

Development Control Committee Main Schedule

Schedule of Applications for
Planning Permission

8th July 2011

Applications Entered on Development Control Committee Schedule

| Item No. | Application Number/ Schedule | Location | Case Officer | Page No. |
|----------|---------------------------------|--------------------------------|--------------|----------|
| . | <u>09/0617</u> A | Crindledyke, Carlisle, Cumbria | <u>CH</u> | 1 |

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 28/06/2011 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 29/06/2011.

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.

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

09/0617

Item No: 01

Date of Committee: 08/07/2011

Appn Ref No:
09/0617

Applicant:
Story Construction Limited

Parish:
Kingmoor

Date of Receipt:
24/07/2009

Agent:
Arup

Ward:
Stanwix Rural

Location:
Crindledyke, Carlisle, Cumbria

Proposal: Proposed Residential Development And Ancillary Local Community Facilities And Open Space (Outline Application)

REPORT

Case Officer: Urban Vision/
Christopher Hardman

1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement.

2. Main Issues

- 2.1 Prematurity
- 2.2 Revocation of RSS
- 2.3 The principle of development;
 - 2.3.1 Strategic Location;
 - 2.3.2 Greenfield Land;
 - 2.3.3 Agricultural Land;
 - 2.3.4 Proposed Uses;
 - 2.3.5 Residential (C3);
 - 2.3.5.1 Phasing
 - 2.3.5.2 Density
 - 2.3.5.3 Affordable Housing;
 - 2.3.6 Community Uses (A1, A3, A4, A5, D1);
 - 2.3.7 School;
- 2.4 Recreational Space;
- 2.5 Addressing Climate Change;
- 2.6 Waste Management;

- 2.7 Noise, air quality;
- 2.8 Contaminated land;
- 2.9 Drainage, Utilities and Flood Risk;
- 2.10 Trees and hedgerows;
- 2.11 Nature Conservation;
- 2.12 Design and amenity issues;
- 2.13 Crime Prevention;
- 2.14 Landscape;
- 2.15 Heritage;
- 2.16 Transportation, Parking and highway safety;
- 2.17 Planning Contributions; and
- 2.18 Other issues.
- 2.18.1 Overhead Power Lines
- 2.18.2 Lighting from Network Rail Marshalling Yard
- 2.18.3 Rights of Way
- 2.18.4 Educational Needs

3. Application Details

The Site

- 3.1 The application site – which comprises a farm and associated agricultural land - is located within Kingmoor Parish, approximately 5km north of the city centre of Carlisle and within the urban boundary of the city as defined in the Local Plan. The site is 29 hectares.
- 3.2 The site is roughly triangular in shape with Crindledyke Lane (the U1281) forming the northern boundary of the site, which is the minor road running from its junction with the Class C (C1015) Carlisle - Rockcliffe road (near to the principal entrance to Kingmoor Business Park and the former Air Ministry service homes at Crindledyke Estate) to Low Crindledyke before looping eastwards towards High Harker. The West Coast Mainline railway forms the south-western boundary, whilst open fields and the Kingmoor Business Park form the final south-eastern boundary. This area is subject to Local Plan Proposal EC22 (Kingmoor Park) and Proposal EC22 (Brunthill). The rural field system of the surrounding area continues to the north (Middle Farm), before meeting the Kingmoor Park Heathlands Estate, while railway sidings and marshalling yards occupy the opposite side of the West Coast Mainline. A small rural settlement known as Crindledyke Estate exists to the east of the site and is positioned adjacent to the M6 motorway.
- 3.3 The site itself comprises a patchwork of fields of varied size and displays a general fall in level (by approximately 12 metres) from Crindledyke Lane in the north-east towards its south-western perimeter. Its strongest natural features are the mature hedgerows that form field boundaries and, in some locations, mature hedgerow trees. These are located notably in the vicinity of High Crindledyke Farm, opposite Middle Farm, and adjacent to Public

Footpath No. 120010 which traverses the site almost parallel with the southern/south western site boundary. Crindledyke Lane (the U1281) is also a Public Footpath (No 120011) from Parkhouse Road to Middle Farm.

