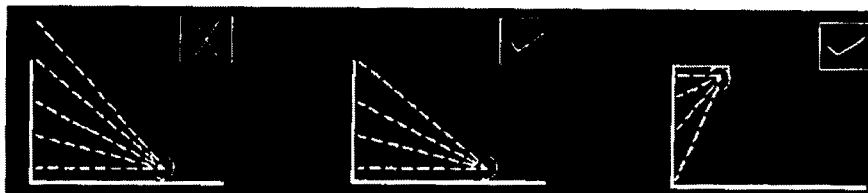


The UK Government will be providing an annex to PPS23 Planning and Pollution Control, specifically on obtrusive light. However many Local Planning Authorities (LPA's) have already produced, or are producing, policies that within the new planning system will become part of the local development framework. For new developments there is an opportunity for LPA's to impose planning conditions related to external lighting, including curfew hours.

For sports lighting installations (see also design standards listed on Page 4) the use of luminaires with double-asymmetric beams designed so that the front glazing is kept at or near parallel to the surface being lit should, if correctly aimed, ensure minimum obtrusive light. In most cases it



will also be beneficial to use as high a mounting height as possible, giving due regard to the daytime appearance of the installation. The requirements to control glare for the safety of road users are given in Table 2.



When lighting vertical structures such as advertising signs direct light downwards, wherever possible. If there is no alternative to up-lighting, as with much decorative

lighting of buildings, then the use of shields, baffles and louvres will help reduce spill light around and over the structure to a minimum.

For road and amenity lighting installations, (see also design standards listed on Page 4) light near to and above the horizontal should normally be minimised to reduce glare and sky glow (Note ULRs in Table 1). In sensitive rural areas the use of full horizontal cut off luminaires installed at 0° uplift will, in addition to reducing sky glow, also help to minimise visual intrusion within the open landscape. However in many urban locations, luminaires fitted with a more decorative bowl and good optical control of light should be acceptable and may be more appropriate.

ENVIRONMENTAL ZONES:

It is recommended that Local Planning Authorities specify the following environmental zones for exterior lighting control within their Development Plans.

Category	Examples
E1:	Intrinsically dark landscapes National Parks, Areas of Outstanding Natural Beauty, etc
E2:	Low district brightness areas Rural, small village, or relatively dark urban locations
E3:	Medium district brightness areas Small town centres or urban locations
E4:	High district brightness areas Town/city centres with high levels of night-time activity

Where an area to be lit lies on the boundary of two zones the obtrusive light limitation values used should be those applicable to the most rigorous zone.

DESIGN GUIDANCE

The following limitations may be supplemented or replaced by a LPA's own planning guidance for exterior lighting installations. As lighting design is not as simple as it may seem, you are advised to consult and/or work with a professional lighting designer before installing any exterior lighting.

Table 1 – Obtrusive Light Limitations for Exterior Lighting Installations						
Environmental Zone	Sky Glow ULR [Max %] ⁽¹⁾	Light Trespass (into Windows) Ev [Lux] ⁽²⁾		Source Intensity I [kcd] ⁽³⁾		Building Luminance Pre-curfew ⁽⁴⁾
		Pre- curfew	Post- curfew	Pre- curfew	Post- curfew	Average, L [cd/m ²]
E1	0	2	1*	2.5	0	0
E2	2.5	5	1	7.5	0.5	5
E3	5.0	10	2	10	1.0	10
E4	15.0	25	5	25	2.5	25

ULR = Upward Light Ratio of the Installation is the maximum permitted percentage of luminaire flux for the total installation that goes directly into the sky.

Ev = Vertical Illuminance in Lux and is measured flat on the glazing at the centre of the window

I = Light Intensity in Cd

L = Luminance in Cd/m²

Curfew = The time after which stricter requirements (for the control of obtrusive light) will apply; often a condition of use of lighting applied by the local planning authority. If not otherwise stated - 23.00hrs is suggested.

* = From Public road lighting installations only

- (1) Upward Light Ratio – Some lighting schemes will require the deliberate and careful use of upward light – e.g. ground recessed luminaires, ground mounted floodlights, festive lighting – to which these limits cannot apply. However, care should always be taken to minimise any upward waste light by the proper application of suitably directional luminaires and light controlling attachments.
- (2) Light Trespass (into Windows) – These values are suggested maxima and need to take account of existing light trespass at the point of measurement. In the case of road lighting on public highways where building facades are adjacent to the lit highway, these levels may not be obtainable. In such cases where a specific complaint has been received, the Highway Authority should endeavour to reduce the light trespass into the window down to the after curfew value by fitting a shield, replacing the luminaire, or by varying the lighting level.
- (3) Source Intensity – This applies to each source in the potentially obtrusive direction, outside of the area being lit. The figures given are for general guidance only and for some sports lighting applications with limited mounting heights, may be difficult to achieve.
- (4) Building Luminance – This should be limited to avoid over lighting, and related to the general district brightness. In this reference building luminance is applicable to buildings directly illuminated as a night-time feature as against the illumination of a building caused by spill light from adjacent luminaires or luminaires fixed to the building but used to light an adjacent area.

Table 2 – Maximum Values of Threshold Increment from Non-Road Lighting Installations				
Light Technical Parameter TI	Road Classification ⁽⁵⁾			
	No road lighting	ME5	ME4/ ME3	ME2 / ME1
	15% based on adaptation luminance of 0.1cd/m ²	15% based on adaptation luminance of 1cd/m ²	15% based on adaptation luminance of 2 cd/m ²	15% based on adaptation luminance of 5 cd/m ²

TI = Threshold Increment is a measure of the loss of visibility caused by the disability glare from the obtrusive light installation

- (5) Road Classifications as given in BS EN 13201 - 2: 2003 Road lighting Performance requirements
Limits apply where users of transport systems are subject to a reduction in the ability to see essential information. Values given are for relevant positions and for viewing directions in path of travel. See CIE Publication 150:2003, Section 5.4 for methods of determination. For a more detailed description and methods for calculating and measuring the above parameters see CIE Publication 150:2003.

RELEVANT PUBLICATIONS AND STANDARDS:

British Standards: www.bsi.org.uk	BS 5489-1: 2003 Code of practice for the design of road lighting – Part 1: Lighting of roads and public amenity areas BS EN 13201-2:2003 Road lighting – Part 2: Performance requirements BS EN 13201-3:2003 Road lighting – Part 3: Calculation of performance BS EN 13201-4:2003 Road lighting – Part 4: Methods of measuring lighting performance. BS EN 12193: 2003 Light and lighting – Sports lighting
Countryside Commission/DOE www.odpm.gov.uk	Lighting in the Countryside: Towards good practice (1997) (Out of Print)
CIBSE/SLL Publications: www.cibse.org	CoL Code for Lighting (2002) LG1 The Industrial Environment (1989) LG4 Sports (1990+Addendum 2000) LG6 The Exterior Environment (1992) FF7 Environmental Considerations for Exterior Lighting (2003)
CIE Publications: www.cie.co.at	01 Guide lines for minimizing Urban Sky Glow near Astronomical Observatories (1980) 83 Guide for the lighting of sports events for colour television and film systems (1989) 92 Guide for floodlighting (1992) 115 Recommendations for the lighting of roads for motor and pedestrian traffic (1995) 126 Guidelines for minimizing Sky glow (1997) 129 Guide for lighting exterior work areas (1998) 136 Guide to the lighting of urban areas (2000) 150 Guide on the limitations of the effect of obtrusive light from outdoor lighting installations (2003) 154 The Maintenance of outdoor lighting systems (2003)
Department of Transport www.defra.gov.uk	Road Lighting and the Environment (1993) (Out of Print)
ILE Publications: www.ile.org	TR 5 Brightness of Illuminated Advertisements (2001) TR24 A Practical Guide to the Development of a Public Lighting Policy for Local Authorities (1999) GN02 Domestic Security Lighting, Friend or Foe
ILE/CIBSE Joint Publications ILE/CSS Joint Publications	Lighting the Environment – A guide to good urban lighting (1995) Seasonal Decorations – Code of Practice (2005)
Campaign for Dark Skies (CIDS) www.dark-skies.org	

NB: These notes are intended as guidance only and the application of the values given in Tables 1 & 2 should be given due consideration along with all other factors in the lighting design. Lighting is a complex subject with both objective and subjective criteria to be considered. The notes are therefore no substitute for professionally assessed and designed lighting, where the various and maybe conflicting visual requirements need to be balanced.

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22 DEC 2007
2007/1383

PLANNING STATEMENT

APPENDIX 6

**(Planning Officer's Report to Committee
in respect of application 06/1357)**

SCHEDULE A: Applications with Recommendation

06/1357

Item No: 09

Date of Committee: 27/04/2007

Appn Ref No:
06/1357

Applicant:
Dalston Tennis Club

Parish:
Dalston

Date of Receipt:
13/12/2006

Agent:
Gray Associates

Ward:
Dalston

Location:
Recreation Field, The Green, Dalston, Carlisle, CA5
7QB

Grid Reference:
336757 549579

Proposal: 9no. 6.7m lighting columns to courts 3 & 4

Amendment:

REPORT

Reason for Determination by Committee:

This application is brought for determination by Members of the Development Control Committee due to the application being deferred at the previous Committee to seek further information regarding the lux level of the proposed floodlights and to establish whether the scheme would result in an increase in the use of the courts if the application was approved.

Planning Policies:

Carlisle District Plan Leisure - Proposal L2

Within Primary Leisure Areas and other significant leisure areas proposals that relate to and complement the existing use and are appropriate in character and scale to the surroundings, will be acceptable. Inappropriate proposals for development and changes of use will not be approved in these areas.

Carlisle District Plan Housing - Proposal H17

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

1. Is for a use inappropriate for residential areas; and/or

SCHEDULE A: Applications with Recommendation

06/1357

2. Is of an unacceptable scale; and/or
3. Leads to an unacceptable increase in traffic or noise; and/or
4. Is visually intrusive; and/or
5. Leads to a loss of housing stock.

Carlisle District Plan Environment - Policy E43

The City Council will encourage and permission will be granted for development within and adjoining Conservation Areas which preserves or enhances their character. The City Council will seek to ensure that any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of Conservation Areas and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in Conservation Areas.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Leisure & Community Uses - Policy LC1- Leisure Development

Proposals for leisure development will be acceptable provided that:

1. there is a need for the development; and
2. the development is of an appropriate scale for the locality;
3. if the proposal is not for a central site, all options for sites in the centre have been thoroughly assessed; and
4. there will be no unacceptable impact on existing centres; and
5. the site is accessible by public transport, walking and cycling; and
6. appropriate car parking and satisfactory access to the site can be achieved; and
7. The proposal does not have an adverse impact on the amenity of the surrounding area and land uses.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Core Development Policies - Policy CP5 - Residential Amenity

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

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

In order to ensure residential amenity is not compromised a minimum distance of 21 metres should be allowed between primary facing windows between dwellings (12

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metres gable end to primary facing window). A minimum of 4 metres should be allowed between gable ends to allow for maintenance of property. Changes in levels of land and height of development will be taken into account in applying these distances.

Carlisle District Local Plan 2001 - 2016 Revised Redeposit Draft Local Environment - Policy LE20 - Conservation Areas

The City Council will continue to review existing and designate new conservation areas. The City Council will encourage, and permission will be granted for development within and adjoining conservation areas which preserves or enhances their character. The City Council will seek to ensure any new development or alterations to existing buildings are in sympathy with the setting, scale, density and physical characteristics of conservation areas, and protect important views into or out of such areas. Applications for outline planning permission will not be accepted for proposals in conservation areas.

Proposals for new development and/or the alteration of buildings in conservation areas should harmonise with their surroundings:

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

Summary of Consultation Responses:

Cumbria County Council - (Highway Authority): no objection;

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English Nature: In the previous responses to this application (06/0820) dated 4 October 2006 and 27 November 2006, Natural England raised the issue of potential impact on National and European Protected Species. The protection afforded these species is explained in Part IV and Annex A of *ODPM Circular 06/2005 to PPS9 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*

English Nature's initial concerns were mainly related to bats which may use both the hedgerow to the east and the tree/hedge line to the south of the site. The revised scheme appears to have further reduced 'lightspill' onto the surrounding areas. Particular attention should be given to ensuring that any mature trees with hollows or crevices that bats may use for roosting, are not illuminated as a result of this application. As long as light over-spill levels are at an absolute minimum and no lights are angled to shine directly on either of these two areas, then it is our opinion that the risk to protected species is acceptably low.

However, if any other information such as representations from other parties highlights the confirmed presence of a protected or Biodiversity Action Plan species, the LPA should request further survey information from the applicant before determining the application in line with paragraph 99 of *Circular 06/2005*.

Environmental Protection Services: verbal confirmation stating that there is no objection to this proposal providing that there is no resulting light pollution affecting any residential property so as to constitute a statutory nuisance. The avoidance of nuisance from light spill has been addressed in this application and providing that the design criteria for this type and location of the light fittings to be installed are such as to avoid nuisance occurring then the proposal would be considered satisfactory;

Development Services Planning & Housing Services - Conservation/Peter Messenger: the proposed scheme has been examined and consider that this is an improvement on the earlier proposal which had 8m high floodlights. These lights will still be visible but they will be less intrusive than the previous scheme;

Dalston Parish Council: no objection;

Council for Protection of Rural England: comments awaited;

Sport England: the site forms part of grounds that include land used as a playing field within the last five years and has at least one playing pitch of 0.4 ha or more. As such the whole of the site comes within the definition of playing field, as per Statutory Instrument No 1817 (1996).

Sport England has therefore considered the application in the light of its playing field policy:

"Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of the playing field, or land last used as a playing field in an adopted or draft deposit local

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plan, unless, in the judgement of Sport England, on of the Specific circumstances applies."

The proposal is considered ancillary to the use of the playing field. Extending the opportunity for increased use of the two tennis courts will also provide a direct benefit to sport.

Given the above, Sport England is satisfied that the proposal meets on the exceptions (E2) of the above policy that:

"The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use."

This being the case, Sport England does not raise objection to the proposal.

After discussions regarding the concerns raised by Members relating to the lux levels, the following response was received:

Sport England are in the process of producing a new 'Artificial Lighting' guidance note which will be released later on this year (the existing guidance note, produced in 1994 is out of date). An update to the Chartered Institute of Building Services Engineers (CIBSE) guide 'Lighting Guide 4: Sports Lighting' is also due in 2007.

In the absence of the above, Sport England refers the Council to BS EN 12193:1999 'Light and Lighting: Sports Lighting' and the guidance of the relevant National Governing Body - in this case the Lawn Tennis Association.

It is understood that both of the above recommend a minimum level of 400 lux to a minimum uniformity of 0.7 across the playing surface. This is the minimum level of lighting needed for a class II or 'club' level of competition. Please note that a higher lux illuminance and uniformity is needed for national/international competition if this is intended.

Please note, there are less stringent minimums for the run-off areas around the court (i.e. the safety margin needed outside of the baseline and sidelines of the court). The minimums for this area are 300 lux, with a minimum uniformity of 0.6.

Summary of Representations:

Representations Received

Initial:	Consulted:	Reply Type:
[REDACTED], 29 The Green	19/12/06	
[REDACTED] 35 The Green	19/12/06	Objection
[REDACTED] 17 Gilbert Road	19/12/06	
[REDACTED] 37 The Green	19/12/06	Objection
[REDACTED] 30 The Green	19/12/06	
[REDACTED] Boulder Garth	19/12/06	Objection

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[REDACTED] Highwalls	19/12/06	Objection
[REDACTED], 33 The Green	19/12/06	
[REDACTED], 34 The Green	19/12/06	
[REDACTED], 36 The Green	19/12/06	Objection
[REDACTED] Skyreholme		

This application has been advertised in the form of a site notice and direct notification of 12 neighbouring properties. Five letters of objection have been received which highlight the following concerns:

1. The proposed columns are too high in the context of the area.
2. The proposal will affect the surrounding wildlife
3. The development is in open countryside
4. The proposal will have a negative impact on the Conservation Area
5. The proposal will introduce an urban element to a rural area.
6. The high level of light pollution produced

Since the previous committee three further letters of objections have been received; no new concerns have been raised. Two letters of objection have been received in response to the additional information received from Tony Hill, an independent lighting specialist.

Details of Proposal/Officer Appraisal:

Planning History:

The site has been subject to several planning applications: most relevant is a 1996 permission granted for the erection of nine 6.7 high floodlights. Members will remember an application was brought before Committee in 2006 for six eight metre columns. That application was withdrawn.

Details of Proposal:

This application was deferred at the January meeting in order to seek further information regarding the lux level of the proposed floodlights and to establish whether the scheme would result in an increase in the use of the courts if the application was approved. Since that meeting two further letters of objection have been received, which raise no new concerns. Further information to support the application has been submitted by an independent lighting specialist and one objection letter in response to this information has been received.

The application seeks approval to install flood lighting on the existing tennis courts at Dalston Recreational Field, The Green, Dalston. As Members will remember from the site visit, the site is situated to the west of a row of detached properties, is accessed via an existing vehicular access situated between 28 and 29 The Green. The overall site consists of a bowling green to the north and two tennis courts to the south. In the middle, the site is subdivided by a pavilion. The site lies on the periphery of the Dalston Conservation Area. Along the boundary of the site with 31 and 32 The Green, there is a 3 metre high hedge. The site is surrounded by open

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countryside on three sides, on the east boundary are residential detached properties.

The portion of the site that is subject of this application, comprises 2no. tennis courts and it is proposed to erect 9 no. 6.7 metre high lighting columns. The columns will be positioned at each corner of the tennis courts together with one centrally at either side and one column will be positioned between the two courts; the columns will be permanently fixed and coloured green. The proposed lighting will be a box fitting which allows very close control of the spillage and will result in low light glare.

The relevant planning policies against which this application is required to be assessed are policies L2, H17 and E43 of the Carlisle District Local Plan and Policies LC1, CP5 and LE26 of the Carlisle District Local Plan Redeposit Draft.

The proposal raises the following planning issues.

1. Character Of The Area

Planning policies contained within the adopted and emerging Local Plan require that development proposals do not adversely affect the character or amenity of the area. In this instance, these objectives are re-enforced by policies that seek to ensure that development proposals are in sympathetic with the setting and physical characteristics of the adjoining Conservation Area.

Members will note concerns have been raised by the objectors regarding the height of the columns. The lighting columns will be visible both during the day and at night when the lights are in use; however, the proposed height of the columns is significantly less intrusive than the previously proposed 8 metre columns. This view is reflected in the Conservation Officer's comments. Whilst the columns will be visible on the sky line, their visual impact will not be sufficiently detrimental or harmful to the character of the area to warrant refusal, a view reinforced by the Council's Conservation Officer.

The area is designated a Primary Leisure Area in the Local Plan, which aims to support the provision and expansion of leisure facilities within such designated areas, subject to the relevant policy criteria. In order for the facilities to be sustained and the potential of the site maximised, planning policies recognise the need for continuing development, again, subject to consideration against the relevant policy criteria. This proposal aims to enhance an already existing facility to make full use in accordance with the guidance in Policy LC2 of the Carlisle District Local Plan Redeposit Draft.

Members will be aware from the planning history that precedes the main body of this report, that planning consent was granted in 1996 for the erection of 9 no. 6.7 metre high lighting columns. In 2006, permission was granted for the erection of a recreational hall. The construction is almost complete and measures 7.7 metres in height and arguably this structure is more intrusive than the current proposal.

An indicative plan of the lighting has been submitted with the application; however, due to advancements in the design of the lighting scheme, a condition requiring

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details of the lighting to be submitted before the commencement of the development has been attached. Further to the information received from Tony Hill the aforementioned condition has been amended to ensure the lighting scheme approved is retained to ensure light spillage from the court does not occur adversely affecting the living conditions of the neighbouring properties.

The use of telescopic systems to raise and lower the flood lights was suggested by the objectors. The applicant has investigated this option which was found to be unfeasible, as this type of system is currently not available for 6.7 metre high columns. Telescopic lighting columns are available at 8 metres in height; however such columns would raise concerns regarding the light spillage and increase the impact upon the setting of the Conservation Area. Furthermore, there are cost implications for the applicant, as the cost of the scheme would increase from approximately £20 000 to £50 000, thereby making it unviable.

2. Residential Living Conditions

The site has residential properties adjacent to the eastern boundary and the living conditions of the occupiers of these properties should be protected from light pollution. The diagram that is reproduced following this report, illustrates the lux levels that will emanate from various points around the site. On the basis of this information, the diagram clearly shows the light spillage will be minimal at the boundary of any residential property. Should Members be minded to grant approval of this application, it would be appropriate to attach a condition that the lights to be switched off by a specified time to safeguard the living conditions of immediate neighbours. The applicant wishes this time to be 10pm in the summer months. If Members feel this time is appropriate the condition will read:

'Prior to the lighting system hereby approved being brought into use, the luminaries/columns shall be connected to an appropriate time switch which shall be maintained to ensure that the luminaries are automatically switched off between the hours of 9pm and 9am everyday throughout the months of October to March and between the hours of 10pm and 9am everyday through the months of April to September.'

Environmental Protection Services have confirmed that the information submitted in the application is sufficient to address the issue of light spillage onto neighbouring properties.

Concerns were raised at the previous Committee meeting that the scheme will increase the number of potential members using the facilities which in turn would have implications for noise disturbance. The applicant has confirmed the scheme is not a recruitment tool as current membership levels are at the maximum in accordance with guidelines set down by the Lawn Tennis Association. The scheme will, however, allow the club to sustain the current membership levels as the proposed lighting will allow maximum use of the existing courts throughout the year.

3. Proposed Luminance Level

Members raised concerns regarding the proposed lux levels of the floodlights and

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requested more information regarding this issue. Sport England have been consulted on the application and have no objection to the proposal. They have also confirmed that they would consider 400 lux appropriate level for this type of sport. Although not a determining factor in the consideration of this application the Lawn Tennis Association have a minimum standard of 400 lux for all flood lighting systems and in order to received funding for the scheme from the Lawn Tennis Association these standards must be met.

At Members request, other flood lighting schemes have been investigated to establish the lux levels present in other similar developments within the District. Due to a number of these scheme been approved some years ago there were no details of the luminance levels. Most recently the lighting scheme at St Aidans School was given approval to increase its luminance level in 1998 to 300 lux. Members are reminded that the consultation process has been carried out on the understanding that the lighting levels are 400 lux and that all the consultees have no objection to the proposal.

4. Impact Upon Wildlife

Concerns have been raised regarding wildlife in the surrounding area an, as such Natural England have been consulted. It is their view that the revised scheme has further reduced the amount of light spillage and that the potential effect on the wildlife is minimal.

5. Other Matters

Amongst the other issues previously addressed in this report, the objectors have raised the point that there is no proven need for the floodlights; however, there is no guidance which states that evidence is required to justify such an application and, as previously stated in the report, proposals to improve facilities within existing Primary Leisure Areas are encouraged.

Objectors have quoted advice they have received from other organisations to support there objection to this application. As members are aware Sport England has been consulted on this application who have in turn sought advice from The Lawn Tennis Association before submitting their response, Sport England are a Statuary consultee and as such provide technical advice relating to sport related applications.

Concerns have been raised that if this application is approved, further developments will take place at the site. However any future developments will be subject to a formal planning application. Objectors have raised concerns regarding the flood lighting at Caldew School. Members are aware, all applications should be determined on their own merits: in this instance the application meets relevant planning policy criteria, technical requirements as advised by Sport England, and must be determined in accordance with planning guidance and not on the approval of previous applications.

In conclusion, the additional information provided for the Committee supports the original recommendation. It is not considered to increase the number of members of

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the public who visit the site but allow the club to maximise its potential using the existing courts. The applicant has explored the option of retractable columns and found them to be unfeasible. Other schemes within the District have been approved and are not known to have a negative effect on the area or the living conditions of neighbouring properties.

The proposal is supporting an existing leisure use in order to maximise the facilities. Furthermore, planning guidance strongly supporting and encouraging the improvement of leisure facilities. The columns, together with the resulting haze, will be visible on the skyline but the overall visual intrusion is considered to be minimal. Members are reminded that the principle of the proposal has already been accepted with the granting of permission for floodlights in 1996, therefore, the application is recommended for approval.

Human Rights Act 1998

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";

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;

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.

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).

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2. The lighting scheme hereby approved; in accordance with the approved plan 3.8 Overspill: graphical table and shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority.

Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

3. Prior to the lighting system hereby approved being brought into use, the luminaries/columns shall be connected to an appropriate time switch which shall be maintained to ensure that the luminaries are automatically switched off between the hours of 9pm and 9am everyday throughout the months of October to March and between the hours of 10pm and 9am everyday through the months of April to September

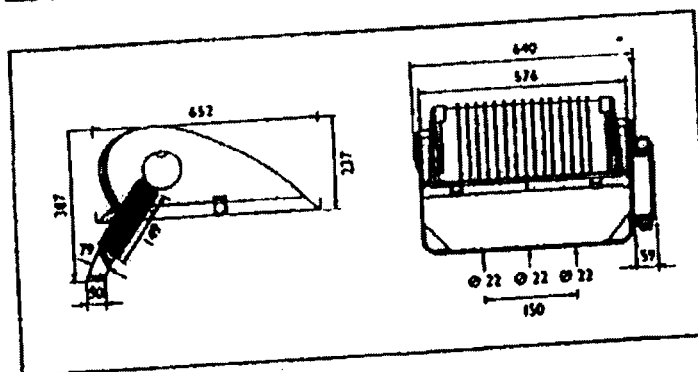
Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

4. Notwithstanding any description of the lighting in the application no development shall be commenced until details of the lighting have been submitted to and approved by the Local Planning Authority.

Reason: To ensure the amenity of the neighbouring properties are protected in accordance with Policy H17 of the Carlisle District Local Plan.

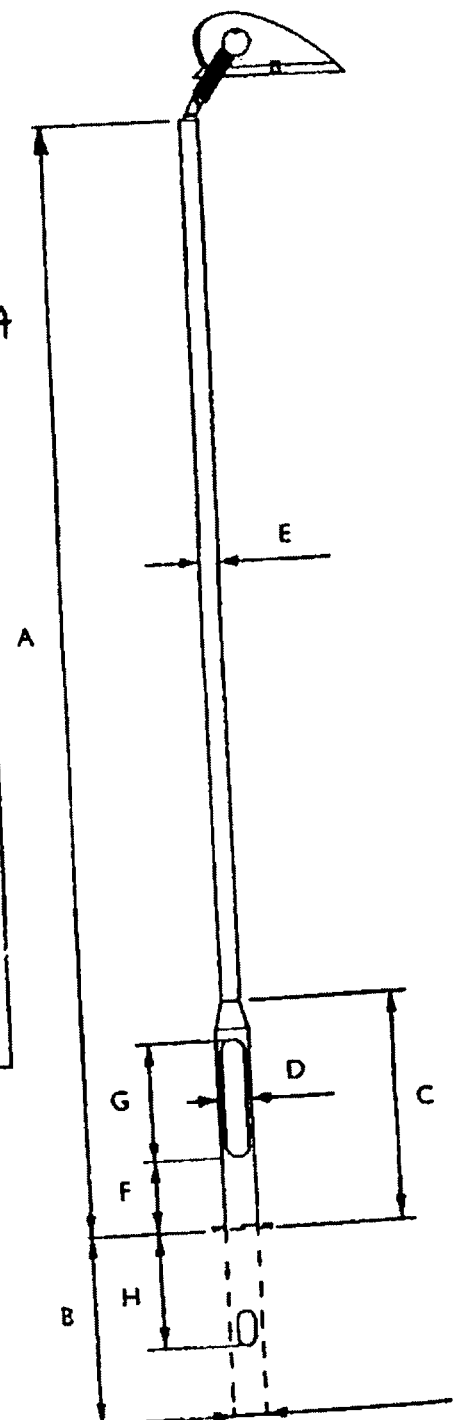
Columns & Floodlight elevations

- 2006/1357



A	B	C	D	E	F	G	H	door width
5m	800	980	140	76	300	500	500	100
6m	1000	1030	140	89	300	600	500	115
8m	1200	1250	168	89	300	600	500	115
10m	1500	1250	168	113	425	600	500	115

Galvanised Tubular steel columns to BS5649
Quality assured to BS5750



DALSTON TENNIS CLUB
Option 1

Floodlighting Courts 3 and 4

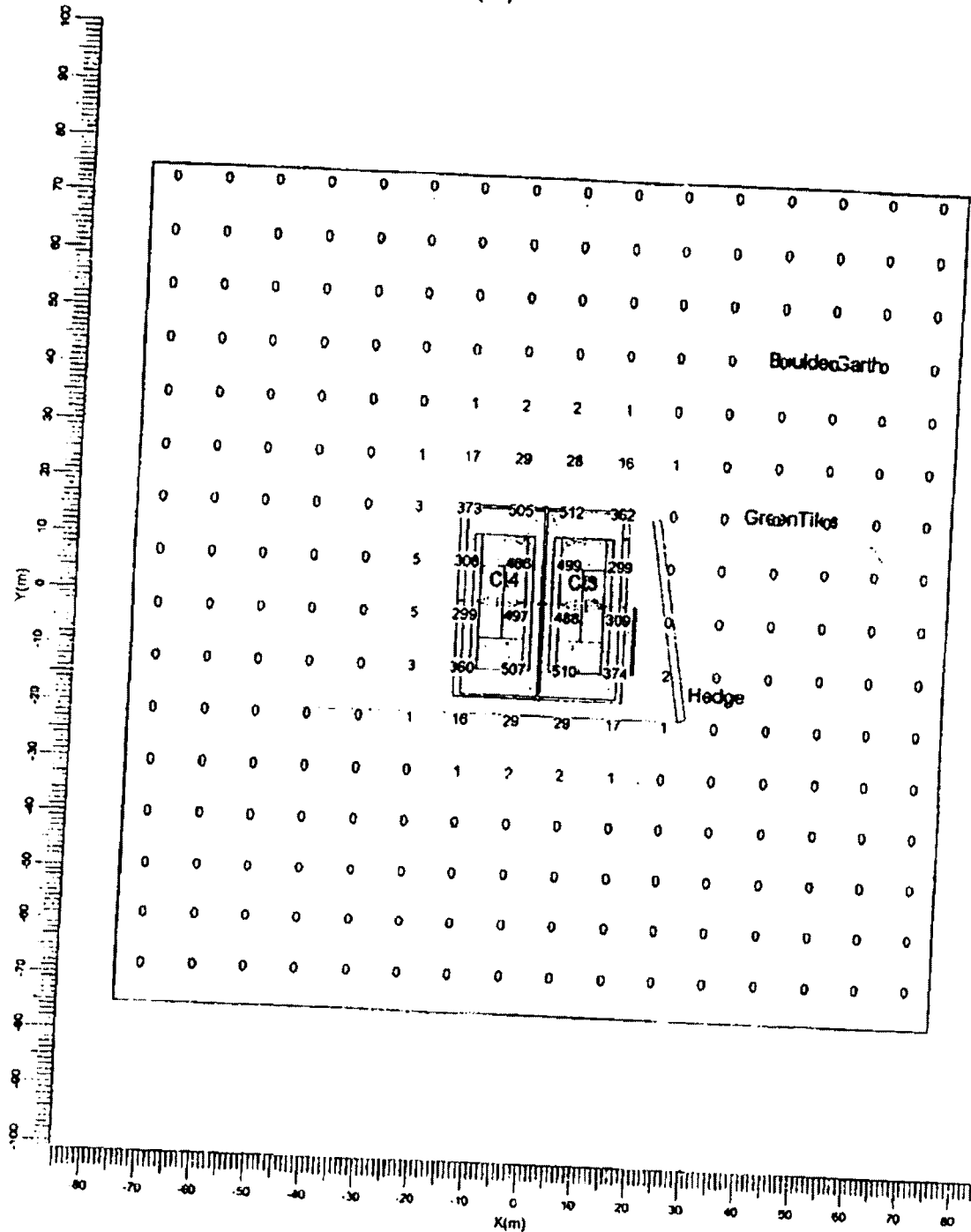
LTL Contracts
Date: 11-04-2008

3.8 OVERSPILL: Graphical Table

ALL LIGHTS ON

Grid
Calculation

: OVERSPILL at Z = 0.00 m
: Surface Illuminance (lux)



Average
27.0

Minimum
0.0

Min/Ave
0.00

Project maintenance factor
0.80

Scale
1:1000

CalcLux Area 6.1

216

Philips Lighting B V

Subject: Dalston Tennis Club

Ref: Floodlighting – planning application

Dear Jessica,

Further to our telephone contact on 9th March 2007, at the request of Mr Adam Dickinson [DTC] I wish to confirm the following items clarified to you in respect of the proposals presented

1. Performance standards – The Club have applied for permission for a floodlighting scheme that will comply with the LTA minimum standards for outdoor court lighting. These standards set the minimum maintained average illumination level and uniformity ratio within the two 'prescribed areas' of each court. The standards are based on measurements taken after dark, at ground level, when any one of the courts is lit individually. The data presented in respect of spillage values, around the court block, illustrates the impact with both courts illuminated.

The prescribed areas are the Principal Play Area [PPA] and the Total Play Area [TPA] of each tennis court. The maintained average illumination is lowest performance value that will be reached within a prescribed area, during the 'performance life' of a set of lamps. The uniformity factor relates to the evenness of light distribution within each area. The initial level of illumination is governed by the maintenance factor, to allow for lamp degradation during the performance life of the set of lamps. These standards are those published by the LTA and are nationally recognised.

1. Due to manufacturing tolerances of lamp & light fitting combinations [the luminaires] it is not possible for any group of luminaires to exactly match the minimum standards prescribed. Accordingly designs will show values in excess of the minimum values to ensure compliance over the performance life of each set of lamps, typically 2000 hrs.
2. When reviewing design solutions it is essential to be aware that guidance notes on performance standards for sport lighting are published by a variety of sources; one such body is the Chartered Institute of Building Services Engineers [CIBSE]. To cover a variety of sports, within one document, they use a common term 'Principle Area' [PA] to define the limits of the main area to be illuminated and relate the illumination levels to both a nominal playing standard and the extent to which spectators are involved for each different sport. These guidance notes are provided as the basis for designs, when no other information is available.
3. In all cases Clients, Developers and their Design teams are advised to turn to the Governing Body of each sport for specific definitions of the area[s] to be illuminated and the illumination requirements. From this you will appreciate that the areas to be lit and the minimum values attributed to them in the guidance sheets, will be amended by the more actual standards required by each Governing Body. We can confirm that Dalston Tennis Club have carefully followed the above guidance and taken their advice from ourselves as Consulting Engineers to the LTA.

4. Please also be aware that computer generated 'plots' of predicted performance and spillage are affected by a number of factors and the variation between the predictions and the actual test results is in practice approx 10%. The best quality light meters also have an operating tolerance of approx 3%. Accordingly it is not possible to design and install lighting that exactly matches the minimum or predicted levels. Due to similar factors, plus those relating to operating temperatures and supply voltage variations mean that test results are not possible to replicate exactly
5. The 'Data Pack' issued in support of the scheme also contains information to illustrate the horizontal illumination at ground level – termed the light 'spillage'. Close containment of spillage is a key design factor. It has been addressed in this proposal by the correct luminaire selection, column height and the associated luminaire aiming angles. The resulting controlled spillage will have a greater impact on the neighbours and hence the overall environment than the individual or average illumination values both of which are strictly contained within the prescribed and fenced areas of the court block.
6. This same 'Data Pack' also illustrates the high degree of glare control offered by the fitting selection, due to the very low angle of tilt, if any, of the fittings above the horizontal plane with respect to the court surface. The concept being - if the light source cannot be seen, an observer cannot be glared by it
7. it follows that a planning condition that requires the Club to ensure the column locations, heights and aiming angles of the floodlights are maintained to the design approved will contribute significantly to the long term control of both spillage and glare whilst removing much of the subjectivity associated with the monitoring of illumination levels on the court surfaces

We submit that the scheme offered fully meets the standards required by the LTA whilst fully addressing the key factors that will impact upon the local environment

Kind Regards,

Tony Hill



Our Ref: CET/JAH/3386

17th March 2008

Mr S Greig
Principal Development Control Officer
Development Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	07/1383
18 MAR 2008	
RECORDED	KL
SCANNED	
PASSED TO	SG
ACTION	

Dear Mr Greig

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION ON BEHALF OF DALSTON TENNIS
CLUB : APPLICATION REFERENCE: 07/1383
SITE AT RECREATION FIELD, THE GREEN, DALSTON, CARLISLE,
CA5 7QB**

I refer to your letter to me of the 19th February 2008 and to our subsequent telephone conversation.

In respect of the ownership certificate, I cannot explain why the Dalston Recreation Committee was missed off the ownership certificate; I can only guess that it was a teething problem with the on-line submission. I have, however, completed the enclosed revised certificate B and re-served notice on Dalston Recreation Committee.

In respect of the issues raised by local residents, I would wish to respond as follows:

1. It is an established principle of the planning system that each and every planning application has to be determined on its own merits. The fact that planning permission may have been granted to an application for a particular development does not prevent that applicant from making subsequent applications on that site. In other words, the fact that planning permission had been granted for a floodlighting scheme at Dalston Tennis Club does not preclude the Club from making subsequent planning applications for alternative schemes; the Planning Authority must consider such schemes on their individual merits.
2. A material consideration to the determination of this current application is, however, the fact that planning permission has been granted (reference 06/1357) for a floodlighting system at Dalston Tennis Club which achieves maximum level of luminance

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CT Planning

of 200 lux over the court area. In so far as the lighting columns will be no taller than previously proposed, that there will be no additional lighting columns, the principal issue raised by this application is thus whether or not increasing the level of illumination on the principal playing area from 200 lux to 400 lux would cause harm to the amenity and living conditions of the neighbouring properties.

3. In order to address the above issue, I have referred to the Institute of Lighting Engineer's Guidance Notes (see appendix 5 of the my statement) that relates to the reduction of light pollution. These guidance notes indicate that in a small village location such as Dalston, the maximum level of light spillage on to a window of the principal room within a dwellinghouse should not exceed five lux.
4. The application drawing (3386/6) demonstrates that the five lux line would be some fifty metres from the nearest residential property, namely 31 The Green. In other words, the scheme will not result in spillage exceeding five lux upon the window of any dwellinghouse. As a consequence, the scheme meets the guidelines of the Institute of Lighting Engineers. In my professional judgement as a Chartered Town Planner who has dealt with numerous planning applications and appeals for floodlighting for tennis clubs and other sporting organisations, the proposed increase in the level of lighting at Dalston Tennis Club from 200 lux to 400 lux will not result in any significant or material increase in harm to the living conditions of neighbouring properties over and above that which would ensue from the scheme approved under planning permission 06/1357.
5. It has been alleged by local residents that I have sought to advance economic arguments to justify the grant of planning permission, namely that the Club needs 400 lux in order to attract a grant from the Lawn Tennis Association (LTA). I fully recognise that economic considerations are rarely a material consideration to the determination of any planning application. I have simply indicated in my statement by way of explanation, that the reason that this application has been made is to achieve a level of illumination on this site which would meet with LTA's standard for club tennis. If this stance is achieved, then the Club will attract funding from the sports governing body.
6. Much has been made in the letters of representation from third parties regarding the required level of illumination. I am advised by Sport England that in terms of the level of illumination it is required for a particular sporting surface, they rely upon the requirements of the particular sports governing body. In this case, the sports governing body is the Lawn Tennis Association. The Lawn Tennis Association's requirements



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for floodlighting on a tennis court to be used for club tennis is 400 lux (see the enclosed guidance notes from LTA).

7. The decision maker in this instance is charged with considering the consequences of the courts being lit to 400 lux across the principle playing surface; it is not for the decision maker to state that a lower level of luminance would be acceptable; rather in the context of the scheme of 200 lux as being approved on the site, the issue is what additional harm if any would arrive from increasing the level of illumination from 200 lux to 400 lux.
8. In the context of the scheme being granted (for the erection of 9, no. 6.7 metre high lighting columns to floodlight courts 3 and 4), the proposed increase of illumination from 200 lux to 400 lux will not result in any increase in the comings and goings to and from the Club or result in any increase in noise or activity from the use of the site.
9. Whilst the concerns of local residents concerning the potential harm to their living conditions is understandable, the evidence that has been produced clearly demonstrates that such concerns are unfounded and that the proposed development will not cause harm to the living conditions of neighbouring properties.
10. It has been suggested that there are many tennis clubs throughout the country playing tennis at night at the level of luminance (200 lux) allowed by your Committee on the 27th April 2007. From my considerable experience of dealing with floodlighting applications, I would confirm that the vast majority of floodlighting schemes at tennis clubs have been funded through grants from the Lawn Tennis Association. Such grants would not have been provided without achieving the required standard of illumination for club tennis, that is 400 lux. The Lawn Tennis Association is committed to improving the standard of tennis throughout the country. Part of that commitment is through ensuring the facilities provided are of the highest order.
11. It has been suggested that the degree of light spillage arising from the proposed development would be comparable with that provided at Caldew School. I am instructed that Caldew School have a five-a-side pitch which is lit by four floodlighting columns that are some ten metres in height. The floodlighting scheme does not incorporate the luminaires that are proposed at Dalston. I consider that any direct comparison with Caldew School would be inappropriate since it does not relate to the same sport and is lit by fewer but much taller lighting columns using entirely different luminaires.



I have set out above the position of Sport England and the Lawn Tennis Association in respect of the provision of floodlighting on tennis courts. It has been suggested, however, by others that different levels of illumination may be acceptable. This may or may not be the case.

The Planning Authority is charged with dealing with this application on its individual merits. The Planning Authority has to determine whether or not the level of luminance of 400 lux causes any material harm to living conditions over and above such that the living conditions of nearby residential properties are demonstrably harmed.

I trust that the above comments are of assistance. Should you have any queries, then please do not hesitate to contact me.

Yours sincerely

for

CHRISTOPHER E TIMOTHY
BSc(Hons) Dip TP MRTPI
Email: ctimothy@ctplanning.co.uk

Enclosures: Letter to Dalston Recreation Committee &
Revised Certificate B
LTA's Guidance Notes

cc. Mr A Dickinson
Mr T Hill



CT Planning

Our Ref: CET/JAH/3386

26th January 2009

Mr S Greig
Principal Development
Control Officer
Development Services
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	07/1383
28 JAN 2009	
RECORDED	AN
SCANNED	
PASSED TO	Sb
ACTION	

Dear Mr Greig

**TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPLICATION ON BEHALF OF DALSTON TENNIS
CLUB : APPLICATION REFERENCE: 07/1383
SITE AT RECREATION FIELD, THE GREEN, DALSTON, CARLISLE,
CA5 7QB**

I refer to our recent exchange of emails concerning the above application. Please find enclosed the following documents:

1. Floodlighting Design by LTL Contracts dated 13th January 2009.
2. Drawing 3386/5R.
3. Email from LTL Contracts to CT Planning dated 13th January 2009.

In our previous exchange of emails, you raised a discrepancy that has come to light between the scheme approved under planning permission 06/1357 and that which was submitted to you in respect of the above application. In this respect, please find enclosed my revised layout plan (drawing 3386/5R) in which the lighting columns have been put in exactly the same position as that shown on the approved drawing P2A of application 06/1357 which your drawing is stamped as received on the 23rd November 2006.

The enclosed floodlighting design from LTL Contracts re-assesses the impact of the proposed floodlighting scheme to take account of the re-position of the lighting columns. You will recall that the advice from the Institute of Lighting Engineers advises that the maximum light spillage permissible onto a window in any neighbouring property in a small village location is 5 lux. It is evident from drawing 3386/5R that the 5 lux line is in excess of 40 metres from the rear elevation of 31 The Green. In this respect the amended lighting diagram remains



consistent with the advice provided by the Institute of Lighting Engineers. I therefore conclude that the proposed development does not adversely affect the living conditions of any neighbouring property.

In respect of the issues that were raised by your own lighting engineer, Avoca Consulting Engineers Limited, the points they raised are largely addressed in the email from Ian Hounsham of LTL Contracts Limited; a point to add to the comments by Ian Hounsham in respect of the hedge at point 6. The hedges are evident in photographs 5 and 6 of my planning statement. The hedges in the event are behind a block work practice wall. The hedge is evidently very dense. Even when not in leaf, the density of branches etc., would act to screen the lights from neighbouring properties.

I trust in the light of the enclosed additional information you are able to proceed to determine the application. Should you have any queries or wish to discuss the application further, then please do not hesitate to contact me.

Yours sincerely

A handwritten signature in dark ink, appearing to read "Christopher Timothy". The signature is fluid and cursive, with the first name "Christopher" and the last name "Timothy" clearly distinguishable.