- 3.4 The site is predominantly used for pasture managed from High Crindledyke Farm and its associated agricultural building, grouped to the north east corner of the site (dating from the 18th century) and abutting Crindledyke Lane.
- 3.5 Overhead 132kV electricity transmission lines cross the site (roughly through the middle from north east to south west). It is supported by pylons, two of which are located within the site itself (one near to the Crindledyke Lane and one close to the centre of the application site).

Background

- 3.6 There are no relevant planning applications relating to this site however the site was promoted for allocation through the Local Plan process and for subsequent consideration as part of the Strategic Housing Land Availability Assessment for the LDF. This is referred to in the analysis that follows.

The Proposal

- 3.7 An outline planning application for proposed residential development of between 850 and a maximum of 950 dwellings, ancillary local community facilities and open space on land at Crindledyke was originally submitted. All matters are reserved (access, appearance, landscaping, layout and scale) and as such the submitted plans are for illustrative purposes only.
- 3.8 The illustrative material provided by the applicant aims to demonstrate how a scheme of the size proposed could be provided that would accommodate the development plan and all other material planning considerations, and as such the following parameters are offered:
- Demolition of High Crindledyke Farm;
 - A mix of bungalows, terraced, semi-detached and detached dwellings along with some provision of apartments;
 - Provision of 30% affordable housing;
 - Building scale of between one and three storeys in height;
 - Local service centre (shop, nursery and/or community space); and
 - Overhead power lines to be buried underground.
- 3.9 Subsequently, following consultation with the County Council, a primary school has been included within the proposals (land take of 1.09 hectares). In doing this and keeping the average density at 35 dwellings per hectare the applicant has acknowledged that the maximum number of units that can be accommodated on this site is 850 and this report is therefore based on this premise.

- 3.10 The indicative layout illustrated in the Masterplan provide for the formation of the principal vehicular access point to serve the site, positioned about 150 metres west of the existing buildings at High Crindledyke and forming a T-junction with Crindledyke Lane. That principal road would take the form of a "looped" boulevard that would afford a potential public transport corridor within the site with service cul-de-sac taken off it to penetrate the rest of the site area. Two smaller, more informal vehicle accesses are also indicated between that principal access and the eastern site boundary.
- 3.11 Coupled with these access proposals is the delineation of 5 proposed "Character Zones" within the site, each intended to reflect particular and distinctive design approaches and features within the overall development to ensure diversity and interest across different parts of the Crindledyke proposals.
- 3.12 Although the application is with all matters reserved the Design and Access Statement suggests the potential architectural approach that might be introduced, through a detailed analysis of local housing character and context and evolves from that assessment 3 distinctive "styles" that might be employed. These are described as: Style 1-"Reflective" founded on certain architectural details and materials which make Carlisle and surrounding villages distinctive and largely draws from primarily Victorian detailing and proportions; Style 2- "Transition" which aims to establish a "design bridge" between the more traditional elevational treatment of the "reflection" style and a more contemporary approach intended in Style 3-"Progression".
- 3.13 The Planning Statement and Design and Access Statement explains the concept behind each 'Character Zone'. This however as noted above is part of an indicative masterplan, which if approved could alter substantially under Reserved Matter(s) applications, although not so much so as to invalidate the Environmental Statement.

Character Zone One

- 3.14 This zone would contain the "Local Centre" within which is positioned at the heart of the site. It would contain a small shop, nursery school and/or community space although a Health Centre is also mentioned as is a convenience store. Some of these possible uses could occupy ground floor space with residential apartments occupying upper floors since Zone One is perceived as comprising the areas of "higher density living" within the development site. It could be the location for the main bus stop at the heart of the development since both the Local Centre and bus services would be well-connected to an indicative east-west pedestrian/cycle route that bisects the overall development area.