CHRISTOPHER E TIMOTHY
BSc(Hons) Dip TP MRTPI
Email: ctimothy@ctplanning.co.uk

Enclosures: As listed above

cc. Mr A Dickinson
Mr I Hounsham
Mr T Hill

From: LTL Contracts [mailto:LTLContracts@ntlbusiness.com]
Sent: Tuesday, January 13, 2009 5:55 PM
To: plan@ctplanning.co.uk
Cc: Ayrlect Associates
Subject: Dalston Tennis Club

Christopher

Dalston

In response to the detail requested in the Avoca report

1) Attached are the latest and modified performance printouts for the proposed scheme based on the same column layout as shown in the Gray Associates drawing. Photometrics are the current version of the MKF207 Box luminaire.

2) Latest result in report includes additional information and results to show compliance with Zone E2 of the ILE Guidance notes for the reduction of Obtrusive Light.

i) The box style MKF207 is designed to be mounted with a horizontal front glass having an asymmetric reflector projecting the light onto the play area. As a result the ULR is 0.00 - see photometric detail p16.

ii) Two source intensity results have been included corresponding with the vertical illuminance grids and with an observer point 1.5m above ground - eye level. Both results at 0.156 and 0.195 kcd both easily fall within the E2 maximum (pre-curfew) limit of 7.5 kcd.

3) Additional grid points and the 1 isolux line have been included in the horizontal spill light calculations. Adding further points to the existing grid will reduce the clarity of the report but a more detailed grid can be produced if you could confirm the exact area of interest.

4) Spill light results still based on a maintenance factor of 0.8 as this is the necessary factor needed to show confirmation to the BS and LTA's minimum maintained level requirement. To convert to initial value please multiply results by 1.25.

5) Re-positioning columns to the corner positions has automatically reduced the overall light level to nearer the 400 lux level.

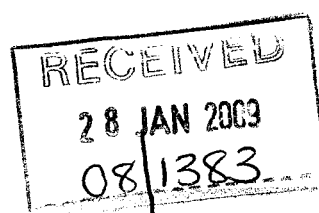
6) Further detail of the hedge to be provided by others.

16/01/2009

Hopefully this will be of interest but if I can be of any further help please do not hesitate

regards

Ian Hounsham



DALSTON TENNIS CLUB

Floodlighting Courts 3 and 4

Project code:

Option 1

Date:

13-01-2009

Designer:

Ian Hounsham

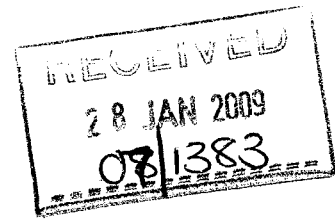
Description:

Option 1

Low level 6.7m scheme based on corner/side lighting each court using the MKF207 box style floodlight.

Scheme achieves a maintained 400 lux over the marked court and conforming to the LTAs Minimum level.

Detail laid out in standard LTA format (PPA/TPA) with additional Overspill results and vertical illuminance result for the rear facing walls for Green Tiles and Boulder Garth.



The nominal values shown in this report are the result of precision calculations, based upon precisely positioned luminaires in a fixed relationship to each other and to the area under examination. In practice the values may vary due to tolerances on luminaires, luminaire positioning, reflection properties and electrical supply.

LTL Contracts

54 Lower Weybourne Lane

FARNHAM

Surrey GU9 9HP

Telephone: 01252 331456

Fax: 01252 331246

Mobile Phone: 07831 501855

E-Mail: ltilcontracts@ntlbusiness.com

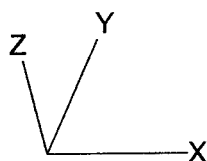
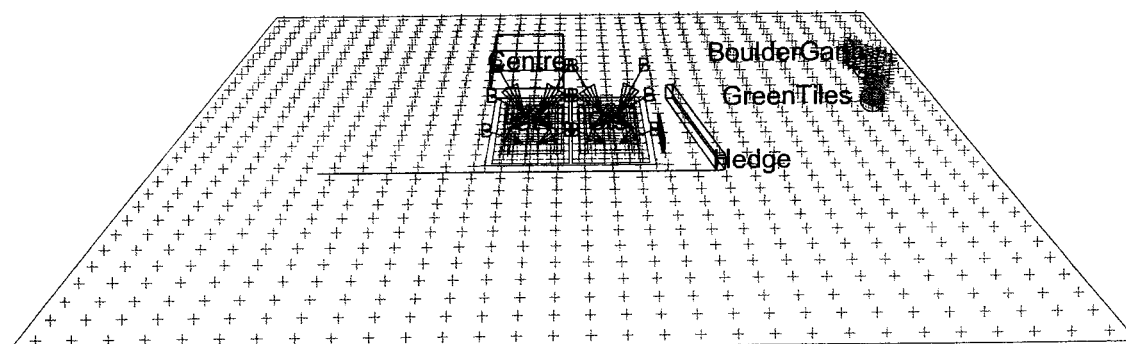
CalcuLuX Area 6.7.2

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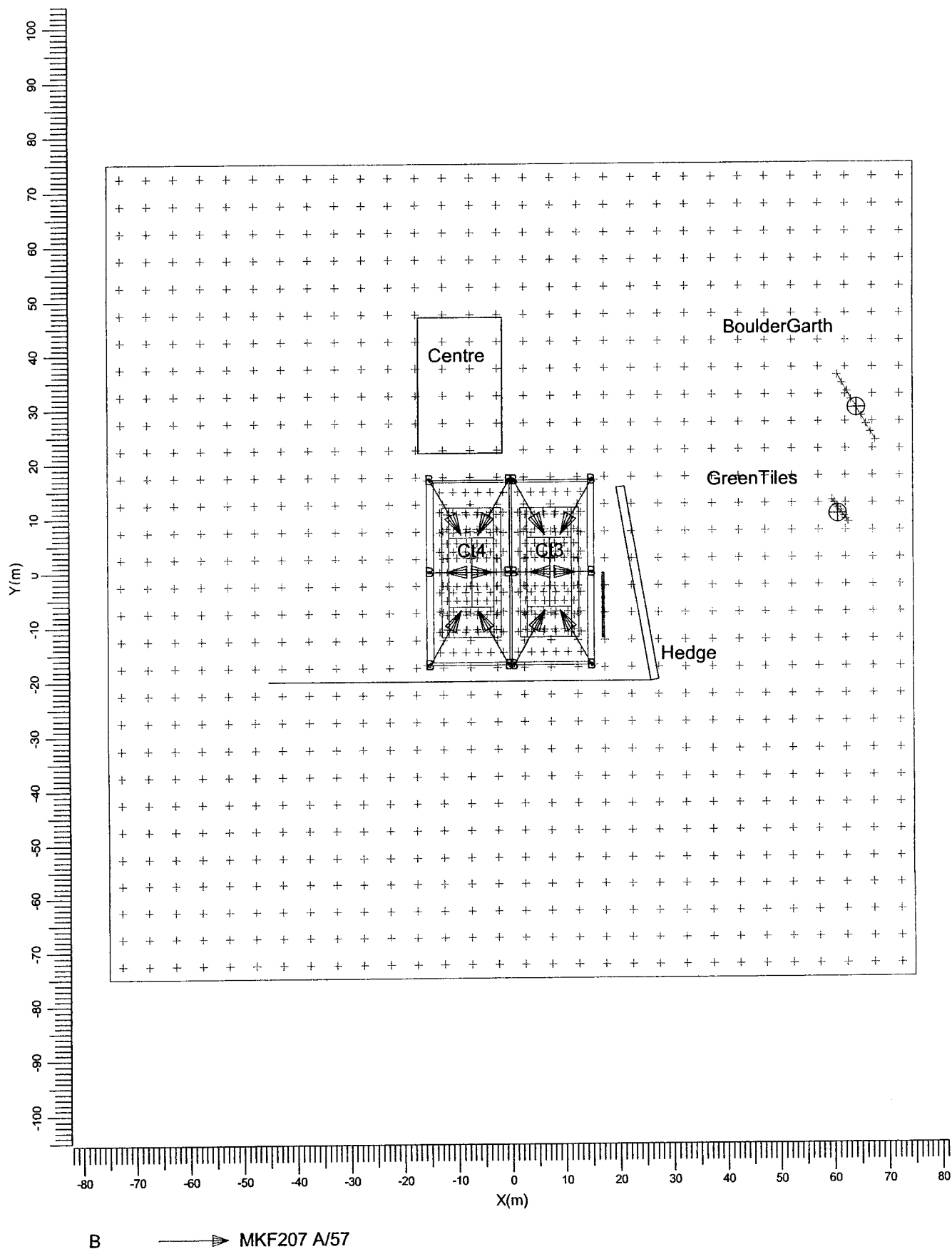
1. Project Description

1.1 3-D Project Overview



B → MKF207 A/57

1.2 Top Project Overview



2. Summary

2.1 General Information

The overall maintenance factor used for this project is 0.80.

2.2 Observer Information

Code	Observer	Position		
		X (m)	Y (m)	Z (m)
Aa	31,BoulderGarth	64.50	30.00	1.50
Bb	32,GreenTiles	61.00	10.50	1.50

2.3 Obstacle Information

Obstacle	Transparency (%)	Position		
		X (m)	Y (m)	Z (m)
Hedge	0	26.00	-20.00	0.00
PracticeWall	0	17.00	-12.00	0.00
Club	0	-17.00	22.00	0.00

2.4 Project Luminaires

Code	Qty	Luminaire Type	Lamp Type	Power (W)	Flux (lm)
B	12	MKF207 A/57	1 * MHN-LA 1000W/842	1105.0	1 * 90000

The total installed power: 13.26 (kWatt)

Number of Luminaires Per Switching Mode:

Switching Mode	Luminaire Code	Power (kWatt)
	B	
ALL LIGHTS ON	12	13.26
Only Court 3	6	6.63
Only Court 4	6	6.63

Number of Luminaires Per Arrangement:

Arrangement	Luminaire Code	Power (kWatt)
	B	
CCol2/3	1	1.11
CCol2/4	1	1.11
Col 1/4	2	2.21
Col 2/3	2	2.21
Col 2/4	2	2.21
Col 3/3	2	2.21
Row1 /3	1	1.11
Row1 /4	1	1.11

2.5 Calculation Results

Switching Modes:

Code	Switching Mode
1	ALL LIGHTS ON
2	Only Court 3
3	Only Court 4

(II)luminance Calculations:

Calculation	Switching Mode	Type	Unit	Ave	Min	Min/Ave
Vert.III.GreenTiles	1	Surface Illuminance	lux	0.13	0.04	0.33
Vert.III.BoulderrGarth	1	Surface Illuminance	lux	0.10	0.04	0.39
Court 4	3	Surface Illuminance	lux	428	313	0.73
Court 3	2	Surface Illuminance	lux	429	315	0.73
TPA Court 4	3	Surface Illuminance	lux	414	300	0.73
TPA Court 3	2	Surface Illuminance	lux	415	299	0.72
OVERSPILL	1	Surface Illuminance	lux	27.9	0.0	0.00

Obtrusive Light Calculations:

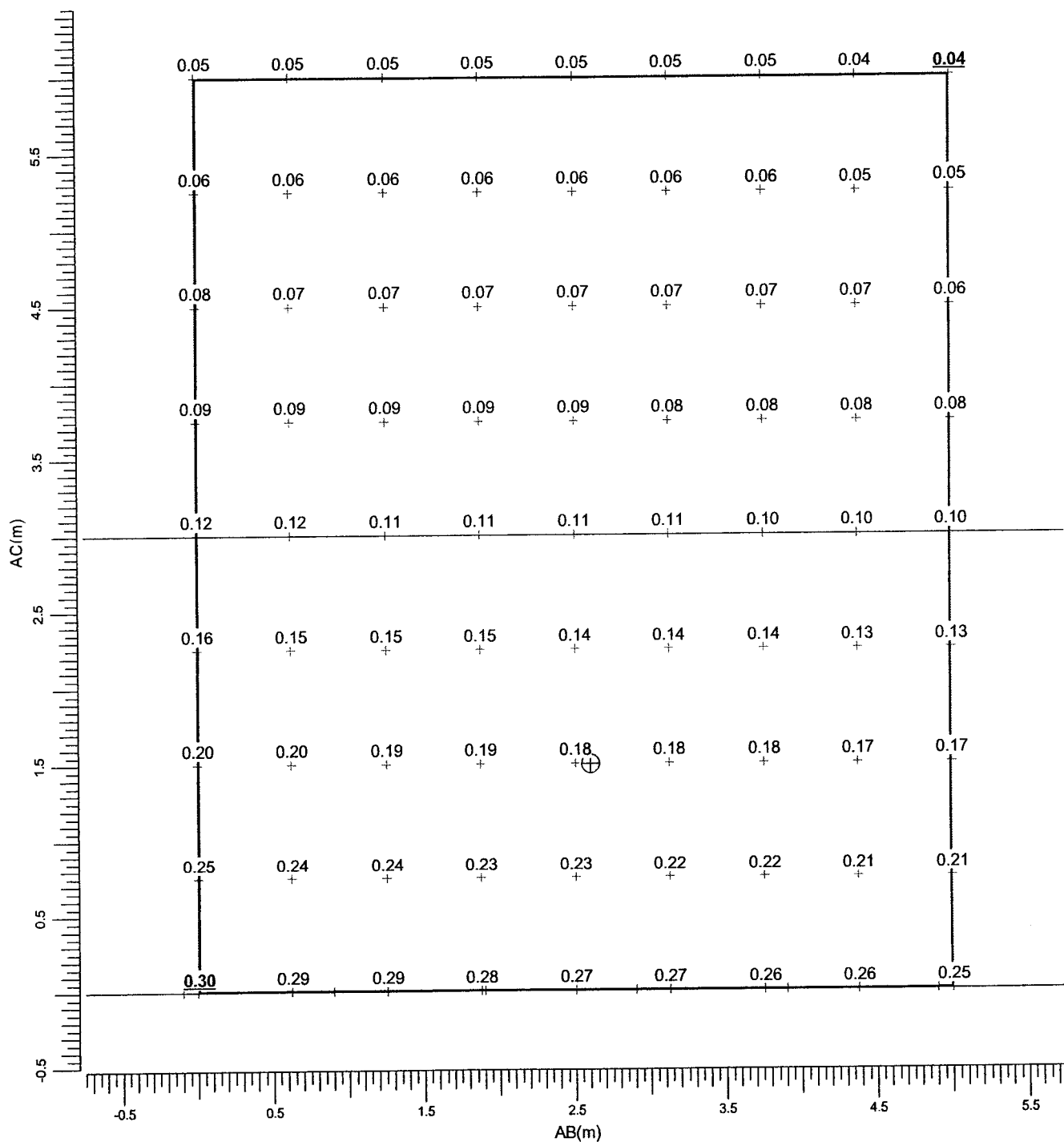
Switching Mode	Observer Code	Luminaire Code	Position			Aiming Angles			Maximum Intensity (cd)
			X (m)	Y (m)	Z (m)	Rot.	Tilt90	Tilt0	
1	Aa	B	0.50	-0.00	6.70	0.00	60.00	0.00	156
1	Bb	B	0.50	-0.00	6.70	0.00	60.00	0.00	195

3. Calculation Results

3.1 Vert.III.GreenTiles: Graphical Table

ALL LIGHTS ON

Grid : Vert.III.GreenTiles
Calculation : Surface Illuminance (lux)



(60.00, 13.00, 6.00)	C—D	(63.00, 9.00, 6.00)
(60.00, 13.00, -0.00)	A—B	(63.00, 9.00, -0.00)

Average
0.13

Minimum
0.04

Min/Ave
0.33 145

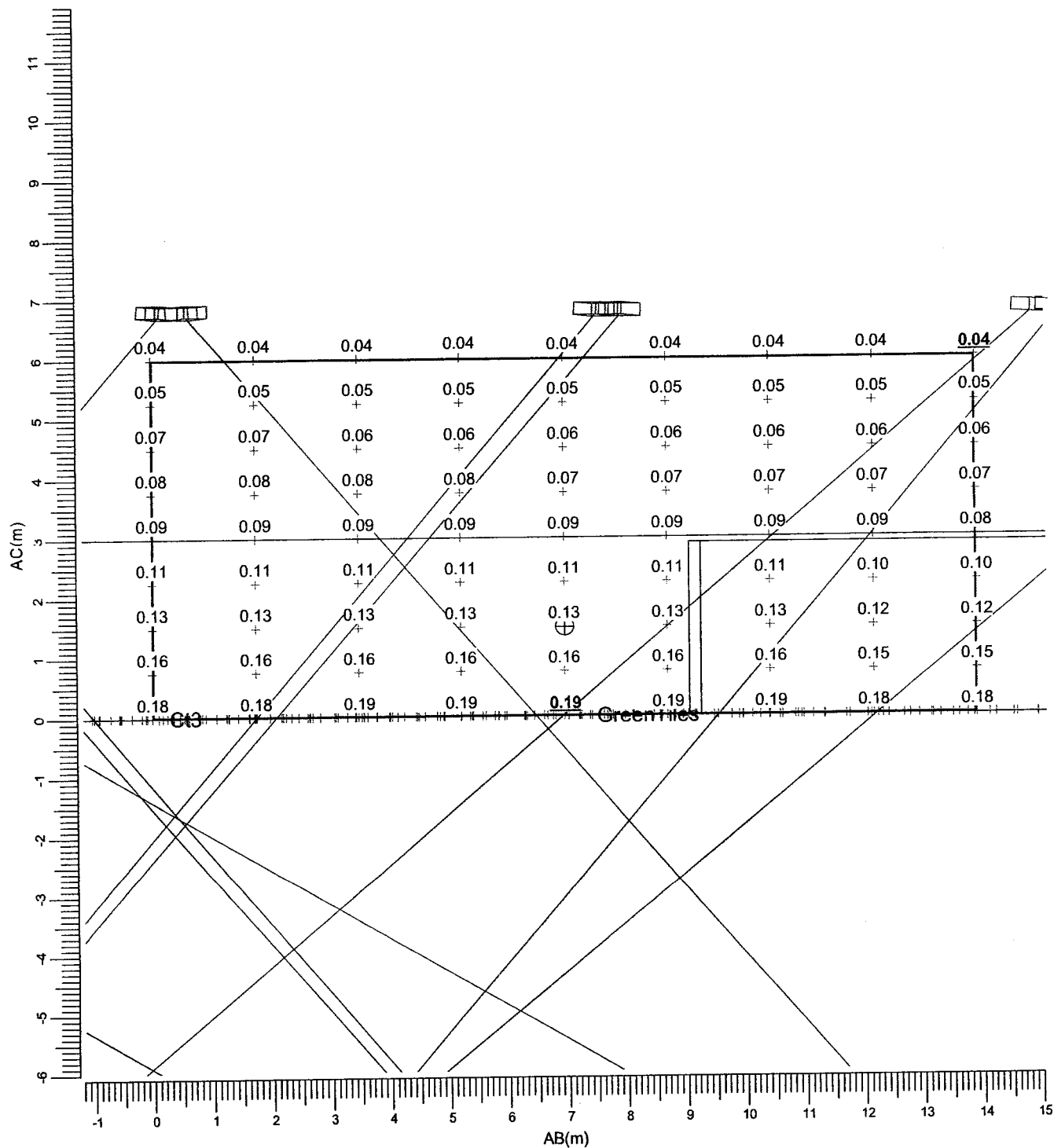
Project maintenance factor
0.80

Scale
1:40

3.2 Vert.III.BoulderrGarth: Graphical Table

ALL LIGHTS ON

Grid : Vert.III.BoulderrGarth
Calculation : Surface Illuminance (lux)



(61.00, 36.00, 6.00) C—D (68.00, 24.00, 6.00)
(61.00, 36.00, -0.00) A—B (68.00, 24.00, -0.00)

Average
0.10

Minimum
0.04

Min/Ave
0.39

Project maintenance factor
0.80

Scale
1:100

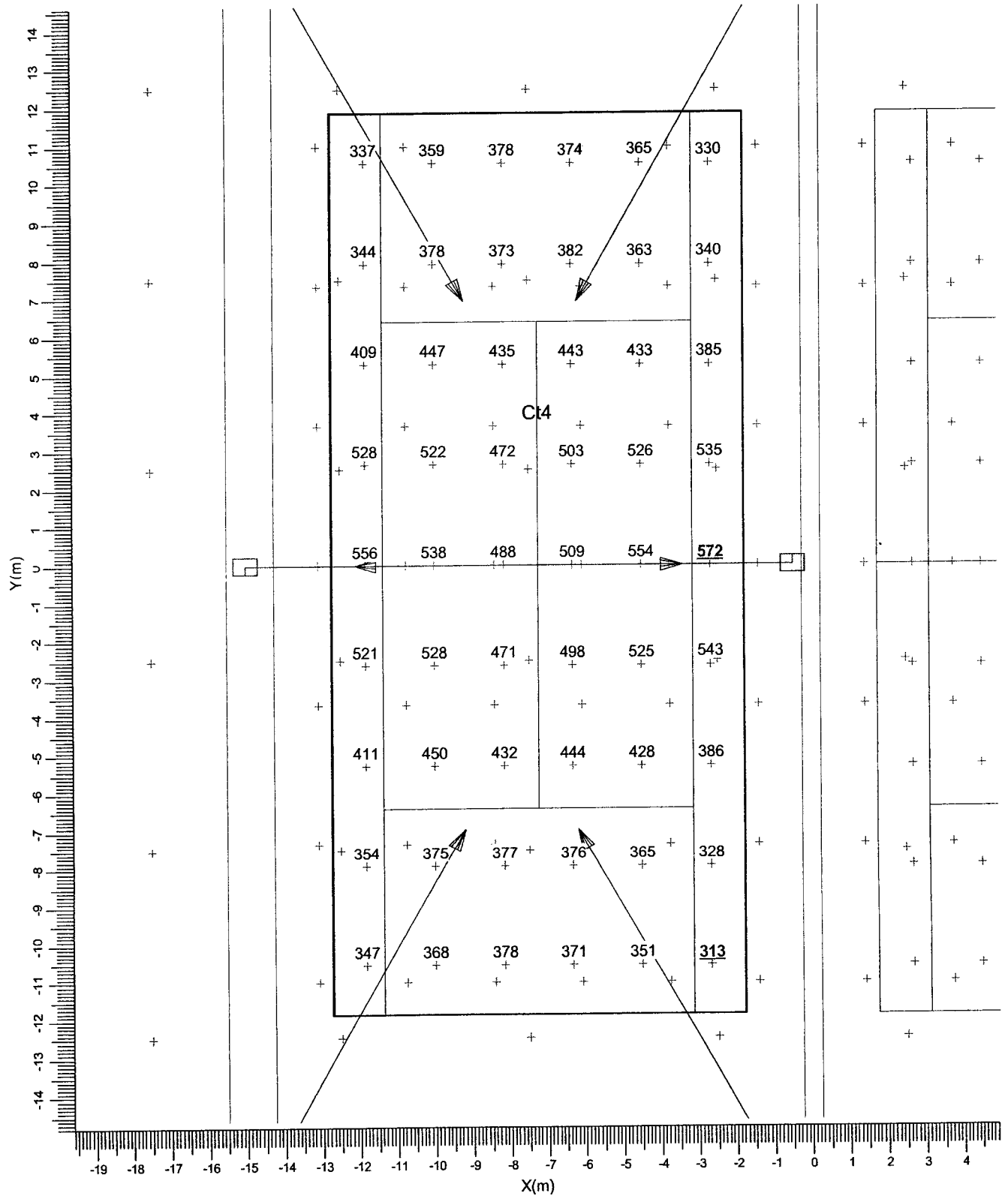
146

3.3 Court 4: Graphical Table

Only Court 4

Grid Calculation

- : Court 4 at Z = -0.00 m
- : Surface Illuminance (lux)



Average
428

Minimum
313

Min/Ave
0.73 147

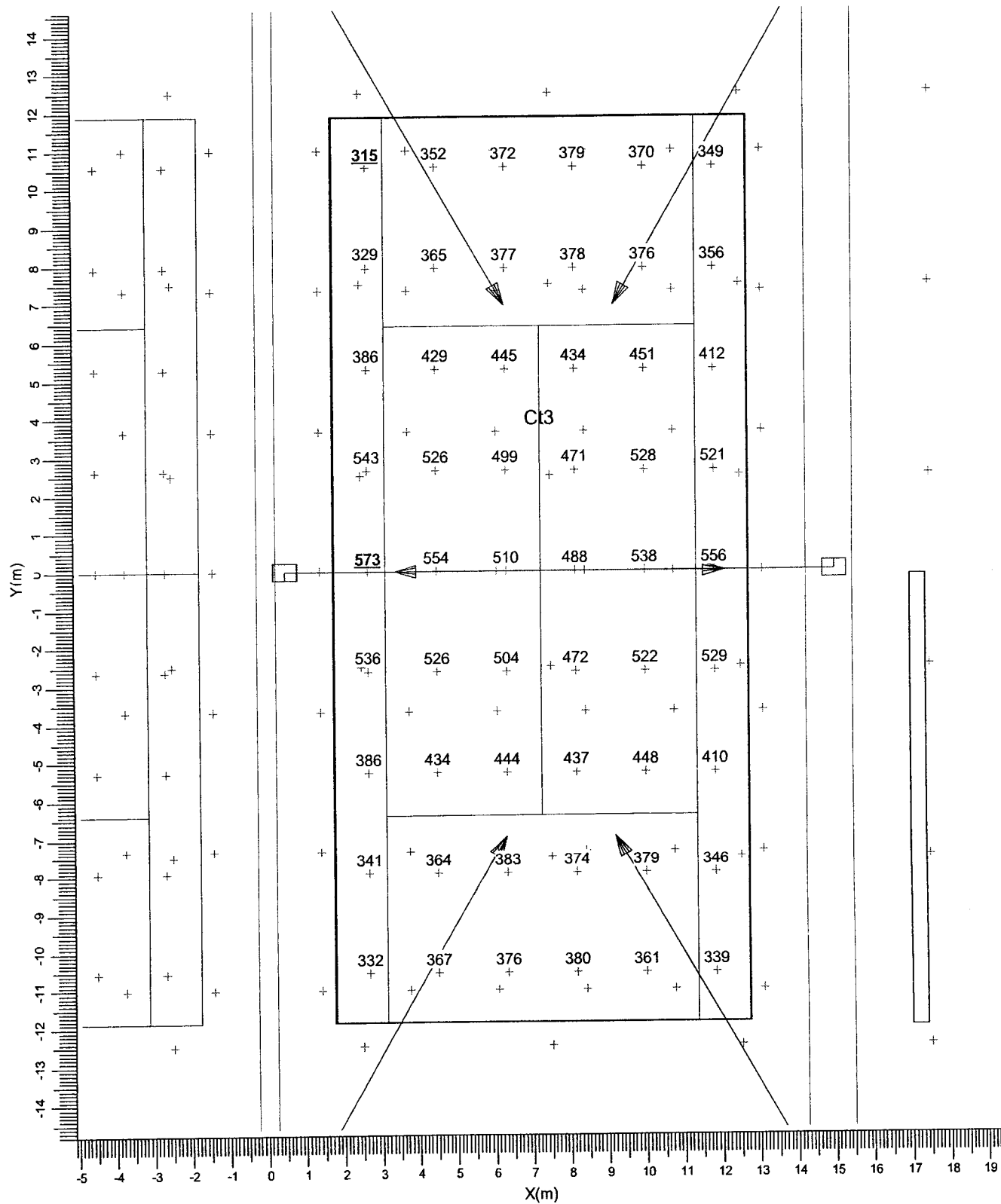
Project maintenance factor
0.80

Scale
1:150

3.4 Court 3: Graphical Table

Only Court 3

Grid : Court 3 at Z = -0.00 m
Calculation : Surface Illuminance (lux)



Average
429

Minimum
315

Min/Ave
0.73
148

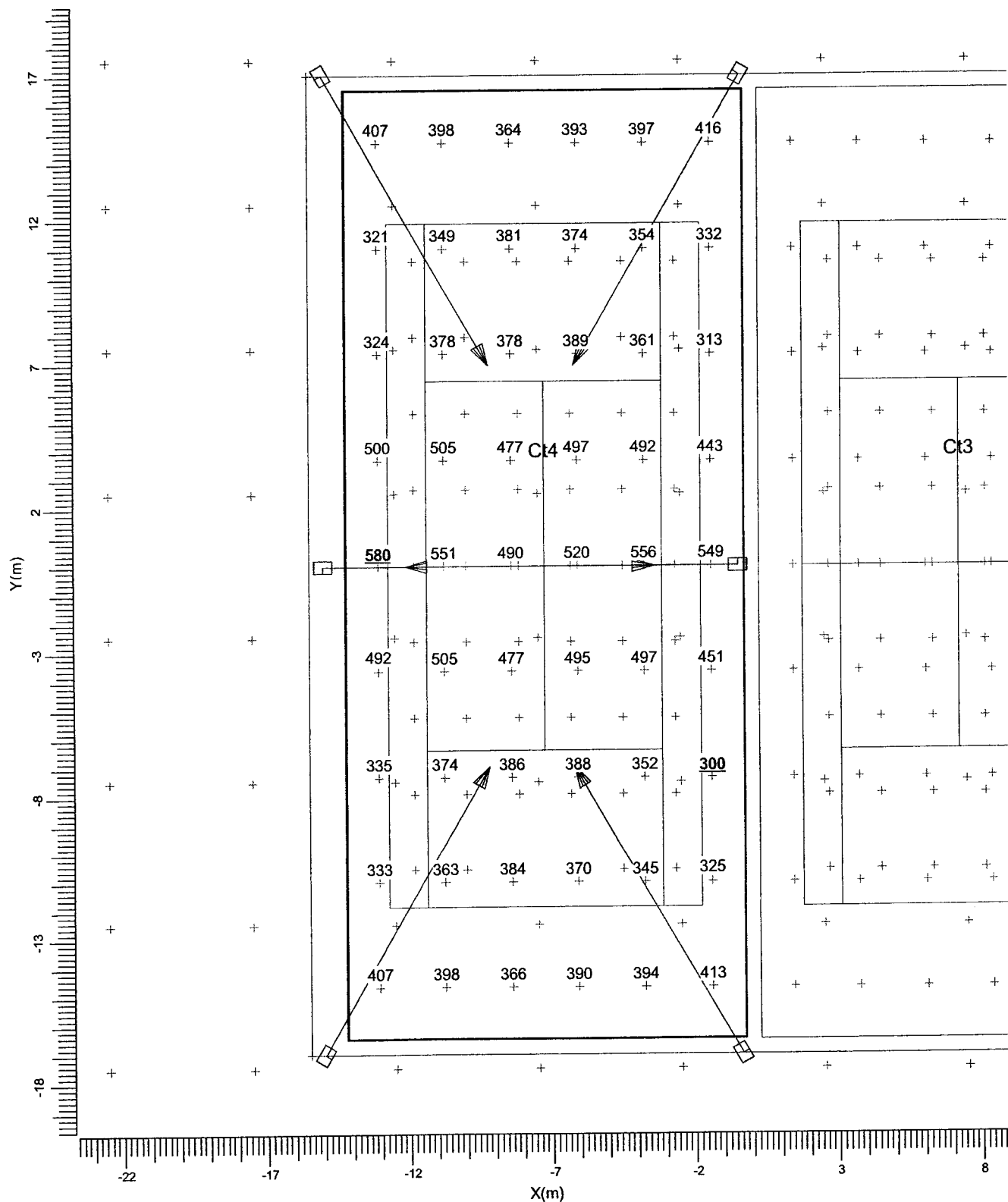
Project maintenance factor
0.80

Scale
1:150

3.5 TPA Court 4: Graphical Table

Only Court 4

Grid : TPA Court 4 at Z = -0.00 m
Calculation : Surface Illuminance (lux)



Average
414

Minimum
300

Min/Ave
0.73
149

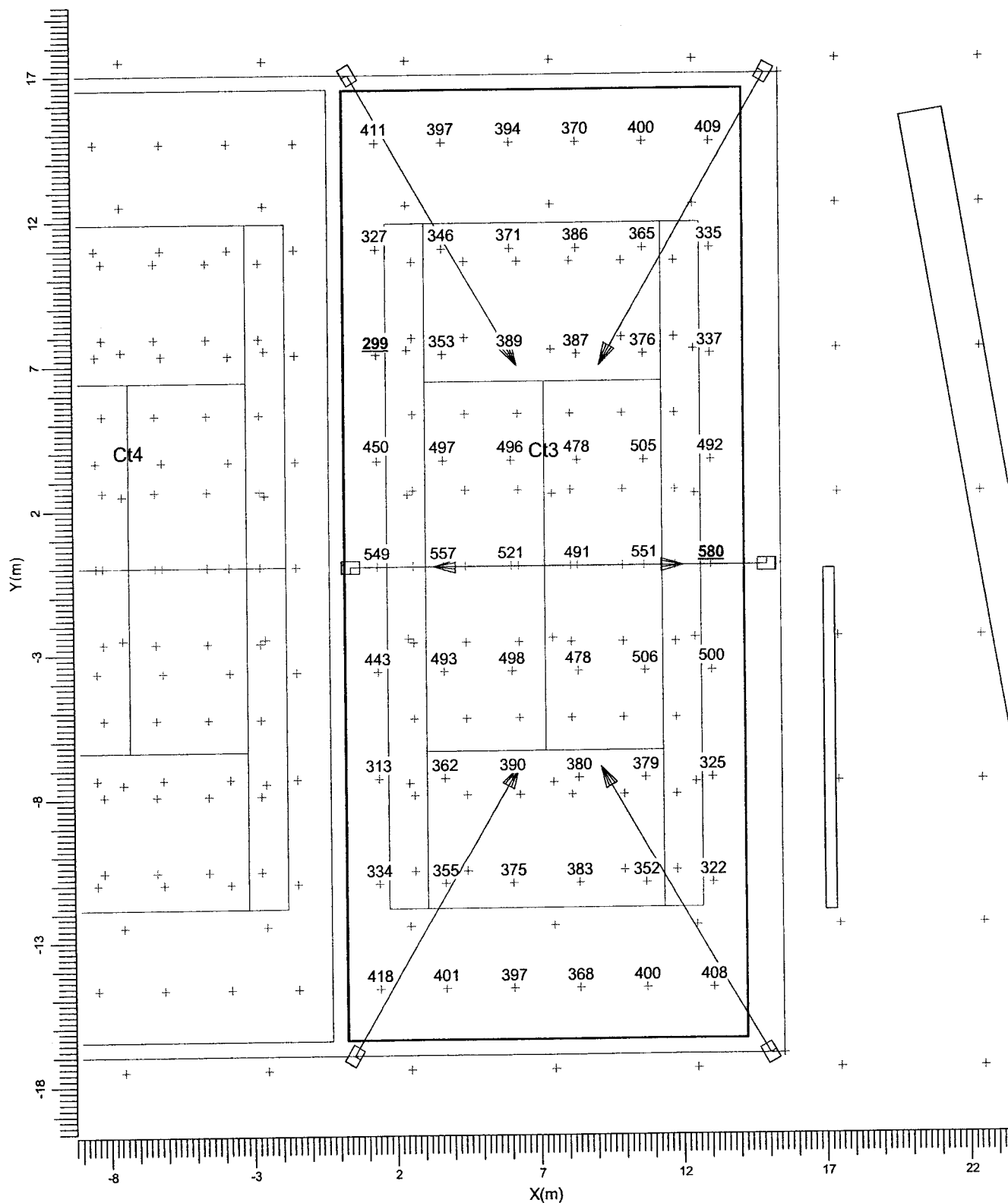
Project maintenance factor
0.80

Scale
1:200

3.6 TPA Court 3: Graphical Table

Only Court 3

Grid : TPA Court 3 at Z = -0.00 m
Calculation : Surface Illuminance (lux)



Average
415

Minimum
299

Min/Ave
0.72
150

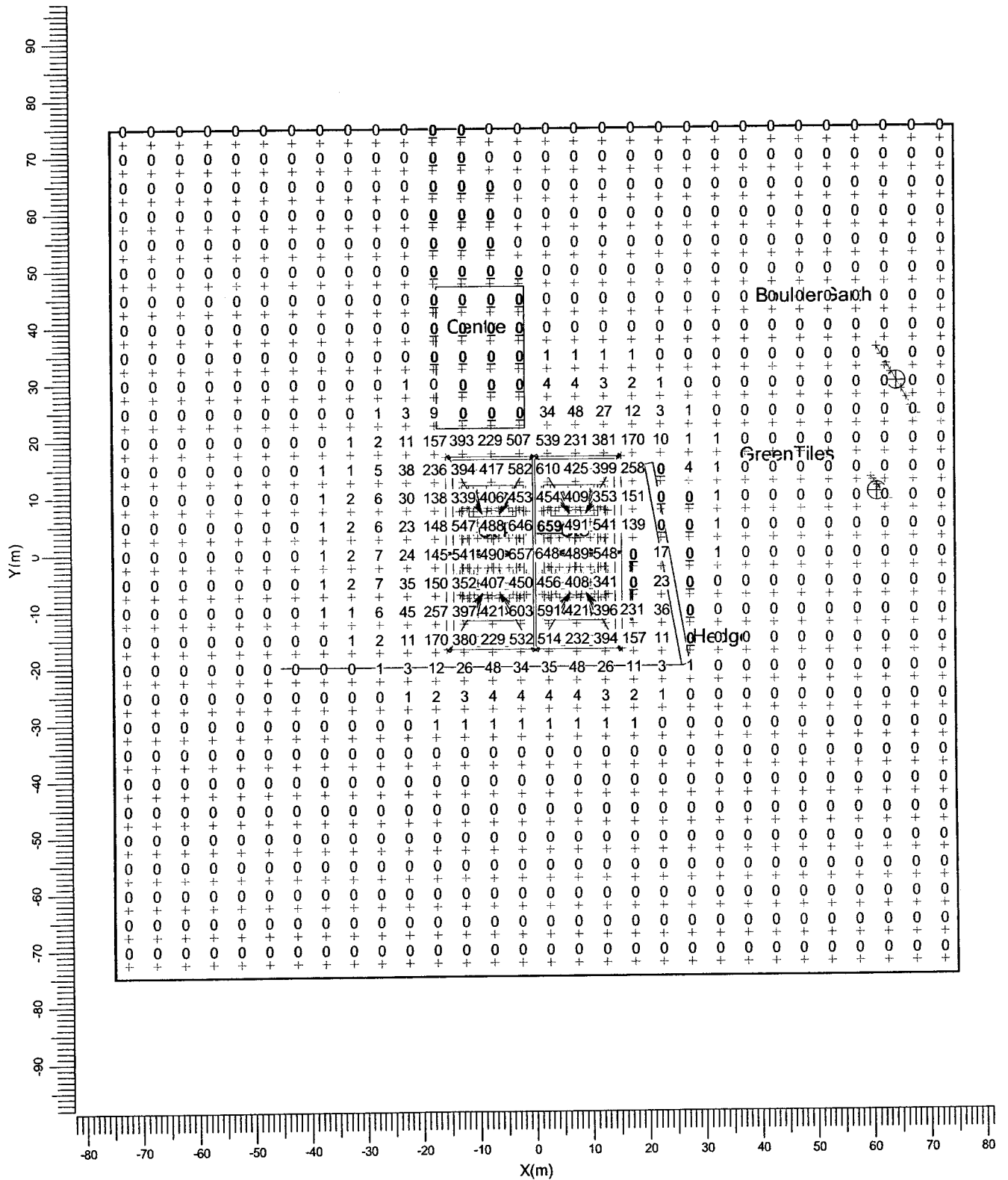
Project maintenance factor
0.80

Scale
1:200

3.7 OVERSPILL: Graphical Table

ALL LIGHTS ON

Grid : OVERSPILL at Z = -0.00 m
Calculation : Surface Illuminance (lux)



Average
27.9

Minimum
0.0

Min/Ave
0.00 151

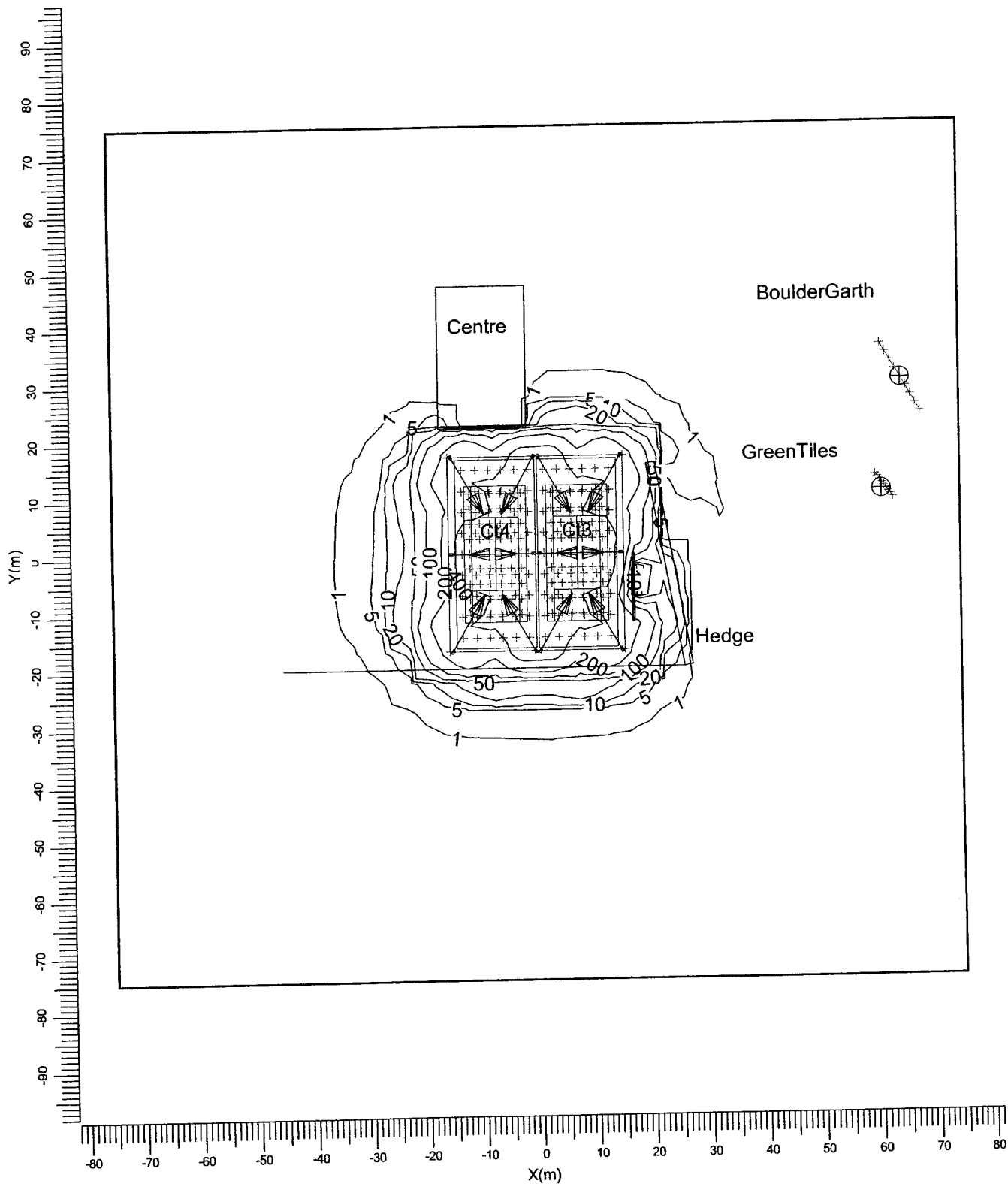
Project maintenance factor
0.80

Scale
1:1000

3.8 OVERSPILL: Iso Contour

ALL LIGHTS ON

Grid : OVERSPILL at Z = -0.00 m
Calculation : Surface Illuminance (lux)