Character Zone Two

- 3.15 This zone would wrap around the central Zone One and is described as being intended to be designed to have "transitional streets". It would include medium density housing with some pockets of higher density development including short runs of terraced units, some semi-detached units, and more limited areas where detached units would be located. The area would have 2-storey dwellings with a large representation of 3 and 4 bed family units and some 2.5 or 3 storey blocks. At the western end of the Zone, the indicative layout illustrates the creation of a "circus" whereby the road pattern and curved terraces of houses encircle an area of open space focussed on a retained mature oak tree. The spine footpath/cycle route described in para 5.12 also leads to, and bisects, the "circus" to continue westwards through to Low Crindledyke.

Character Zone Three

- 3.16 This zone is separated into two portions but, generally, relates to the site's eastern fringes including the site's north- eastern frontage onto Crindledyke Lane. It would include pockets of lower density development (less than 35dph) balanced with some areas of higher density development alongside the eastern side of the proposed access "boulevard". It further acknowledges that the site's relationship with Crindledyke Lane is important and, so, anticipates that this could be addressed by dwellings being set back behind short sections of retained stone walling and retained sections of hedgerows. Larger units within larger plots could be located close to the current High Crindledyke Farm, dwellings of 2 storey height and possibly even 1.5 storeys and bungalows may well be most appropriate. Further south, close to the boundaries with the proposed Brunthill extension of Kingmoor Park (to the south-east) and with Public Footpath No 120011 (to the west), development could comprise detached properties set within larger plots, and in the southern sector orientated to face towards a proposed pond to be created as part of the SUDS drainage system to manage surface water.

Character Zone Four

- 3.17 This zone is proposed to be similar to Zone Three, in relation to the design, but at a lower density (less than 30 dwellings per hectare). The zone contains some of the best trees within the overall site and the indicative layout envisages those being retained and incorporated within public realm areas and the network of open space/movement corridors.

Character Zone Five

- 3.18 This zone envisaged originally as a "recreation and West Coast Mainline (WCML) edge", relates to the western fringes where the site has lengthy boundaries with the railway line, with a section of an existing rural Public Footpath (No 120010) and with an adjacent block of woodland. It

corresponds with the lowest and flattest areas of the site. In response to the area's existing features, but more so its immediate neighbouring land uses, it is envisaged that this area is the logical location to support the attenuation ponds that are part of the surface water management system. An existing small "wetland habitat" area will also be retained for its intrinsic wildlife qualities.

- 3.19 The indicative layout proposes the formation of a raised 2m high bund running parallel with the site's boundary with the railway. Although always intended to accommodate the principal areas of public open space and recreational land (including playing field, play area and allotments) for the Crindledyke development in this zone, it is now proposed to also locate a single form entry Primary School within this area, with dual-use of the playing fields (potentially with nursery places provided if not provided elsewhere on the site).
- 3.20 Character Zone Five is otherwise expected to contain predominantly 2.5 and 3 storey dwellings arranged in short runs of terraced townhouses and apartments. The zone would have higher densities and associated future population would allow quite a high proportion of the site's residents to make full use of the proposed amenity space, formal play facilities, wetland/ riparian habitats of SUDS ponds and existing features, and 20-25 allotments together with the benefits of wider permeability through the associated network of paths and cycle routes. It is also anticipated that the bus loop/Local Centre facilities would be within walking distance, i.e. in the order of 200-400 metres away, while the recreational attributes of this Zone are also very accessible for the occupiers of homes in the other Zones.