Average
27.9

Minimum
0.0

Min/Ave
0.00 152

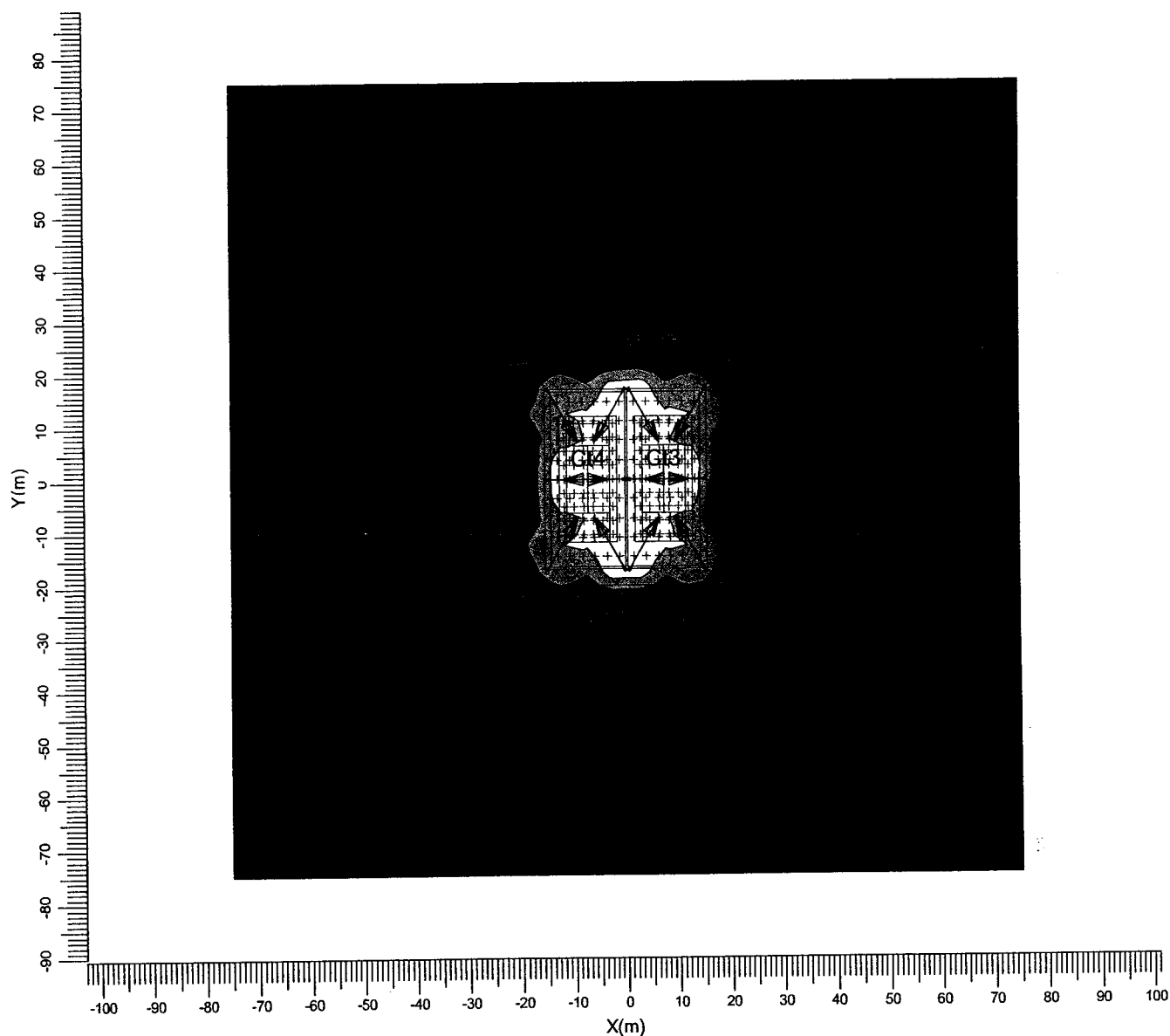
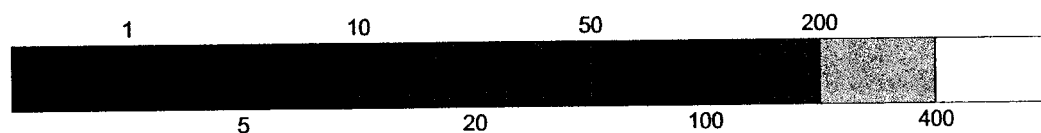
Project maintenance factor
0.80

Scale
1:1000

3.9 OVERSPILL: Filled Iso Contour

ALL LIGHTS ON

Grid : OVERSPILL at Z = -0.00 m
Calculation : Surface Illuminance (lux)



Average
27.9

Minimum
0.0

Min/Ave
0.00

Project maintenance factor
0.80

Scale
1:1250

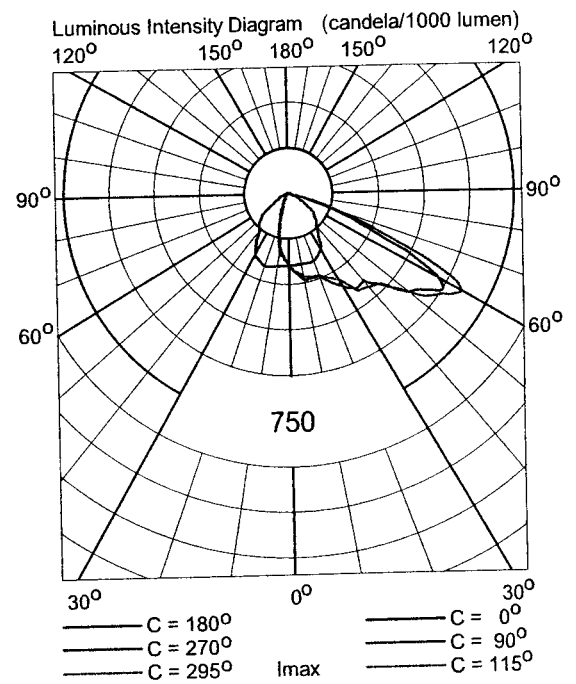
4. Luminaire Details

4.1 Project Luminaires

MKF207 1xMHN-LA 1000W/842 A/57

Light output ratios
DLOR : 0.74
ULOR : 0.00
TLOR : 0.74
Ballast : Standard
Lamp flux : 90000 lm
Luminaire wattage : 1105.0 W
Measurement code : LTL MKF207

Note: Luminaire data not from database.



5. Installation Data

5.1 Legends

Project Luminaires:

Code	Qty	Luminaire Type	Lamp Type	Flux (lm)
B	12	MKF207 A/57	1 * MHN-LA 1000W/842	1 * 90000

Switching Modes:

Code	Switching Mode
1	ALL LIGHTS ON
2	Only Court 3
3	Only Court 4

5.2 Luminaire Positioning and Orientation

Qty and Code	Position			Aiming Angles			Switching Modes		
	X (m)	Y (m)	Z (m)	Rot.	Tilt90	Tilt0	1	2	3
1 * B	-15.00	-17.00	6.70	60.0	60.0	0.0	+	-	+
1 * B	-15.00	-0.00	6.70	0.0	60.0	0.0	+	-	+
1 * B	-15.00	17.00	6.70	-60.0	60.0	-0.0	+	-	+
1 * B	-0.50	-0.00	6.70	-180.0	60.0	0.0	+	-	+
1 * B	-0.40	-17.00	6.70	120.0	60.0	0.0	+	-	+
1 * B	-0.40	17.00	6.70	-120.0	60.0	-0.0	+	-	+
1 * B	0.50	-17.00	6.70	60.0	60.0	0.0	+	+	-
1 * B	0.50	-0.00	6.70	0.0	60.0	0.0	+	+	-
1 * B	0.50	17.00	6.70	-60.0	60.0	-0.0	+	+	-
1 * B	15.00	-17.00	6.70	120.0	60.0	0.0	+	+	-
1 * B	15.00	-0.00	6.70	180.0	60.0	0.0	+	+	-
1 * B	15.00	17.00	6.70	-120.0	60.0	-0.0	+	+	-

RECEIVED

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Planning Application Lighting Report

For the proposed floodlighting installation

at

Dalston Tennis Club

for

Carlisle City Council

INDEX TO THE REPORT

Author: M Hooper
Approved: M Hooper
Ref: MH/08/113/01
Issue No: 1
Date: September 2008

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EXECUTIVE SUMMARY

Carlisle City Council has employed Avoca Consulting Engineers Ltd to provide technical advice relating to the lighting levels associated with Planning Application 07/1383.

The application has requested an increase in the lighting level from 200 lux to 400 lux in order that the Tennis Club meets the requirements of the Lawn Tennis Association to secure funding.

This report comments on the application and the possible consequence of permitting an increased lighting level however it cannot make a recommendation to accept or reject the proposal without further technical information relating to the lighting design.

INTRODUCTION

This report has been compiled at the request of Carlisle City Council Development Services Planning and Housing Services to provide independent advice on the planning application and associated floodlighting proposal which includes a request to increase the lighting level from 200 lux permitted by a previous planning application approval to 400 lux in order to meet the Lawn Tennis Association (LTA) lighting levels.

Carlisle City Council have specifically requested that we advise on the impact of increasing the lighting level from 200 lux to 400 lux however we have also provided a technical analysis and recommendations relating to the planning application.

PLANNING APPLICATION DOCUMENTS

The planning application and associated documents have been submitted by CT Planning on behalf of their client Dalston Tennis Club. The information received is as scheduled below.

1. Planning Application – Part 1
2. Planning Statement
3. Planning Statement Appendix 1
4. Planning Statement Appendix 2
5. Planning Statement Appendix 3
6. Planning Statement Appendix 4
7. Planning Statement Appendix 5
8. Planning Statement Appendix 6
9. Floodlighting Calculation Report – Option 1 Dated 11/04/06

A review of the documents highlights the following key points in relation to the lighting proposal.

- i) There will be 9 No lighting columns having an out of ground height of 6.7 metres.
- ii) The pavilion building adjacent the tennis courts is currently 7.7m above the ground height at its highest point.
- iii) 6 No lighting columns shall have 1 No 1kw metal halide floodlight mounted to them.
- iv) 3 No lighting columns shall have 2 No 1kw metal halide floodlights mounted upon them.
- v) The floodlights will be located such that each court has 3 columns along each side.

THE REVISED PLANNING APPLICATION

The revised planning application requests that condition No. 2 of the previously approved application be amended from:-

"The lighting scheme hereby approved, consisting of lights with a luminance level of 200 lux shall not be modified or intensified in any form without the prior written approval of the Local Planning Authority".

To:-

"The lighting scheme hereby approved shall provide for a maximum level of 400 lux over the marked court area in accordance with the drawing 3386/6 and the specification provided by Ian Hounsham at LTL Contracts lighting consultants dated 11th April 2006 and shall not be modified or intensified in any form without prior written approval of the Local Planning Authority".

It is worth noting at this stage that the proposed wording states a maximum lighting level of 400 lux but various quotes within the application from Sports England and the LTA (Lawn Tennis Association) requirements refer to a minimum level of 400 lux.

SPORTS LIGHTING LEVELS

To comprehend the implications of this wording an understanding of basic sports lighting design criteria is required and is briefly described below.

Governing bodies and institutions for sport and lighting will quote lighting levels required for each sport. These recommended levels will then vary depending upon the level the sport is to be played at the facility. A British and European Standard (BS EN 12193: 2007) also exists detailing sports lighting levels.

A very broad rule of thumb is the smaller and faster the ball or playing object the higher the lighting level that is required. In this instance a tennis ball is a small and fast moving object and requires a relatively high level of lighting which increases as the level of players skill increases.

For the purposes of the report we have ignored increased lighting levels required for coloured, digital and high definition television.

These lighting levels will be quoted as the "*minimum maintained average horizontal illuminance*" and will be one of a number of criteria that the lighting design is required to comply with, particularly if funding is to be granted from the governing body.

Put simply the minimum maintained average horizontal illuminance is the minimum lighting level, as an average across the playing surface that is required in order to comply with requirements laid out by the governing body.

The lighting calculation must therefore take account of dirt build up on the floodlights and reduced output of the lamp (as well as other minor factors) over a period of time. At the end of this time period (typically 2 years in sports lighting) the floodlight should be cleaned and the lamp renewed. All of the above results in lighting levels being typically 20% greater than the calculation results when first installed or following the floodlight maintenance.

If the planning condition was to be reworded as requested to allow a maximum lighting level of 400 lux the lighting would not comply with the LTA requirement as the maximum value of illuminance could only be 400 lux at initial installation resulting in an average maintained illuminance much lower than the 400 lux.

REVIEW OF THE SUBMITTED PLANNING INFORMATION

A review of the submitted planning information follows and highlights particular issues with the lighting proposal on a technical level, it does not comment on the application of any planning policies.

Planning Application Part 1

The planning application part 1 generally appears to have been completed online. The following observations have been made:

- i) The spill light drawing (Drawing No. 3386/6) is not accurate. The lighting would not 'stop' in the manner indicated by the lighting level lines.

Planning Statement

The following observations have been made regarding the planning statement.

- i) There is mention of a 3m high hedge. Consideration needs to be given to the appearance of this hedge in autumn and winter (if it is deciduous).
- ii) Item 1.7 refers to a maximum illuminance level of 400 lux.
- iii) Item 1.8 refers to a minimum illuminance level of 400 lux.
- iv) Item 3.5 refers to a light spillage plan. As we have noted above we do not believe that this plan is accurate.
- v) Item 3.6 refers to the 'Guidance Notes for the Reduction of Obtrusive Light published by the Institution of Lighting Engineers and refers to the levels of light trespass in an E2 environmental zone however it makes no reference to any of the other criteria laid out in the document.
- vi) Item 3.7 mentions the hedgerow. Comments as i) above.
- vii) Item 3.13 again refers to the spill light drawing with our comments as above.
- viii) Item 3.14 requests a maximum illuminance of 400 lux, please refer to previous comments regarding the lighting levels and their definition.

Planning Statement Appendix 1

Appendix 1 incorporates the previous 'Notice of Approval'. Throughout these documents there are incorrect references to 'luminance'. 'Luminance' and 'illuminance' are separate and different measurements in lighting and the Local Authority need to be very careful when referring to luminance.

As an example of the difference, some road lighting levels are quoted in luminance, typically 1.5 cd/m², the equivalent lighting level in illuminance can be 10 – 15 lux, so a luminance of 200 cd/m² could be interpreted as a lighting level of say 1500 lux.

Planning Statement Appendix 2

Appendix 2 contains photographs of the site and demonstrates the level of cover that is afforded to some of the properties by the trees and hedgerow during the spring and summer.

Ideally would we welcome photographs of these views during the autumn and winter months but appreciate that this may prove difficult.

Planning Statement Appendix 3

Appendix 3 contains 4 parts:

- i) Approval notice for the erection of a recreation hall.
- ii) Planning policy clauses relating to the above development.
- iii) Planning officers delegated report for the above development.
- iv) Planning officer's recommendation report for the above development.

Very little contained with this appendix is relevant to the technical aspects of the lighting proposal.

Planning Statement Appendix 4

Appendix 4 contains a document produced by Sport England. This document is designed to aid sports facilities and planners through the planning process.

Planning Statement Appendix 5

Appendix 5 contains a document produced by the Institution of Lighting Engineers (ILE) entitled 'Guidance Notes for the Reduction of Obtrusive Light'. The guidance note contains design guidance to consider when designing a lighting scheme.

The document is referenced by the applicant in respect to light trespass only and all other elements of the design guidance should be addressed. Table 1 of the document is reproduced below with the kind permission of the ILE and highlights the requirements for an environmental zone classified as 'E2' stated in the planning statement.

Table 1 – Obtrusive Light Limitations for Exterior Lighting Installations						
Environmental Zone	Sky Glow ULR [Max %] (1)	Light Trespass (into Windows) Ev [Lux] (2)		Source Intensity I [kcd] (3)		Building Luminance Pre_curfew (4)
		Pre_curfew	Post_curfew	Pre_curfew	Post_curfew	Average, L [cd/m2]
E1	0	2	1*	2.5	0	0
E2	2.5	5	1	7.5	0.5	5
E3	5.0	10	2	10	1.0	10
E4	15.0	25	5	25	2.5	25
ULR	= Upward Light Ratio of the Installation is the maximum permitted percentage of luminaire flux for the total installation that goes directly into the sky.					
Ev	= Vertical Illuminance in Lux and is measured flat on the glazing at the centre of the window					
I	= Light Intensity in Cd					
L	= Luminance in Cd/m2					
Curfew	= The time after which stricter requirements (for the control of obtrusive light) will apply					

A further but only minor note is that the light trespass is quoted in vertical illuminance however the document refers to horizontal illuminance. For the purposes of this assessment this discrepancy is not of particular concern.

Planning Statement Appendix 6

Appendix 6 contains the planning officer's report to committee.

We would highlight the following in respect to the report.

- i) The report identifies the lighting level required for an intermediate (or 'club') class tennis court.
- ii) A number of other lighting options have been considered and dismissed.
- iii) Telescopic lighting columns have also been considered and dismissed on the grounds of cost.

- iv) The report incorrectly refers to 'luminance' and as highlighted previously this should be corrected to 'illuminance' to avoid any doubt or confusion and to protect the Authority.
- v) Support for the application and the 400 lux lighting level has been given by both Sport England and Mr Tony Hill whom it appears, represents the LTA at a technical level.

Lighting Calculation Report

Having reviewed the calculation report 'Option 1' dated 11-04-2006 we would comment as follows.

- i) The front page refers to the use of the 'MKF207' floodlight but the floodlight used within the calculation is a 'SNF210'. These floodlights are no longer available from the manufacturer, Philips Lighting.
- ii) The calculation report contains calculations for lighting levels at 'Greenfields' and 'Bouldergarth'. We presume that these are the name of adjacent properties. The calculations for the light trespass onto these properties have a maintenance factor applied to them. Spill light and light trespass calculations should be undertaken without a maintenance factor to provide the 'worst case' lighting level.
- iii) The overall spill light calculation (page 14) uses a calculation grid with a spacing of approximately 9 metres. This grid should be reduced in size to a 1 metre spacing between calculation points to provide a more accurate assessment.
- iv) The geometry of the floodlights is not specifically included however the images indicate that the floodlights are mounted parallel to the ground. This needs to be confirmed.
- v) A maximum lighting level is not specifically given however a review of the lighting levels given on a diagram indicate a maximum lighting level of approximately 663 lux exists with a maintenance factor of 0.8 (80%) applied. At initial switch on of the completed installation or following the maintenance of the installation this level could rise by 20% to approximately 795 lux.
- vi) The average maintained lighting level is indicated as 465 lux (court 3) and 463 lux (court 4). Whilst we understand that over lighting cannot always be avoided in this instance the lighting level is 16% in excess of the required average lighting level. At initial switch on of the completed installation or following the maintenance of the installation this level could rise by 20% to an approximate average of 558 lux.
- vii) As noted within the submission lighting calculations are the result of precise geometric calculations and these precise conditions are never achieved on site, therefore it should be accepted that the lighting levels indicated should have a tolerance of 10%.

RECOMMENDATIONS

Our initial brief was to ascertain what effect the increase from 200 lux to 400 lux would have on the surrounding environment.

With any increase in lighting level it is inevitable that the following will occur when increasing a lighting system by 100% of the original level.

- i) The extent of the 'spill light' or light trespass will increase.
- ii) The source intensity or quantity of light sources will increase.
- iii) The amount of light reflected upward (contributing to sky glow) will increase.
- iv) The quantity of energy consumed will increase.

Whilst all of the above appear as negatives for the application they can be minimised by the selection and installation of suitable floodlighting equipment.

A well designed 400 lux scheme can be less visually intrusive than a 200 lux scheme that is poorly designed. It is therefore not sufficient to simply state a lighting level, which is why we recommend that the ILE and BS EN documents should be cited in any conditions.

Having fully reviewed the information submitted with the planning application it is our recommendation that additional information be sought from the applicant and further reviewed before any recommendation for acceptance (or definitive rejection) can be given by ourselves.

As a minimum the following information should be provided.

1. The lighting calculations should be reproduced based upon current and available floodlighting equipment and shall include all geometry of the proposed equipment.

Reason: The lighting calculations submitted are based on equipment that is no longer available from the manufacturer.

2. Calculations should be provided to demonstrate compliance with all of the requirements for an environmental zone E2 as given in table 1 of the ILE 'Guidance Notes for the Reduction of Obtrusive Light'.

Reason: The planning statement cites compliance with the above document but only demonstrates compliance with the light trespass element. Calculations, equipment information and statements should be provided that demonstrates compliance with the ULR and Source Intensity requirements (Building Luminance not being applicable for this project). In particular the source intensity calculation should be produced relative to property numbers 28 to 32 inclusive.

3. Calculations indicating horizontal spill light are required based on a smaller calculation grid.

Reason: The current spill light plan (Drawing No. 3386/6) indicates a sudden cut off in spill light. We know that this will not be the case and suspect that it is the result of an interpretation of the large calculation grid spacing used in the calculation. A revised calculation and spill lighting drawing is therefore required to assess the level of spill light more accurately. The 1 lux line should also be added to the drawing to demonstrate compliance with the post curfew requirements for the sake of completeness.

4. Spill lighting calculations shall be provided without a maintenance factor applied.

Reason: The application of a maintenance factor to spill light calculations does not provide an accurate assessment of the extent of the spill light as the values will be reduced by the value of the maintenance factor (20% less in this case).

5. Review the lighting calculation in an attempt to reduce the overall level of light provided.

Reason: The current calculations indicate an average level of 465 lux, some 65 lux (16%) in excess of the requirements of the LTA. Whilst we appreciate that the limitations of lamp wattages in the metal halide range of lamps make this difficult it should be demonstrated that the lighting designed is as efficient as possible.

6. Information on the type of trees and hedgerow creating a barrier between properties and the development should be provided, ideally with photographs of these in autumn/winter.

Reason: The statement cites the hedgerow as an aid to preventing the light trespass and impact on the visual scene of local residents however it is not understood how this hedgerow will provide this same aid during autumn and winter when it is without foliage.

As a recommendation to the Local Authority we would respectfully suggest that all documents are reviewed and any reference to luminance be replaced with illuminance unless specifically relating to illuminated signage or the lighting of buildings.

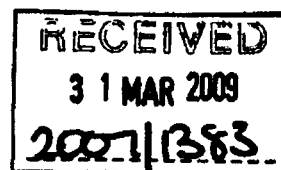
As a recommendation to the applicant, which you may pass on at your discretion, we feel they need to carefully consider the wording of the condition to ensure they are not limiting themselves in error.

It is alarming that both Sport England and the Lawn Tennis Association (via their appointed consulting engineer) have given the application their backing without raising any of the issues above.

The restrictions to the hours of use appear perfectly reasonable and should offer any concerned residents a further level of comfort.

Whilst it has been mentioned previously it is of vital importance that not only light trespass but the intensity of the floodlights be limited. In our experience it is not the light on the window that causes complaints but it is the fact that the resident can see a light source which they perceive to be bright and hence a nuisance. This can be achieved with the use of an asymmetric floodlight mounted parallel with the ground or with baffles mounted on the equipment which may not be of detriment to the final design of the lighting installation if selected and positioned carefully.

Planning Application Lighting Report
For the proposed floodlighting installation
at
Dalston Tennis Club
for
Carlisle City Council



Author: M Hooper
Approved: M Hooper
Ref: MH/08/113/01
Issue No: 2
Date: March 2009

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EXECUTIVE SUMMARY

Carlisle City Council employed Avoca Consulting Engineers Ltd to provide technical advice relating to the lighting levels associated with Planning Application 07/1383.

Issue No. 1 of this report identified a number of issues that required reassessment or further information from the applicant in order than Avoca Consulting Engineers Ltd could make a recommendation to Carlisle City Council.

The revised information has largely addressed the issues raised.