Phasing

- 3.21 The preliminary phasing diagram suggests the development would be undertaken over 9 phases, with a build out rate of broadly 80 units per annum, and assumes a total development of about 875 units. Following revisions the total development will now be a maximum of 850 units with a build rate of 60 dwellings per year. The initial phase of 155 units would commence at the north-eastern frontage onto Crindledyke Lane with subsequent phases 2 and 3 (adding circa 220 units) continuing in a "clockwise" direction alongside the eastern and much of the southern boundaries. Phase 3 includes most of the proposed open space and allotments. Phases 4 and 5, the latter of these phases introduces the first part of the intended "bus loop" and would continue northwards towards Crindledyke Lane before the development proceeds in a westward direction with phases 6-9. The proposed Local Centre and completion of the "bus loop" occur in phase 6. The first three phases are assumed, on the basis of a build out rate of around 60 dwellings per annum, to take 6 years to complete; phases 4-6, comprising about 260 dwellings, could take up to 10/11 years from commencement to complete, with the final Phases 7-9 (circa 240 dwellings in total) realising the site's overall development in year 14.

Information provided

- 3.22 Due to the size, scale, nature and location of the proposed development, the proposals are also required to be subject of an Environmental Impact Assessment under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended). The application is, thus, accompanied by an Environmental Statement (ES for short) and related Technical Appendices and Non-Technical Summary.
- 3.23 The Scoping Report highlights the following issues for inclusion within the Environmental Statement, which comprises 3 volumes:
- Ground Conditions and Contamination;
 - Air Quality;
 - Flood Risk Assessment;
 - Ecology and Biodiversity;
 - Landscape and Visual Impact;
 - Archaeology and Cultural Heritage;
 - Traffic and Transport;
 - Noise and Vibration;
 - Light Climate; and
 - Cumulative Impacts
- 3.24 An “Addendum” to the Crindledyke Masterplan Planning Application EIA was submitted following the introduction of a single form entry primary school facility on site (which in itself has been provided following negotiation with the applicant and County Council). The ES provides details of the Masterplan amendments and a statement on the potential environmental implications as a result of the inclusion of a school on site. The addendum addressed the same environmental topics as the original environmental statement (indicated above).
- 3.25 A further "Addendum" Statement was subsequently provided to address the need to consider further the cumulative effects of these proposals with development of the adjoining land to the south of Brunthill, allocated for employment uses in the Local Plan and subject of an outline application made before the current applicants submitted their proposals. Outline planning permission for the Brunthill development was issued on 16th September 2010. The addendum addressed the same environmental topics as the original environmental statement (indicated above).
- 3.26 Further to the Environmental Statement the following supporting information has been provided in addition to the requisite plans, application forms, schedules and certificates:

- Planning Statement;
- Design and Access Statement;
- Housing Supply Statement;
- Community and Stakeholder Engagement;
- Waste Strategy report;
- Transport Assessment;
- Framework Travel Plan;
- Geophysical Survey; and
- Preliminary Ground Investigation Report

A bat survey has also been provided upon request.

4. Summary of Representations

- 4.1 Many of the respondents have completed a "pro forma" letter that lists a series of potential reasons for objecting/supporting the application with a "tick box" alongside each of them so the senders can indicate the specific grounds on which they are opposing/supporting the application. The "pro forma" also allows individual senders to insert any other comments they wish to make.
- 4.2 435 standard pro-forma letters have been received in **objection** to the development and the following comments were raised:
- There are many other sites available for housing
 - Brownfield sites should be given priority- not Greenfield
 - Farming land should not be used for development - loss of Green Space
 - There is no spare capacity for primary school education in North Carlisle
 - Journeys to secondary education will create more trips across the River Eden
 - The development is far too large and in an unsustainable location
 - The roads around Kingstown and Stanwix are already heavily congested
 - Existing infrastructure and amenities are already overstretched
 - Kingstown Industrial Estate and Asda are already gridlocked this will mean more lorries and vans using the surrounding roads
 - Mores use of unsuitable roads as 'Rat Runs'
 - The roads are dangerous for cyclists and pedestrians
 - Too much development north of the river
 - The CNDR is not a true bypass and its impact is unknown
 - Crindledyke Development is not in the Carlisle Local Plan
 - Additional Pollution-especially from such a remote site

4.3 In addition, a further 42 individual letters have been received in **objection** where the following points have been raised:

- The development is unsuitable for such a rural area and the proposed size if the site would cause substantial traffic problems in an already congested area of the city
- There is no provision for primary school places
- Roads already in poor condition.
- Lack of infrastructures to support 950 families
- Overload GP practices
- Increase in traffic and noise pollution
- Loss of flora, fauna and wildlife
- The roads are already dangerous for cyclists and pedestrians
- Use of roads as 'Rat Runs'
- The roads in the area do not have the infrastructure to cope with the increased amount of traffic
- The scale of the development is way beyond the size necessary in one location
- Concerns over chosen access route to the site
- Effect on quality of life due to additional pollution and congestion
- Concern over loss of greenfield site when other brownfield sites are still available for housing
- Such a massive development poses serious service issues including problems with schools, roads, sewerage etc
- The vehicle mix on the roads is currently dominated by heavy goods vehicles
- Loss of view
- Time-scale of construction
- Construction noise
- The design fails to meet many design and planning guidelines
- The site is not an identified site for development in the Carlisle Local Plan
- The plans submitted do not make provision for the required 30% Affordable Housing requirements as set out in Carlisle Local Plan
- NIMBY is a natural reaction but honest objectivity is essential. It is said CNDR will reduce Scotland Road traffic by 25% but this gain will be lost by the increase in traffic
- Concerns over chosen access route to the site
- Concern that one access route into the development is inadequate for the increase in traffic
- The proposal to be contrary to the Local Plan.
- The proposed development to be an excessive response to any current shortfall in housing supply.
- The site is not allocated for housing purposes in the current Local Plan. Policy H16 states the permission will not be granted in the urban area for greenfield sites over and above those allocated in the Plan.

- A major concern is the scale of the proposal and its relationship to the LDF process (prematurity). The scale is virtually identical to the Morton urban extension.
 - Site was rejected by Local Plan inspector.
 - Consequence of approval would be a slowing down or inhibition of other housing allocations and sites with permission lengthening the period for their completion and the utilisation of related infrastructure or the inhibition of other sites sequentially preferable to the land at Crindledyke, including PDL land and identified as being appropriate housing locations in the recently completed SHLAA.
- 4.4 1314 standard pro-forma letters have been received in **support** of the development and the following comments were raised:
- The development will bring jobs
 - The development will bring much needed new housing to Carlisle
 - The housing on the proposed development will be environmentally sustainable
 - The Development will bring an £11.6 million contribution to affordable housing in Carlisle
 - The development will result in off site improvements to roads, footpaths and the Connect 2 Cycleway
 - The development will deliver a new primary school
 - The development will deliver good quality housing and open spaces in Carlisle
 - The development is adjacent to Carlisle's main employment area
 - The development will support local business and employment
- 4.5 A further 16 individual letters of **support** have been received where the following points have been raised:
- The proposals would not only guarantee new jobs in the community but would also enhance the area tremendously
 - The proposed housing development at Crindledyke is a futuristic and eco-friendly project which should be supported at a time when sustainable homes are being heralded as the way forward
 - The proposals will makes this an area of the city to be proud of
 - The development will provide a mix of housing, including affordable homes where there is a pressing need
 - The development will bring money in and boost the local economy
 - New homes would free up older homes for first time buyers to get onto the property ladder
 - The development will promote Carlisle as a proactive, forward thinking place to live and work, whose leaders promote the nest in providing good quality sustainable development