This revised report concludes that the revised lighting scheme will be no more or less intrusive when providing an average lighting level of 400 lux against a scheme designed to achieve 200 lux.

What this report can not do is state that the lighting will not give rise to complaints from local residents.

INTRODUCTION

Issue 2 of this report will provide further assessment of the revised information provided by the applicant in response to the recommendations and issues raised within issue 1 dated September 2008.

REVISED PLANNING APPLICATION DOCUMENTS

The revised information received consists of;

1. Covering letter from CT Planning dated 26th January 2009
2. Email correspondence from Mr I Housham of LTL Contracts
3. Block plan showing the revised lighting scheme, drawing no. 3386/5R
4. Lighting calculation report from LTL Contracts dated 13 January 2009

REVIEW OF THE REVISED PLANNING INFORMATION

A review of the revised information follows and highlights any particular issues with the lighting proposal on a technical level, as with the previous issue of the report it does not comment on the application of any planning policies.

Covering Letter from CT Planning

The covering letter outlines the revised information submitted and puts forward the case for the lighting proposal.

We note that the letter makes reference to the density of hedgerows and the screening affect that the hedgerow provides to the rear of No. 31 (Boulder Garth) and No. 32 (High Walls) The Green.

We understand that these hedgerows are due to be removed.

Email correspondence from Mr I Housham of LTL Contracts

The email correspondence sets out to address the issues raised in our initial report.

Item 1

Modified performance printouts based on the correct lighting column locations. We have commented on these revised performance printouts below.

Item 2

The revised performance calculations now include results to demonstrate compliance with the criteria set out in the ILE guidance notes. The revised calculation results are commented on below.

Item 3

The additional grid points and isolux line have now been added. The email suggests that a denser grid will reduce clarity in the report.

We would suggest that it is reasonable to request that the lighting designer produces a large scale layout plan indicating the lighting results in greater detail. The software used to produce the lighting calculations permit the production of these drawings in an electronic format.

Item 4

Spill light results are still based on a maintenance factor of 0.8. The email suggests that the maintenance factor is required to demonstrate the minimum lighting levels.

Whilst we can not disagree that the maintenance factor is indeed required it would not be unreasonable for the lighting designer to have produced 2 separate lighting calculations. A lighting calculation demonstrating the performance requirements of the lighting scheme with the appropriate maintenance factor and a lighting calculation demonstrating compliance with the lighting criteria given within the ILE lighting document.

This would clarify that the requirements of the ILE document have been satisfied.

Item 5

The report has been revised to take into account the revised lighting column locations.

The drawing legend indicates that the revised plan does not include the 1 lux isolux contour line that was requested (although this has been included in the revised lighting calculation). On examination against the revised lighting calculation it would appear that the 1 lux contour line is included but the drawing legend is incorrect. This requires clarification by the applicant.

The isolux lines are not representative of the lighting results because they have been interpreted by the drawing producer.

We would suggest that this drawing be produced electronically based on the output of the lighting calculations.

Item 6

This item states that the hedgerows photographs are to be provided by others.

Block Plan Showing the Revised Lighting Scheme, Drawing No. 3386/5R

The block plan indicates the spill light from the scheme.

As the comments above we believe that the legend is incorrect and we do not feel that the plan is accurate enough for the purposes of the submission and an electronic version should be produced.

Lighting calculation report from LTL Contracts dated 13 January 2009

The lighting calculation report has been revised to reflect the revised lighting column locations and to include the additional obtrusive light calculations.

An environmental zone E2 was identified in the previous issue of the report and the calculation shows the following results in this respect;

Sky Glow

The maximum ULR of the floodlight for an environmental zone E2 is 2.5%. The data sheet for the floodlight included in page 16 of 17 indicates an ULR of 0%, therefore this criteria is met provided that the floodlights are not inclined greater than 0° from horizontal.

Light Trespass

The maximum values of E_v are 5 lux (pre-curfew) and 1 lux (post curfew) for an environmental zone E2. The lighting calculations have been submitted for 2 properties to show compliance with this criterion.

'Green Tiles' approximately relates to No. 32 The Green (noted as High Walls in correspondence from the Authority). There are issues as noted above that these calculations include the maintenance factor of 0.8 and as such are not worst case. We accept however that the value can be multiplied by 1.25 in order to achieve the value without a maintenance factor.

For 'Green Tiles' the maximum value indicated is 0.3 lux at ground level (grid reference 0,0). Even when multiplied by 1.25 this equals a maximum value of 0.375 lux which would indicate compliance both pre and post curfew.

'BoulderGarth' approximately relates to No. 31 The Green. The maximum value for which is indicated as 0.19 lux (grid reference 7,0) and when multiplied by 1.25 would indicate a maximum value of 0.24 lux which would again indicate compliance pre and post curfew.

We would add that these locations don't appear to connect exactly with the frontage of the properties on the drawing and an electronic version of the drawing used in the calculation

would correct this. However, we do not believe that this will result in the vertical illuminance calculations exceeding the 5 lux and 1 lux pre and post curfew values.

Source Intensity

An E2 zone requires maximum values of source intensity pre-curfew of 7.5 kcd and post-curfew of 0.5 kcd.

The lighting calculations indicate values for 2 observer positions, these being 'Green Tiles' and 'BoulderGarth'. The values are 156 cd (0.156 kcd) and 195 cd (0.195 kcd) which indicates compliance with the ILE document.

Previous comments relating to the accuracy of these calculations and the use of electronic drawings apply however we are not concerned that these values will exceed the limits set if this exercise was undertaken.

Building Luminance

The building luminance criteria are not applicable to this project.

RECOMMENDATIONS

As we detailed previously our initial brief was to ascertain what effect the increase from 200 lux to 400 lux would have on the surrounding environment.

We are satisfied that the applicant has now implemented all the options available to them at this stage in order to minimise the impact of the lighting on the surrounding environment.

We would however add that the applicant should be prepared to take remedial action in the form of fitting baffles to the floodlights should complaints of glare (light intensity) be received from the public provided that this is not to the detriment of the lighting to the tennis courts. We recommend that this is made a condition of the planning approval if possible.

In the interests of completeness we recommend that the Authority request the following from the applicant to prove beyond any doubt that the criteria set out in the ILE guidance note have been met.

1. The spill lighting drawing should be produced using an electronic version of the site with the electronic isolux outputs from the calculation included. The hedgerow and its subsequent affect on the spill lighting levels should be omitted from this drawing.

Reason: There are discrepancies between the submitted spill lighting drawing and the lighting calculation and these should be produced as accurately as possible. The hedgerow could be removed in the near future and shall not therefore be relied upon to 'block' the effects of any lighting.

2. Calculations should be provided to demonstrate compliance with all of the requirements for an environmental zone E2 as given in table 1 of the ILE 'Guidance Notes for the Reduction of Obtrusive Light' WITHOUT the blocking affect of the hedgerow and with the maintenance factor reset to 1.0.

Reason: The hedgerow cannot be relied upon to 'block' the effects of the lighting. Obtrusive and spill lighting calculations should be undertaken based on the worst possible scenario. This is when the lamps are brightest and the floodlight free from dirt at initial switch on. To represent this in design calculations the affects of lamp lumen depreciation (a reduction in lamp output over time) and the build up of dirt on the floodlight should be ignored by setting the maintenance factor in the calculation to 1.0

In conclusion the revised lighting calculations and drawings requested above will clarify beyond doubt that the applicant has made all reasonable provision to minimise the environmental impact of the lighting on the environment.

SCHEDULE B: Reports Requiring Further Information

08/1254

Item No: 03

Date of Committee 21/08/2009

Appn Ref No:
08/1254

Applicant:
JJ Lattimer Ltd

Parish:
Dalston

Date of Receipt:
19/12/2008

Agent:
Swarbrick Associates

Ward:
Dalston

Location:
Ben Hodgson Bodyworks, Dalston Service Station,
The Square, Dalston, Carlisle, CA5 7QA

Grid Reference:
336861 550000

Proposal: Removal Of Existing Garage Buildings And Erection Of Convenience Store And Three Residential Units (Revised Proposals Submitted on 7th July 2009)

Amendment:

REPORT

Case Officer: Dave Cartmell

Reason for Determination by Committee:

The application was brought before the April Committee for determination as there were more than four objections and a Local Member requested a right to speak. A decision on the application was deferred to allow Officers to investigate the possibility of incorporating a pedestrian refuge on the B5299 and for the applicant to submit amended proposals.

At the Development Control Committee meeting held on 29th May, Members again resolved to defer consideration of the proposal in order to await (a) the consultation response from English Heritage; (b) amended plans from the applicant; and (c) a recommendation on the associated application (ref 09/358) to construct a car park in the adjacent field and to await a further report on the application at a future meeting of the Committee.

Amended plans for the convenience store/dwellings and in relation to the associated application for the car park (Ref 09/358) have been submitted and re-consultation, together with re-notification of neighbours, is currently underway.

1. Constraints and Planning Policies

Conservation Area

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

Local Plan Pol LE12 - Proposals Affecting Listed Buildings

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE10 - Archaeological Field Evaluation

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol T2 - Parking in Conservation Areas

RSS Pol DP 2 - Promote Sustainable Communities

RSS Pol EM 1- Integrated Enhancement &Prot.of Reg.Env.Assets

RSS Pol RDF 2 - Rural Areas

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): originally responded with a number of comments relating to the application and, again, subsequent to revisions received in April. The latest proposed revisions (July 2009) have generated the following advice:

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 be 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;

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 car park (09/0358) was reiterated:

"At its meeting held on 14th July 2009, attended by thirty local residents, Dalston Parish Council resolved by a narrow margin to object to the revised application 08/1254 on the grounds of scale of the development. It was felt that it would be acceptable as a convenience store, but with the inclusion of three residential units the proposals for that site were too large. It was also agreed that the proposed vehicular access was potentially dangerous.

It should be pointed out that the two amended plans shown on the planning portal, although one was an amended description, was confusing";

Environment Agency (N Area (+ Waste Disp)): has responded to revised proposal submitted 30th April 2009 as follows:

The Agency is in receipt of an Environmental Risk Assessment for Ben Hodges Bodyworks by Elliott Environmental Surveyors Ltd dated 23 February 2009 (ref. EES09-04) which it is believed has been sent to yourselves.

The Agency has reviewed the Report, with respect to controlled waters only.

Through submission of the above report the Agency withdraws its objection to the application provided that any approval includes the following condition:

Condition

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

- 1. Additional site investigation is required to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 2. The site investigation results and the detailed risk assessment and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved".

A response is awaited to the revised proposal submitted on 7th July;

Community Services - Drainage Engineer: reply awaited;

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.

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 Enquires on 0845 7462200 regarding connection to the water mains/public sewers.

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

Environmental Services (Contaminated land): A response is awaited to the revised proposal submitted on 7 July;

Environmental Services (Environmental Quality): response to the original proposals advised that further information was being sought from the applicant with regard to noise sources;

Development Services Planning & Housing Services - Conservation Section: responded to the revised proposals submitted on 30th April 2009 as follows:

Further to the earlier comments from Conservation, it seems that, essentially, very little has changed. The volume of the building is still too great; its alignment with regard to the Green and the Square is still at odds with the fabric and grain of Dalston's character; the servicing of the store and the waste and bin facilities are placed at the most obvious and least satisfactory location so that these features are detrimental to the appearance of the Green and Dalston Conservation Area in general; and the building still has the appearance of a building on a modern trading estate rather than one occupying a principal location within an attractive and historic village.

Until these issues are addressed so that the building has less volume; has a ridge line parallel with the main road - The Green; that has a design that reflects the characteristics and materials of this historic village; and has its servicing and waste storage/collection at the rear, this application is not an acceptable proposal for the Dalston Conservation Area and should be refused.

A response has been received in relation to the revised proposals submitted on 7th July:

"Following the receipt of an amended scheme which has taken on board most of the suggested improvements, the visual appearance of this scheme has improved greatly. Unfortunately one of the consequences of putting the servicing on the rear is that there is now a need for space to turn service vehicles.

Parking was not originally part of this proposal but the applicant has now submitted an application to provide such parking together with the space for service vehicles to turn. I have commented on this application, 09/0358, to the effect that the land required for this provision extends into a part of the Conservation Area that still retains its rural character and this will be damaged by the proposal. I would suggest that as servicing is required, the developments expansion into the Showfield should be restricted to the space needed for vehicles to turn.

On the issue of parking for this development I would make the following comments. Space that might have been available for turning or for disabled parking is being taken up by the applicant's desire to include residential development within the site. The current store has no parking provision and customers do not appear to be disadvantaged by having to carry their shopping bags to wherever they have managed to park, whether this is in the Square, the Victory Hall car park on Townhead Road or on the Kingsway. I agree with English Heritage that parking is an important issue that requires a co-ordinated approach rather than being dealt with by piecemeal applications";.

Development Services Planning & Housing Services - Local Plans (Trees): no further comments/observations to make on the above proposal over and above those made earlier, and which remain relevant. The earlier comments are as follows:

The site is located within the Dalston Conservation Area, and the trees present on site will be protected by virtue of their location within the Conservation Area.

Proposals for the trees on site are contained within the Pre-Development Arboricultural Report, and the Interim Tree Report.

There are no objections to the removal of trees 3, 12, and 13

Groups listed as trees 1, 4 and 5 should be reduced in height to 2.5m and maintained as hedges.

Tree 2 should be coppiced and allowed to re-grow.

Trees 6 - 11 are to be retained and these trees will help screen and soften the new development. However, the successful retention of the trees will be dependent on careful treatment throughout the development process. The works to install the new hard-standing within the root protection area of these trees must be subject to a separate method statement based on the recommendations at 6.5 of the pre-development arboricultural report and drawing No 1384/ p/ 06, rev.0.

Tree protection barriers will be required for the duration of the development and these must be in accordance with the Pre-development Arboricultural Report Appendix 6, and Fig. 3 Tree Protection Plan.

Subsequent to these comments and in response to the revised proposals received on 7th July, the Tree Officer/Landscape Officer advises that he is satisfied with the amended planting proposals following the intended removal of existing trees;

Northern Gas Networks:

Northern Gas Networks advises that there are no objections but cautions that there may be apparatus in the area that may be at risk during construction works. Should the application be approved, NGN require the promoter of the works to contact them to discuss their requirements in detail. NGN also advise that:

1. should diversionary works be necessary they will be fully rechargeable;
2. the extract from the mains record of the area covered by the proposals shows only mains owned by NGN in its role as a Licensed Gas Transporter;
3. privately owned networks and gas mains owned by other GT's may also be present in this area and information with regard to such pipes should be obtained from the owners; and

4. service pipes, valves, siphons, stub connections, etc are not shown but their presence should be anticipated;

Cumbria County Council - (Archaeological Services): responded to the original proposal as follows:

Records show that the site lies in an area of archaeological potential being 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 and the first edition map shows that Close Hall was located on the proposed development site during the mid nineteenth century. It is therefore considered likely that archaeological remains related to the development of the village survive below ground on the site and that they would be damaged or destroyed by the development.

It is, therefore, recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site is undertaken in advance of development and advise that this work should be undertaken at the expense of the developer. It is considered that this programme of work can be secured through the inclusion of two model conditions in any planning consent. The first condition would secure the implementation of an archaeological evaluation and recording programme prior to development commencing and the second would where appropriate, require an archaeological post-excavation assessment and analysis, preparation of a site archive for deposition at a store, completion of an archive report and publication of the results in suitable journal as approved beforehand by the LPA.

A response to the revised proposals submitted on 7th July 2009 states that the foregoing comments remain pertinent and two conditions are recommended (securing an archaeological evaluation and, where necessary, a scheme of archaeological recording) if planning permission is granted;

Cumbria Constabulary - Crime Prevention: the following observations regarding these proposals, have been considered from a Community Safety and Architectural Liaison perspective. Clarification is needed on several issues raised by the revised proposals.

Convenience Store and Residential Units – Demarcation of Space:

Parking provision for residential Unit 1 encroaches across one of the store primary display windows. It occurs to me that members of the public will be attracted by this window and may attempt to enter the site via the private access point. I believe it will be necessary to deter store customers from entering via this route and attempting to short-cut alongside the east elevation to enter the store at the main entrance. This may be achieved by creating a narrower access point, and placing appropriate signage that the space is private. A suitable physical barrier shall be required at the end of the car parking space, perpendicular to the store window.

The drawings supplied do not indicate the nature of the boundary around the entrance to Unit 2. Consequently it is difficult to ascertain the intended use or ownership of the adjacent space, i.e. next to the rear store emergency exit.

The boundary treatment adjacent to the bin store has been depicted as a ranch style fence (providing surveillance opportunities into the space) – yet this type of fencing shall merely serve as a climbing aid to enter this semi-private space. As this space contains two access points to the store, I would recommend a welded mesh fence, to at least 2.4 metres. The brick wall abutting the fence should be of similar height and topped with a triangular-profiled coping stone, in order to deter climbing or walking along the wall.

Main Entrance Canopy:

I note that the enclosed entrance canopy has been dispensed with. Immediately, the main entrance shall be open to view from various directions.

It appears the proposed external Automated Teller Machine has also been dispensed with. I would be obliged if confirmation can be given if any ATM facility shall be provided at the store.

Physical Security Measures:

A previous response advises of recommendations regarding security standard exterior doors and windows for the dwellings and store;

Conservation Area Advisory Committee: responded as follows to the revised proposals submitted on 30th April 2009:

The Committee had strong objections to the revised proposal which still appeared to be too large for the site. But the main objection was the proposed servicing of the Coop from the Green and the location of Bins and Waste Area which meant that they too faced onto the Green. This is a sensitive part of the village with many attractive and historic buildings along the Green which are the focus of a number of important views. This was considered to be completely inappropriate and detrimental to the appearance of this important part of the Dalston

Further to the revisions received in July, the Committee has considered the proposals again and has commented as follows:

"The Committee felt that the consultation process had been successful and the applicant had made considerable improvements to the scheme although the Committee was still concerned about the provision of residential accommodation which took up valuable space for servicing and the concomitant need to provide turning and parking outside of the site";

Access Officer: responded as follows to the revised proposals submitted 30th April 2009:

1. In agreement with highways it is recommended that the footway connecting the parking area and the store be widened to at least 2m. This can be done by narrowing the carriageway running adjacent to the shop to 4.8m (instead of the 5.5m shown) and then using this space for footway.

2. The travelling distance is a concern for disabled people from the proposed car park. In agreement with highways I would suggest that the applicant be asked to consider allowing disabled parking on the loading area outside delivery times.

A further response has been received in relation to the revised proposal submitted on 7th July 2009:

"Pedestrian Access from the junction of The Green and Glave Hill has an appropriate width and is to be surfaced with course textured concrete paviors or setts. The entrance door is to be automatic and consideration is to be taken regarding lighting and ironmongery.

There are separate comments regarding the provision of disabled parking as per application 2009/0358.

Within the drawings supplied there is no external trolley park marked beside the retail unit. If this was to change, it would need to be notified to the planning department. Assuming there is a trolley area within the retail area on entering the store, it should be located appropriately so as not to cause any obstruction.

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

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 has an importance 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 to the junction with Glave Hill forms a fragmental area of townscape that undermines the strong identity of The Square. The current proposals only exasperate 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 application of 7 July, English Heritage has provided general observations that they represent a positive response to its previous comments regarding the previous application, particularly the revised siting of the building to achieve a more effective enclosure and also the positioning of the service area to the rear of the building. English Heritage therefore accepts the principles of the revised scheme but has no further comments to make and is content that the Local Planning Authority resolves any outstanding detailed design issues;

United Utilities: A response is awaited to the revised proposal submitted on 7th July.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 The Green	06/01/09	Objection
Old Veterinary Surgery	06/01/09	
Glave Hill House	06/01/09	Objection
Whin View	13/01/09	Objection
1 Craiktrees	09/07/09	Objection
10 The Square	15/01/09	
The Cornmill	07/05/09	Objection
	09/07/09	Objection
Hollin Bush		
2 The Green	06/01/09	
Highbury	06/01/09	
Dalston House	06/01/09	

7 Townhead Road	Support
15 Victoria Place	Support
1 The Square	Undelivered
- Dalston	Comment Only
29 Caldew Drive	Objection
Low Fauld	Objection
23 The Square	Objection
21 Burnsall Close	Support
Glave Hill House	Objection
28 Nook Lane Close	Comment Only
20 Station Road	Objection
Hawthorn Cottage	Objection
13 The Square	Objection
54 Glebe Close	Support
37 Carlisle Rd	Support
Yew Tree House	Objection
14 The Green	Support
High Meadow	Objection
22 The Green	Objection

3.1 Publicity has been given to the revised proposal by press and site notice and by direct notification of neighbours. Representations with regard to the original proposals and the amendment submitted in May were received from 24 persons. Of the representations, 16 were against the proposal and 8 in favour of it.

3.2 The key issues raised to the previous proposals by the objectors were as follows:

1. Traffic & Parking Issues

1.1 Parking was identified in the Dalston Village Plan (2005) as one of the biggest problems facing the community.

1.2 Preliminary plans showed 70 parking spaces on adjacent land.

1.3 There is insufficient parking (even for staff) for the proposal together with proposed parking restrictions in The Square, which, will exacerbate existing road safety hazards resulting from vehicles being parked on access roads/drives, close to junctions on pavements and grass verges (creating a quagmire). A particular parking and pedestrian safety problem was envisaged at the junction of Townhead Road with the B5299.

1.4 Cannot rely on using the Victory Hall car park which was provided for use by the locals (use of car park would result in lack of space for Victory Hall users, many of whom are elderly).

1.5 Conflict between delivery vehicles and customer parking.

1.6 Inadequate turning space and access for service vehicles.

1.7 Transport Survey is flawed and does not offer solutions to the parking problem.

1.8 Vehicle weight limit in village should be enforced.

2. Impact On Residential Amenity, Character Of The Conservation Area & The Setting Of The Adjacent Listed Building

2.1 The site is a primarily residential area and, by reason of scale, un-neighbourly form, illumination, signage, siting of plant and refuse bins, the presence of delivery and customer vehicles and customers (particularly in early morning and late evening), the development would adversely affect the living conditions of nearby residents through noise and disturbance, litter, loss of privacy, anti-social behaviour and overbearing visual impact.

2.2 The scale and form of the proposal, together with additional light pollution detracts from the setting of the adjacent Grade II Listed Building and the character of Dalston Conservation Area.