4.6 The following **general comments** have been received:

- Better access will be required
- Mature Oak trees, hedge and verge should be retained
- Facilities are needed for children and older residents
- Comments regarding the name of the development
- It should be ensured that the present footpath starting from Crindledyke House is maintained in its entirety
- Rough, uncultivated field near to Crindledyke House should be preserved for wildlife
- There should be some space between houses and the mainline railway track due to noise and vibration and for the safety of children
- Additional houses could enhance and promote the profile of the area
- Enhanced cycle routes and introduction of cycling schemes are a fantastic idea to encourage health and well being of all residents
- Concerns regarding the traffic issues and schooling problems relating to expansions of Ghyll Bank Gypsy and the Travellers Site and Hespian Wood
- Future expansion of Kingmoor Park would increase traffic along Crindledyke Lane. It is suggested that, if this expansion was approved, the main entrance should be moved to a more convenient location through Kingstown Estate or when the Carlisle Northern Development Route is completed that an entrance be added
- There should be access onto the CNDR from the rear of Crindledyke development to divert traffic away from Crindledyke Lane
- Questions relating to future traffic predictions and the impact that the proposed development will have on existing traffic due to the only entrance to the development being via Crindledyke Lane
- Provision should be made by Carlisle City Council to ensure that all residents (current and future) are able to send their children to a local school
- Additional medical/dental centres would be anticipated as current provisions for the Crindledyke area would not be able to cope with the additional clientele
- Fear of pedestrian safety as there are no footpaths on Crindledyke Lane and there has already been one incident where a pedestrian has been knocked over
- Further clarification is sought regarding the health and safety of all current and future residents of the Crindledyke Estates

4.7 Substantial objection documents have been received on behalf of the Kingmoor and Rockcliffe Residents Group.

The first document is in response to the original planning application with the second document responding to the revisions submitted in May 2010.

The documents raise the following issues:

- Site is not in a sustainable location
- Virtually all amenities/facilities require journey's by car
- Requires large investment in new infrastructure
- Poor access and service by public transport
- Long journey times by public transport
- Cycling and walking not feasible
- Site does not offer socially inclusive development
- Development not suitable for physically impaired
- Requirements for amenity/recreational space not met
- Additional pollution/CO2 emissions from car journeys
- Significant noise and light pollution
- Lack of education capacity
- Code 4 Sustainable Homes are a requirement from 2013 anyway
- Would lead to destruction of agricultural land including high quality Grade 3a land
- Crindledyke development is not identified for housing in Carlisle Local Plan
- The proposal does not accord with good planning principles and falls significantly short of planning standards in many key areas
- It does not comply with Cumbria County Council's Design for Roads
- The site does not offer a sustainable and cohesive community environment
- It would have a hugely detrimental impact on the local landscape, lead to the destruction of natural wildlife habitats and represent unnecessary and unacceptable urban sprawl
- The plans submitted do not make provision for the required 30% affordable housing requirements
- Granting planning permission for the Crindledyke site would be highly prejudicial to the LDF process by pre-empting decision on the scale and location of development within the area before due process and consultation has taken place

A further letter dated 22th May 2011 sought to ensure that the following issues are addressed and detailed in the officer's report:

- Not allocated for housing in the local plan
- Conflicts with Local Plan policies (H16, LC2, LC4, LC5, CP4, CP6, CP15, CP16)
- The intention to abolish the RSS is a material consideration
- Approval would not be compliant with the Planning System General Principles document
- The site was rejected for allocation through the Local Plan process
- Loss of BMV agricultural land

- SHLAA determined that the site is “unsuitable location, remote from amenities / services with zero potential for housing”
- Prematurity – granting permission would pre-determine the requirement, scale and spatial distribution of housing (which reference to recent appeals)
- Failure to comply with the Cumbria Design Guide
- Inadequate Transport Assessment
- Not in accordance with PPS1 Supplement
- Evidence base which informed RSS is no longer valid, including outdated population projections.
- Impact upon the landscape, existing community and visual amenity.
- Does not provide for adequate Sports Pitch provision
- Proposal to extinguish a PROW is contrary to Local Plan
- Site is dissected by 132KV overhead lines / pylons.
- Bad neighbour constraints
- Noise and Light pollution
- Poor accessibility
- Access routes through Kingmoor Park have no validity.

5. Summary of Consultation Responses

Highways Agency initially issued a "Holding Direction" to enable an assessment to be made of the impact of the proposal on Junction 44 of the M6 and the interaction of the development traffic with other traffic arising from committed developments in the area. Following the completion of this assessment, the Agency lifted the Holding Direction and responded to the effect that they have no objection to the application. A condition relating to the implementation of the Travel Plan is however recommended and the Agency has also highlighted the importance of establishing strong physical connections between the Crindledyke housing development and the Brunthill development in order to reduce the need for longer journeys and to improve the attractiveness of more sustainable modes of transport.