2.3 Trolley management is needed to prevent trolleys being scattered around the village.

3. Other Issues

3.1 Plans are of insufficient scale, and inappropriate type, to allow proper assessment of environmental impact.

3.2 No need for another food store, particularly as a supermarket is planned for the west side of Carlisle.

3.3 Proposal should be linked to plans for the old Co-op building to ensure that it is not left vacant.

3.4 Proposal is sited outwith the 'trading area'.

3.5 Site is best suited to residential development (previous owner sold the site for residential accommodation for retired persons and first time buyers).

3.6 Impact on viability of existing small businesses in the village.

3.7 Energy efficiency measures should be included in the buildings (especially the houses).

3.8 Calling Dalston a 'town' fails to recognise its 'village' identity and the need for development to reflect the rural nature of the village.

3.3 Those in favour of the proposal referred to (1) the inadequacy of the existing store in terms of restricted access to shelves, with no real chance of improvement, for people in wheelchairs and with pushchairs (2) the

attractiveness of a larger store with some off-road parking which would reduce congestion in The Square and (3) the fact that the new store would encourage people to shop in the village instead of travelling to Carlisle and replace existing buildings with something more in character.

3.4 Some of the grounds of objection were accompanied by positive suggestions of ways of resolving the issues, including (1) double yellow lines at the approach to the junction on Townhead Road and (2) restricting the residential accommodation to a single flat, thereby releasing land for additional parking and/or relocation of waste receptacles etc.

3.5 At the time of writing this report three further letters of objection had been received from persons who had previously objected. The grounds of objection raised relate to:

1. the density of the development and the inclusion of three dwellings on the site means that it is too densely filled;
2. mass and height of the building will have an adverse impact on the character of the conservation area and the amenity of adjacent residential properties;
3. creation of road safety hazards particularly exiting from the unsatisfactory site access and the proposed turning arrangements and traffic island. This could result in lorries reversing from/onto Townhead;
4. access road is an inappropriate scale;
5. loss of green space from junction of Glave Hill/The Square and through laying of paths diagonally across the area is inappropriate in a Conservation Area;
6. greater impact on the Listed Buildings (1 & 3 The Green).
7. no specific disabled parking
8. will the telephone box be replaced
9. discrepancy between the Design and Access Statement (which says that no trees are to be removed and the plans which imply that they are to be removed)

3.6 Earlier concerns with regard to noise, disturbance, nuisance, loss of privacy, hours of operation and light pollution affecting residential properties, parking issues and the accuracy of the parking survey were reiterated.

3.7 One of the letters of objection included a comment that the design is more acceptable and provides for the loading and servicing being to the rear of the building.

4. Planning History

- 4.1 The planning history of the site relates to its existing use as a garage and petrol filling station and provision of a car showroom (BA2224) with the subsequent installation of extractor ducts and flues (04/1304) and a steel framed shed for use as a commercial garage (06/878).

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This is an application for Planning Permission and Conservation Area Consent to demolish existing buildings and erect a convenience store and three residential units at Blain's Garage, Glave Hill, Dalston. The application site, extending to 0.154ha, lies immediately south of The Square and is bounded by an area of open space to the north; the B5299, No 1 The Green and Dalston Show Field to the east and south; and by the Victory Hall car park to the west.
- 5.2 At the Committee's meeting held on 29th May Members resolved to defer consideration of the above proposal in order to await (a) a response to consultation with English Heritage; (b) amended plans from the applicant; and c) to await a further report on the application at a future meeting of the Committee coupled with a Report and recommendation in relation to the associated application (Ref 09/358) for a car park in the adjacent field.
- 5.3 At present the site, which slopes from west to east, contains three separate buildings. The main building is two storey and is of grey painted render, with artificial stone on the north elevation, and a corrugated roof. A single storey flat roofed brick built extension, with a large display window lies to the north. The main building also has a flat roofed wooden extension to the east. To the west is a utilitarian building, also of grey painted render with a corrugated roof but with large flues projecting from the roof and a large window to wall ratio. Close to the southern boundary is a mono-pitch building of block and render containing two garages and an office.
- 5.4 The boundary with the car park is 1 metre high mesh fencing while the boundary with number 1 The Green is a wall topped by a screen fence. The curtilage of number 1 is at a lower level than the application site ranging from approximately 0.6m at the drive entrance to over 1.8m along the southern boundary. Access to the site is currently taken from Townhead Road and the B5299.
- 5.5 There are groups of trees (coniferous and deciduous) along the northwestern boundary and on the boundary with number 1 The Green.

- 5.6 The application site lies within the Dalston Conservation Area and adjacent to Grade II Listed Buildings (numbers 1 & 3 The Green). Dalston is designated a Local Service Centre in the Carlisle District Plan

Background

- 5.7 The revised proposal comprises the demolition of the existing garage buildings and the erection of a convenience store (with approximately 290 square metres of retail space and 80 square metres of storage space) and three residential units. The residential units will comprise a two bedded unit on both the ground and first floor (accessed from the proposed car park in the Show Field) with a three bedded unit extending to the floor over the retail space and accessed from a ground floor lobby fronting onto the B5299. The other major amendment since Members last saw the application is the proposal to service the building from the rear with a lay-by being provided for service vehicles parallel to the access to the associated car park (the Report on which follows under App Ref 09/358). The access road will be 4.8 metres wide with a 2 metre wide footpath linking the car park with the store entrance and Glave Hill. There is also a footpath link from the store entrance to the junction. The bin storage area and air conditioning units will be sited to the rear of the building.
- 5.8 The orientation of the main street frontage now follows the dominant building line on the B5299 before returning on the corner opposite the entrance to Kingsway. The scheme is designed to look like three separate buildings with the highest section being in the centre. This section, containing the rear part off the retail floorspace, part of the storage space and the three bedroom unit above, has an eaves height of 5 metres and a ridge height of 10 metres. The entrance elevation faces the southern entrance to The Square. The other components comprise a single storey element containing the front of the retail unit which has an eaves height of 3.5 metres and a ridge height of 8 metres and the residential units (with a ridge at right angles to the main building) to the south abutting the commercial element and has corresponding measurements of 4 metres to the and 8 metres to the ridge.
- 5.9 The detailed design of the building has been substantially modified to reflect the vernacular of other buildings within the centre of Dalston. Features such as gable projections, half dormers, chamfered corners and stone copings have been incorporated in the revised design. There are three shop windows on the east elevation and one on the north elevation all with arched lintels. The entrance door has a similar arched feature and smaller domestic scale windows either side.
- 5.10 The proposed materials are predominantly coloured render to walls with feature quoins to some external corners with stonework (natural or reconstituted) being used on the projecting gable of the central section; stone copings and ridge tiles; roof coverings in natural slate; shop front windows and rainwater goods in polyester powder coated aluminium with other windows in UPVC. Roofs will be covered in natural slate and external areas will be surfaced with paviers/setts to footways and the entrance area with tarmac to car parks and entrance roads. The delivery area is linked by a

ramp to the entrance. It is also proposed to retain the existing trees and timber fence along the boundary with Number 1.

- 5.11 The original proposal to retain the trees along the northwest boundary has been modified and it is now intended to remove all of the trees and plant a new tree screen. It is also proposed to retain the existing screen planting and timber fence in the southwest corner of the site while a scheme of shrub planting is proposed on the northeast part of the site and along the boundary between the service lay-by and the residential element.
- 5.12 The original proposal was accompanied by a Transport Statement, an Arboricultural Report, a Flood Risk Assessment, an Environmental Risk Assessment and a Design and Access Statement. The Transport Statement concluded that;
1. as the convenience store will be operated by the Co-op and replace the existing Co-op convenience store within the Square, the proposals would not be expected to produce any significant change in local travel patterns or any increase in the frequency of accidents;
 2. the development would be reasonably located to promote trips by sustainable transport, including linked trips with other facilities in Dalston town centre;
 3. the original proposed parking arrangements, with 8 shopper's parking spaces and four residential parking spaces, were considered reasonable for the development which is adjacent to the town centre. A parking survey had also suggested that any overspill retail parking that did occur at peak times could be accommodated in existing parking areas in the vicinity of the site;
 4. overall, the original proposals are considered reasonable in transport terms.
- 5.13 The Arboricultural Report identified the position, type and condition of trees on the site, together with their crown spread and root protection area. The report concluded that the redevelopment of the site can be carried out in accordance with BS5837 (2005) and will not cause significant harm to the trees recommended to be retained, provided that recommendations are followed with regard to the erection of protective fencing, the method of removal and replacement of existing tarmac and pruning.
- 5.14 The Flood Risk Assessment, submitted within the original application, incorporates the Environment Agency's advice that a long term 100 year design flood level of 41.6 metres should be adopted. The Assessment concluded that (1) since the lowest point on site is 42.19 metres at the entrance to the staff car park, the site should lie within Flood Risk Zone 1 and (2) the floor levels of the new building (43.3 metres) are set considerably higher than the recommended level. The revised proposals show the floor level of the shop to be 42.5 metres and that of the housing to be 43.2 metres.

- 5.15 The Environmental Risk Assessment concluded that the risk to the environment from potential contaminants in soils, groundwater, vapours and gases is generally assessed as medium. The Report recommends specific measures to address the issues associated with the previous land use. These include removal of the tank farm and pipework and further risk assessments for gas and groundwater.
- 5.16 A revised Design and Access Statement has been submitted, following concerns expressed by the Conservation Officer and English Heritage, setting out the applicant's justification for the form of the development as follows:

Layout

A variety of options for possible layout configurations were investigated and the layout shown on the drawings submitted was selected for the following reasons:

1. the main street frontage of the building now follows the dominant building line on the B5299 and the design of the building reflects the local vernacular.
2. the floor level of the building is set 800mm below the previous proposal.
3. the 2no. bedroom unit is accessed from the B5299 with the provision of two parking spaces to the front. Introducing access to the accommodation to the front improves the domestic scale of the proposals, particularly with reference to the adjoining property.
4. the applicant has negotiated the purchase of part of the adjacent field to the south of the proposed development to provide parking for the convenience store and two of the residential units.

Scale

The location of the proposed building on the junction of Glave Hill and The Green (B5299) has been considered in the context of the proposed building and the scale of existing neighbouring buildings. The site forms an important fulcrum to the village, particularly when coupled with the grassed amenity space to the north east.

The proposed building responds to both its intended uses and context in presenting an inviting frontage further defined by the open porch entrance. The roof design also provides visual interest and breaks down the buildings mass. Adjacent to the south eastern boundary the roof has been lowered to a more domestic scale than the original proposals.

Landscaping

The layout now proposed takes a sensitive approach to the existing tree planting present on the site. It was originally envisaged that the majority of the trees would be retained although a fir tree requires removal as this is located adjacent to the existing garage building and falls within the footprint of the proposed building. The preferred option was initially to retain the screen planting alongside the new roadway. However this has proved to be impracticable, due to necessary reduction of ground levels, and so existing trees will be removed and a replacement band of tree planting will be provided. The existing screen planting to the south eastern/western boundaries will be retained and trees trimmed as suggested in the Tree Report. To further soften the impact of the building a scheme of shrub planting will be implemented in specific areas indicated on the application drawings.

Appearance

As the site is located on the edge of the Village Centre it is appropriate that the design and materials should complement the surroundings and to this end there has been a conscious approach to facilitate a domestic feel to the building.

Access

The location of the site is such that it is in easy walking distance of the Village Centre and is less than eighty metres from the existing Co-operative store. Pedestrian access to the store and residential units is via a footway from the junction of The Green (B5299) and Glave Hill and will be barrier free with course textured concrete paviors or setts leading to level access thresholds at doors.

There are designated parking spaces for the disabled, laid out in accordance with BS8300, within the proposed car parking area which is subject to the associated planning application (ref: 09/0358). Footways around the building will be illuminated by building mounted lighting. Pedestrian and vehicular routes will be distinguished by colour and texture. All access doors, corridors and circulation areas will be in at least to the minimum widths stipulated in BS8300. The entrance door into the store will be automatic opening with ironmongery visually contrasting with its surroundings.

Assessment

- 5.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission shall be determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes, Planning Policy Statements and material representations) indicate otherwise. Currently, the Development Plan comprises the North West of England Plan Regional Spatial Strategy to 2021, extended policies of the Cumbria and Lake District Joint Structure Plan (adopted 2006) and the Carlisle District Local Plan 2001-2016 (adopted in September 2008).

- 5.18 PPS1: Delivering Sustainable Development sets out the Government's aims for sustainable development. Its objectives include encouraging development that embraces social progress which recognises the needs of everyone; provides effective protection of the environment; and reduces the need to travel by car. Action to achieve the first includes the need to address accessibility (both in terms of location and physical access) and to improve choice for all members of the community in relation to jobs, health, housing, education, shops, leisure and community facilities. PPS 1 also stresses the importance of good design in achieving sustainable development.
- 5.19 In consideration of this application Policies DP1, DP2, RDF2, EM1(C), CNL1 and CNL2 of the North West of England Plan Regional Spatial Strategy to 2021 and Policies DP1, CP5, CP6, CP7, CP9, CP15, CP16, CP17, H1, LE10, LE12, LE17, LE19, LE27, LE29 and T1 of the Carlisle District Local Plan are pertinent. These policies seek to ensure that:
1. there is fair access to services for rural communities with appropriate development proposals being focussed in Key and Local Service Centres;
 2. development respects the character of Conservation Areas and the character and setting of Listed Buildings;
 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, or leads to an unacceptable increase in traffic or noise or is visually intrusive;
 5. where appropriate, locally sourced materials are used to maintain the local character of buildings and their environment;
 6. proposals take account of the need for energy conservation and efficiency measures are encouraged;
 7. provision is made for easy, safe and inclusive access to, into and within buildings and facilities;
 8. development contributes to creating a safe and secure environment, integrating measures for security and crime prevention;
 9. existing trees and shrubs are retained, where appropriate, and appropriate landscaping schemes are implemented;
 10. a Flood Risk Assessment is carried out where development is proposed in a floodplain;
 11. a Risk Assessment is submitted clearly identifying contaminant sources, pathways and human and environmental receptors together with measures to treat, contain and control contamination;

12. satisfactory access is available and appropriate levels of car parking provision are made;
- 5.20 With regard to the Development Plan objectives, the issues raised by consultees and the material planning considerations raised in representations:
1. the development of a replacement convenience store and residential accommodation in the centre of Dalston which is a Local Service Centre is considered to be appropriate in principle;
 2. the required archaeological evaluation of the site, which lies on the edge of the medieval village of Dalston, can be the subject of a condition;
 3. the applicant has advised that it is intended to include high levels of insulation in excess of Part 2A of the Building Regulations (as there is a mixture of domestic and retail space there will also be acoustic separation in the construction to accord with the Building Regulations);
 4. the issue concerning the trees adjacent to the northwest boundary has been resolved by proposed replacement planting of a new tree screen. Submission of details and implementation of a landscaping scheme can be required by a condition;
 5. the Environmental Agency has no objection in relation to flooding;
 6. a response is from County Highways to the recent layout revisions is awaited;
 7. levels of illumination have been specified and can be controlled by condition. Illuminated signage will have to be the subject of an application for Advertisement Consent;
 8. with regard to the need for trolley management, a trolley park will be located in the proposed car park in the Show Field;
 9. the submitted plans are considered adequate to allow the environmental impact of the proposal to be assessed;
 10. as the old Co-op building is not in the ownership of the applicant, it is not possible to control its future use. Planning permission would however be needed for a change of use from shop;
 11. the applicant has amended the store opening hours to between 7am and 10.00pm and delivery times can be the subject of a condition;
 12. surface water is to be discharged to a surface water sewer. Given that the existing site has a hard surface, it is unlikely that the proposed development will result in a greater level of runoff. An informative can be attached requiring the applicant to contact United Utilities regarding the possible need for attenuation;

13. clarification has been sought regarding the proposed location of the air conditioning external condenser unit that is to be installed. These will be sited to the rear. If necessary, appropriate mitigation measures can be required by condition;
14. the applicant has submitted an Environmental Risk Assessment in relation to ground contamination associated with the previous and current uses. The Environment Agency has withdrawn its original objection subject to a condition being attached which requires (1) additional site investigation to provide information for detailed risk assessment for all receptors that may be affected; (2) the site investigation results; (3) the detailed risk assessment; (4) a remediation strategy and (5) a verification plan to demonstrate that the works are complete and any necessary monitoring is in place.
15. The views of the County Highways are reproduced concerning the suitability of the access, levels of parking and any associated road safety implications or parking issues outwith the site. Information is being sought on the amount and pattern of car-borne customers to allow an assessment to be made of the potential impact on living conditions of residents of Townhead and The Green.
16. With regard to impact on residential amenity and the setting of a listed building, the proposed building is almost 40m from residential properties in Townhead. Their outlook is onto the single storey parts of the building and will be partly screened by planting. However the outlook from the northern window of the living room of No 1 The Green is directly onto the gable of the highest part of the development which has a ridge height of 10m and obliquely onto the gable of the residential element which has a ridge height of 8m. The outlook could be partly screened by appropriate boundary treatment. It should be borne in mind that the existing outlook is to garage buildings and a forecourt.
17. With regard to the impact on the character of the Conservation Area, the design includes vernacular features and materials. However, the ridge of the central part of the proposed development is 2m higher than that of the building originally proposed. As the floor level has been reduced by 0.8m, the actual height of the central 'feature' element is therefore 1.8m higher than the existing garage. This part of the proposal amounts to only a third of the floor space with other elements (the residential element and the first floor of the retail element) having a slightly lower ridge height than the existing building. However, it is accepted that the footprint of the building is 60% greater than that of the existing building (occupying 30% of the site opposed to 19%) and it has a greater mass. The proposed development will result in the Co-op relocating to a new larger unit (290 square metres of retail space instead of 165 square metres) on an existing commercial site to the southwest of The Square with, unlike the existing store, dedicated servicing and parking space (09/0358).
18. The applicant advises that the new unit will carry 60% more stock items which will tend to reduce the need to travel to supermarkets elsewhere. It

can therefore be argued that the proposal achieves some of the objectives set out in Planning Policy Statement 1 (Delivering Sustainable Development) by increasing choice and reducing car travel. However protection of the environment and achieving good design are also objectives of sustainable development and protection of residential amenity is one of the Development Plan objectives.

- 5.21 The key issue to be resolved in determining this application is whether the advantage of an enhanced retail facility, the removal of existing non-traditional buildings and the opportunity to achieve environmental improvements to the Square is outweighed by any unacceptable environmental impacts or on the character of the Conservation Area, the setting of a Grade II listed building or the living conditions of the occupiers of adjacent and nearby residential properties.
- 5.22 Critical to the decision on this application is the acceptability of the proposed car park in the adjacent Show Field which is the subject of a separate application (09/358). There are outstanding key consultation responses on both applications. Also,) at the time of writing this report the period for representations has not expired and there are outstanding issues to be resolved including the concerns of the Architectural Liaison Officer.
- 5.23 An update will be presented to the Committee.

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

At the time of preparing the report information is awaited from the applicant, there are outstanding responses from key consultees, and the period for submission of representations, for both this and the related application (09/0358), has not expired. An update will be provided to Members at Committee. The Committee will require to consider and decide upon the action it wishes to take on the Parish Council's request for a site visit.

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existing LOCATION PLAN
1-1250



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Mail: info@neofranchise.com, 301.46

Website: www.tourismact.com.au

INSTITUTIONAL INVESTORS

NOTES: PROVIDE EVIDENCE

Client:
J. J. Leinen (John)

The Office: Readers' Viewpoint Certificate

PROJECT: Second Conference Series and Residential

Development at Silver Hill, Ontario, CANADA

DRAWING:
Black and white illustration of a man in a suit and tie, standing and looking to the right. He is holding a briefcase in his right hand.

On page 100

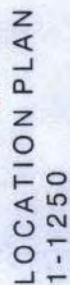
1384/p/01 rev.B

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A1

existing SITE PLAN - 1 - 200

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BLAIRS GARAGE, DALSTON

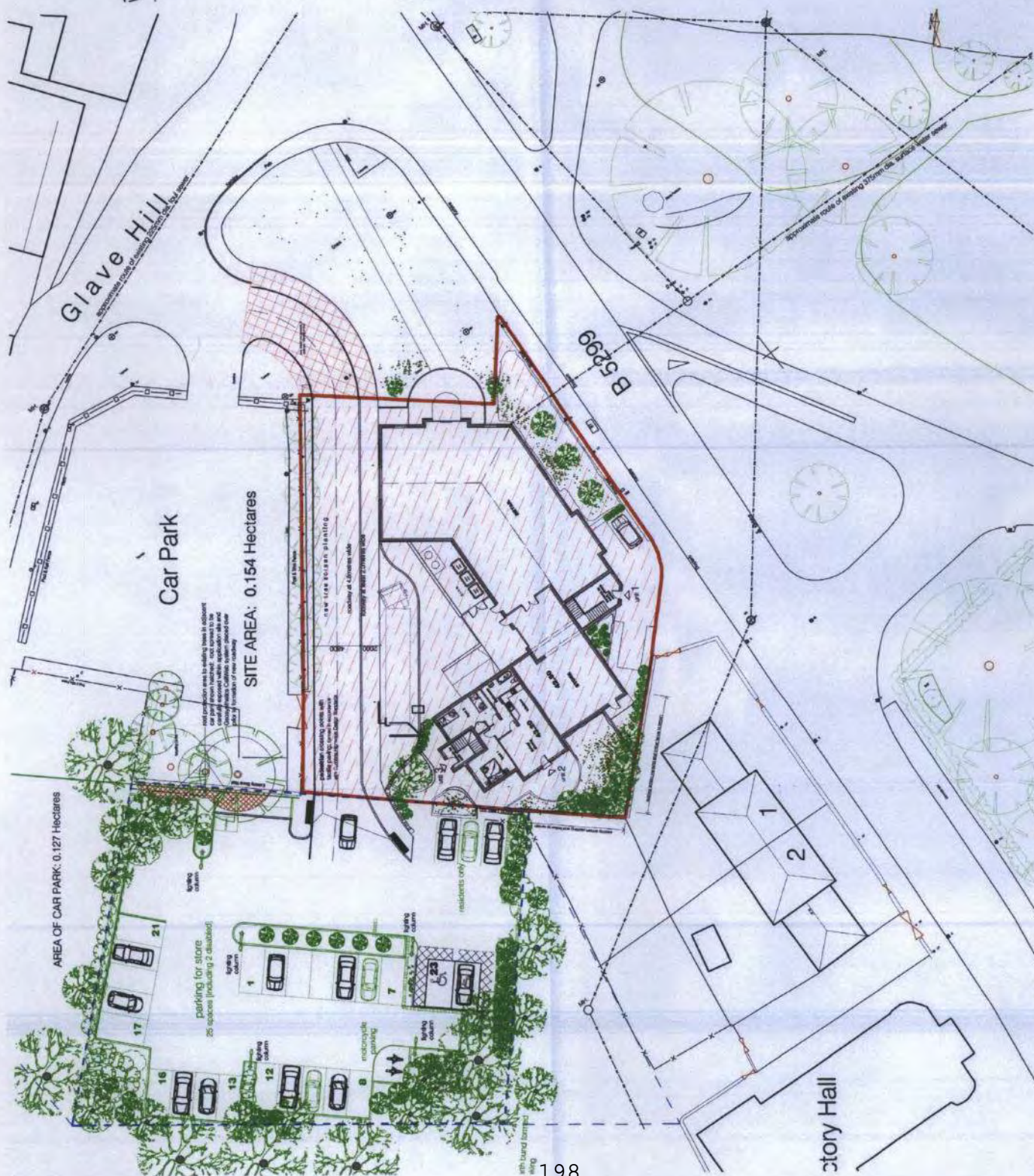
J. J. Lullinier Limited
The Office, Rosecroft, Westgate, Cardiff
SAO 6QT

Proposed Commercial Store and Residential Development at Green Hill, Canyon, CA) NOA

Block and Location Plans - as proposed

DWG NO: 120110/06

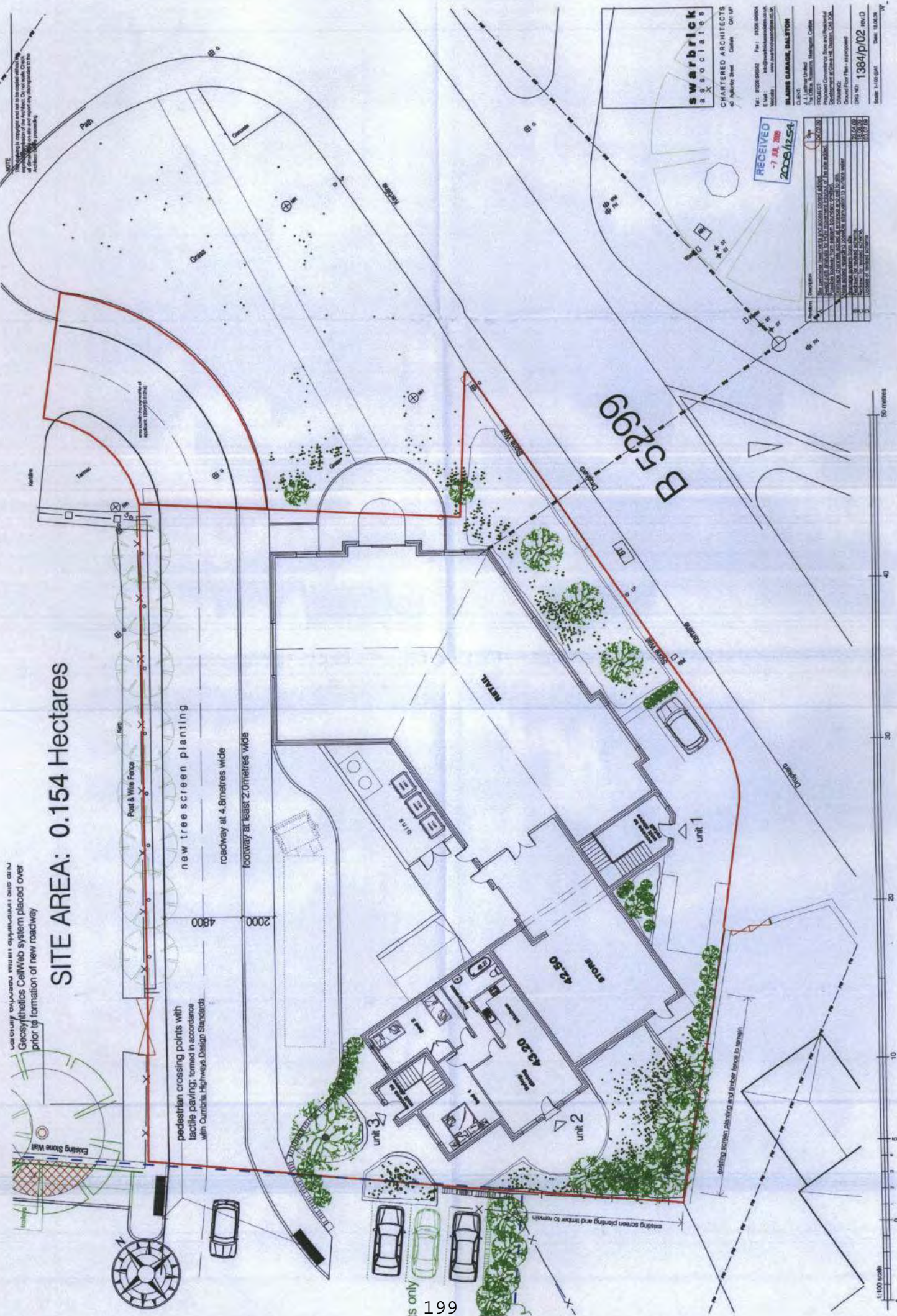
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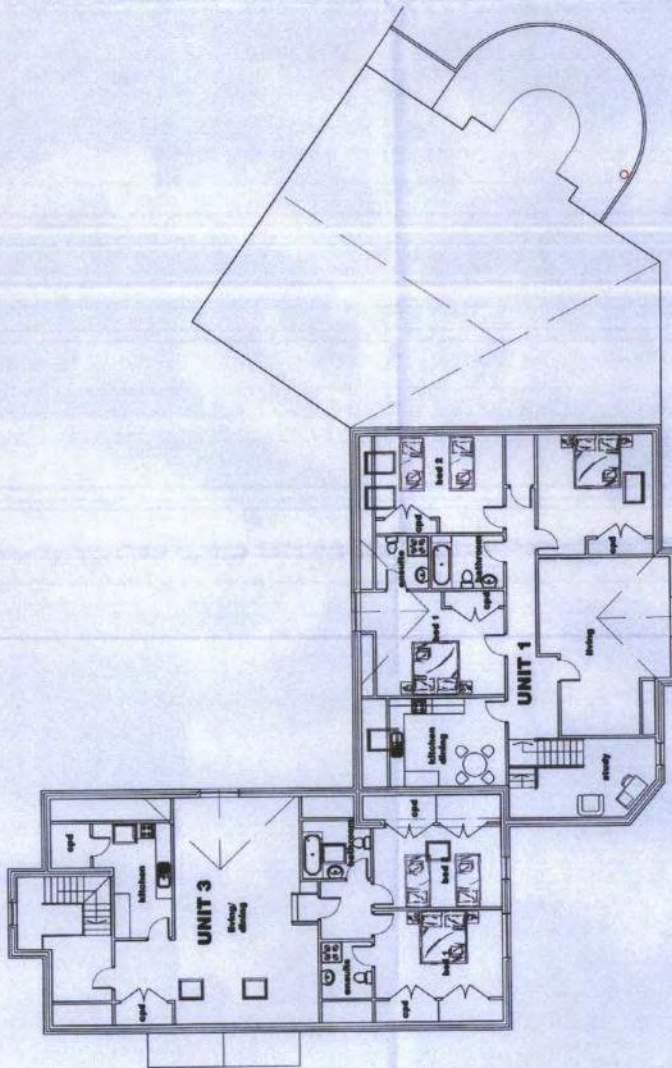
proposed SITE PLAN - 1 - 200

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SITE AREA: 0.154 Hectares



199



proposed FIRST FLOOR PLAN - 1-100



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BLAIRS GARAGE, DALLAS

CLIENT: Blair's Garage, Dallas, Texas

PROJECT: Blair's Garage, Dallas, Texas

DESIGNER: Swarbrick Associates, Dallas, Texas

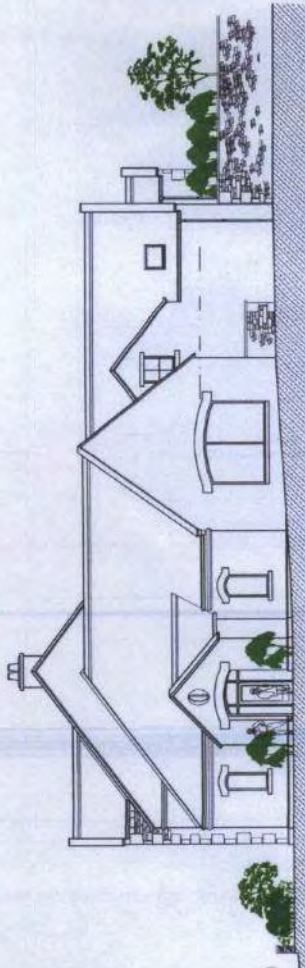
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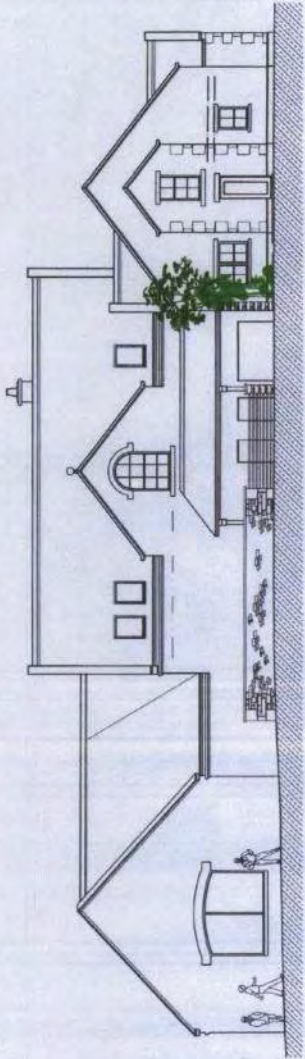
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Revision	Description	Date
1	Issue for Construction	1384/03
2	Issue for Construction	1384/03
3	Issue for Construction	1384/03
4	Issue for Construction	1384/03
5	Issue for Construction	1384/03
6	Issue for Construction	1384/03
7	Issue for Construction	1384/03
8	Issue for Construction	1384/03
9	Issue for Construction	1384/03
10	Issue for Construction	1384/03

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north elevation



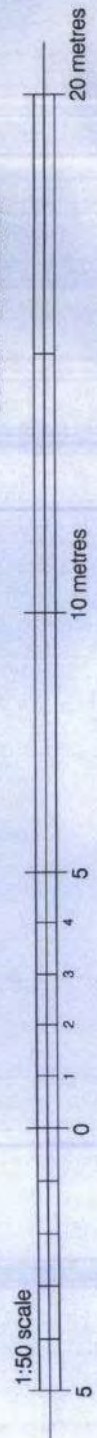
western elevation



eastern elevation



south elevation



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PROPOSED FINISHES
 roof: natural slate in blue/gray
 walls: natural stone/brickwork
 shop front: painted powder coated aluminium
 windows: UPVC, finished in white
 external doors: painted powder coated aluminium (pauzeless)
 internal doors: solid oak
 concrete block wall terrace
 paving and services areas:

swarbrick
 ASSOCIATES
 CHARTERED ARCHITECTS
 42, Agincourt Street, Dublin 2, D02 XN14

Tel: 01226 585555 Fax: 01226 585556
 Email: info@swarbrick.ie
 Website: www.swarbrick.ie

BLAIRS GARAGE, DALTON

CLIENT: Mr. & Mrs. John & Mary O'Sullivan

PROJECT: Conversion of existing garage into a two-car garage and a small office.

DESIGNER: Swarbrick Associates, 42, Agincourt Street, Dublin 2, D02 XN14

DATE: 13/04/04

SCALE: 1:50

DATE: 13/04/04

17

Revision	Description	Date
A	1st revision: amended drawings to reflect client's requirements.	10.05.09
B	2nd revision: amended drawings to reflect client's requirements.	10.05.09
C	3rd revision: amended drawings to reflect client's requirements.	10.05.09
D	4th revision: amended drawings to reflect client's requirements.	10.05.09
E	5th revision: amended drawings to reflect client's requirements.	10.05.09

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SITE AREA: 0.154 Hectares

pedestrian crossing points with tactile paving; formed in accordance with Cumbria Highways Design Standards

Post & Wire Fence

new tree screen planting

roadway at 4.8metres wide

footway at least 2.0metres wide

services area

ighting
column

Residents only

202

existing screen planting and timber to remain

University of Toronto and the University of Toronto

6625 B

1

Ken

1

5

swarbrick

CHARTERED ARCHITECTS

100 Agency Street
Camden
CA 92009

Tel: 01229 520552 Fax: 01229 526504

E-Mail: info@www.brickworkonline.co.uk

WILKINS GARAGE, DALSTON

Q. 10000

J. J. Customer Limited

The Office, Accounts, Employees, Capital

PROJECT:
Proposed Convenience Store and Residential

Development at Glens Hill, Ontario, CAG No. 1.

Roof Film - 14' x 14' x .0015" (14' x 14' x .0015")

[illegible]

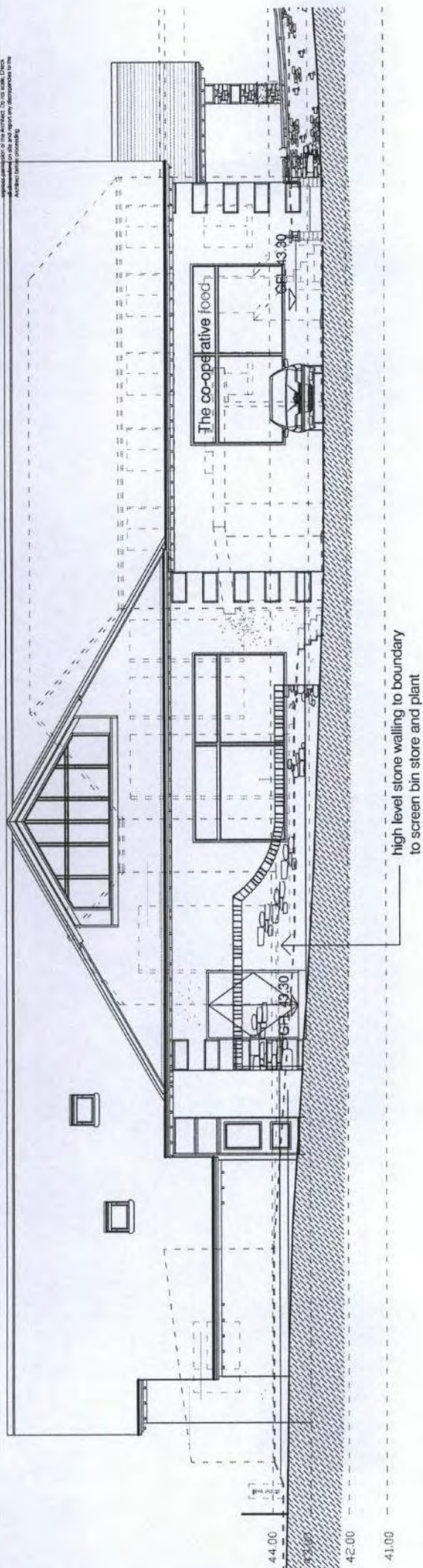
1384/p/05 rev.B

Scuder 1-100 (444) Digit: 24.04.09

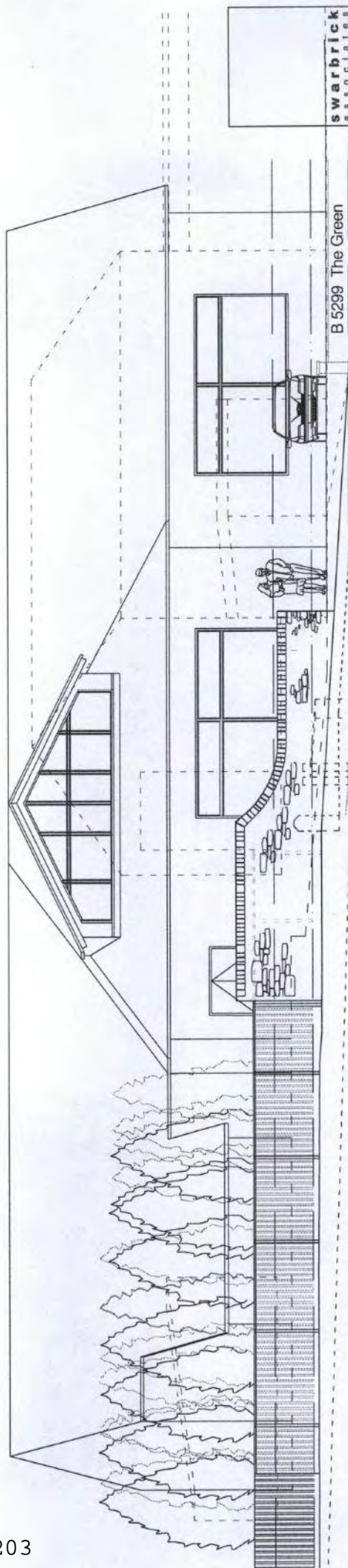
1:100 scale

NOTE

1. The architect is responsible for the accuracy of the information provided in this document. It is the client's responsibility to check the information provided and to report any discrepancies to the architect before proceeding.



203



cross - section along south eastern boundary

1:50 scale



Revision	Description	Date
1	Section along south eastern boundary	20/07/20

B 5299 The Green

swarbrick
B.S.S.O.C.I.B.L.E.S.

CHARTERED ARCHITECTS
40 Leighton Street, Cusick, CA 12P

No: 0123 22222 Fax: 0123 22224

E-Mail: info@swarbrick.co.uk

Website: www.swarbrick.co.uk

BLAIRS GARAGE, DALSTON

CLIENT: Blair's Garage, Dalston

PROJECT: Blair's Garage, Dalston

Prepared: Conceptual Design and Planning

Drawn: Conceptual Design and Planning

Check: Conceptual Design and Planning

Client reference: 1384/ p 07

Scale: 1:50 (p4)

Date: 08/2020



08/1254 + 09/0358
Proposed Convenience Store and Residential Development
together with associated car parking
The Square, Dalston, Carlisle, CA5 7QA





08/1254 + 09/0358
Proposed Convenience Store and Residential Development
together with associated car parking
The Square, Dalston, Carlisle, CA5 7QA





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together with associated car parking
The Square, Dalston, Carlisle, CA5 7QA



CARLISLE CITY COUNCIL



www.carlisle.gov.uk

David Cartmell,
Development Control Officer,
Planning Department,
Carlisle City Council,
Civic Centre,
Carlisle.
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	08/1254
29 JUL 2009 ¹⁴	
RECORDED	KI
SCANNED	
PASSED TO	DNC
AS TURN	

From Councillor
Trevor Allison
17 Gilbert Road
Cummersdale
Carlisle CA2 6BJ

Telephone 01228 523923

City Councillor for:
Dalston

27th July 2009

Dear Mr Cartmell,

Planning Applications 08/1254 and 09/0358 (Co-op Dalston).

On Friday 24th, as County Councillor for the Dalston Division, I chaired a meeting between Dalston Parish Council, (Chair, two members, and The Clerk), the County Council Highways Engineer and Development Control Engineer, and the Conservation Officer from Carlisle City Council. I was also there as Carlisle City Councillor, as my other two colleagues were unable to attend.

The meeting was called to discuss the Parish Council's concerns about what they feel is an apparent lack of co-ordinated planning in relation to Planning and parking issues in Dalston. The current application(s) involves a revised layout for the store and separate car parking provision. The following reflects my own views on this subject. The other participants may well provide their own separate input, either formally or informally. I also wish to retain my right to speak at the Development Control meeting on this issue. NB

It is vital that Dalston has a convenience store to serve the local community, particularly for those without transport, and especially the elderly. I believe the community supports the principle of relocating the Co-op store to this site. At approximately 3,000 sq. ft. it represents a modest increase in size but, most importantly, it provides the internal layout and the accessibility of a modern convenience store with DDA compliance, to enable it to compete with the proposed Superstore at Morton.

In the revised layout, the store now has the utilities and services round the back, and the frontage aligned with the other dwellings along The Green. This seeks to address the concerns raised previously by the Conservation Officer but, in doing so it will have a greater impact on the dwellings closest to it on Glavehill and on No.1 The Green.

I wish to raise the following issues about aspects of the above application, principally in relation to parking provision in central Dalston.

In my previous submission, I made the point that the developer is trying to squeeze too much onto this site by including the dwellings and associated parking. That is still my view. It is also the view of the Parish Council who have urged you to reject this main application in favour of a small development more suited to a rural, village environment.

Issues relating to increased vehicular traffic on Townhead Road close to the junction with the B5299 will presumably be addressed by the Highways department as part of the TIA and risk assessment.



INVESTOR IN PEOPLE

The access now goes directly by the Victory Hall (VH) car park. This may well lead to abuse of the VH car park by the Co-op customers. I assume that the Victory Hall Committee have been formally consulted on this matter as a body or group affected by the scheme?

The amended scheme under 09/0358, now includes a substantial car park on the Showground land, with provision for 23 cars, plus reserved spaces for the residential units. This provision is far higher than that required for a 3,000sq ft store, calculated according the standard formula. It also provides the turning space for the vehicles servicing the Co-op store. (I assume that the Showground Committee have also been formally consulted?). To recover his outlay, it is reasonable to assume that the developer may wish to exercise the right to set conditions and charges on this additional car park, quite separate to the Co-op store.

Although I was unable to be there myself, I understand that a significant number of residents attended the last Dalston Parish Council meeting and expressed their concern about the use of this land for a car park. I note that the Parish Council rejected this scheme by a majority vote and were in favour of a full review of parking provision in Dalston.

This raises an important issue about the democratic process. The Parish Council were pressed to hold back their application for their car parking project on Kingsway, until the Co-op application and the associated car park had been considered. The Kingsway scheme evolved as part of the Local Plan following extensive consultation with the community, Highways and other bodies, to develop a parking strategy for Dalston. No parking charges are envisaged. At a separate meeting the PC's original proposal for 40 spaces adjacent to the Kingsway had overwhelming support. The subsequent increase to 60 spaces was intended to support the Co-op Plan, but in my opinion it should now revert to the original 40 spaces.

The underlying objective is surely to provide a modern convenience store to serve the residents of Dalston. Houses and car parking provision are separate issues. I urge that consideration of the Co-op application be limited to the provision of sufficient parking to provide for their scheme in accordance with the standard formula, however that is to be achieved.

The relative merits of alternative parking schemes, could then be considered in consultation with the community, and measured against the scheme developed by the Parish Council. In my view it should not be a bolt on to a planning application for something completely different. This is an opportunity for all agencies together with the community to participate in an agreed way forward to solve the growing problems of traffic and parking in Dalston.

Yours sincerely,



Cllr Trevor Allison