Following re-consultation on the proposals, the Highway Agency has advised that they are supportive of the inclusion of a primary school within the overall scheme. The Agency has also indicated that it is content with the approach demonstrated in the revisions to the Travel Plan.

Natural England initially advised that there was insufficient information with the application to enable them to advise whether the proposal is likely to have a significant effect on the River Eden and Tributaries SSSI and River Eden SAC. As such, Natural England objected to the development and advised that the ecological chapter of the applicant's Environmental Statement should be revised to provide a more detailed consideration of the impacts of the proposed development on these sites.

Natural England also stated that there was insufficient information to determine the potential effects of the proposed development on protected species and habitats. Specifically, it was advised that the proposed works to trees should be clarified and a more comprehensive bat survey undertaken if any 'high bat potential' trees are to be felled or pruned. Natural England also questioned the applicant's assertion that the great crested newt population within the vicinity of the site is of 'no more than local significance' and contended that further consideration is needed of the potential impacts of the operational phase of development on great crested newts. Natural England also advised that more consideration was required of the ecological value of the hedgerows and how they will be affected by this development.

Following the submission of additional information, Natural England advised that it was their view that the proposal would not be likely to have a significant effect on the interest features of the River Eden and Tributaries SSSI and River Eden SAC. Natural England therefore withdrew their objection to the development. Some concern was however still raised about the loss of ecologically valuable semi-improved grassland and hedgerow and it was advised that it would be for Carlisle City Council to determine whether these losses are acceptable.

Following revisions to the masterplan, Natural England expressed concern that a new school building is proposed for what was previously indicated to be grassland and that the plans show the addition of a road running in close proximity to the existing ponds. Natural England considers that this could place further pressure on the great crested newt population on site. As such, they advise that further consideration should be given to the impact of these alterations to the indicative masterplan on great crested newts.

Following receipt of the Tree Survey for Bats Natural England had no additional comments to make and reiterated that the measures which have been proposed to conserve the natural environment would need to be carried through into the detailed design stage if the application progresses.

Environment Agency: consider that the proposed development would be acceptable if the measures detailed in the Flood Risk Assessment are implemented. As such, a planning condition to secure appropriate mitigation measures in relation to surface water run-off, storage of floodwater and reducing the risk of flooding is recommended.

The Environment Agency has no objections to the proposed development in relation to recreation and biodiversity issues and considers that the low levels of contaminants present on site should not pose an unacceptable risk to controlled waters given their negligible leaching potential. Nevertheless, as a precautionary measure, a condition relating to land contamination is recommended.

Ministry of Defence: no safeguarding objections.

United Utilities: have no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. They recommend that the site of the proposed development should be carefully checked to ascertain if any sewers or drains cross the area and advise that if any such pipes exist they may require diversion or protection before the development commences. It is advised that UU's water mains may need extending to serve any development on this site. United Utilities also agree in principle with the applicant's proposal to install a new pumping station and the interception of some existing flows.

United Utilities Electricity Services (UUES): note that the land is crossed by a 132,000 volt double circuit steel tower line and that the two circuits that the line carries must be retained. It is noted that the power cables will be buried underground.

Northern Gas Networks: has no objections to the proposal. However, as there may be apparatus in the area that may be at risk during the construction works, Northern Gas Networks advise that the promoter of these works should contact them directly to discuss their requirements should the planning application be approved.

Open Spaces Society: supports the application and note that the small section of public right of way within the development area would not be adversely affected. The Open Space Society also comments that it is pleasing to note that a substantial amount of off-road pedestrian routes will be created within the development area.

North West Development Agency (NWDA): support the application and consider that it would result in the provision of better quality housing in the vicinity of the Kingmoor Park strategic regional site. NWDA do however recommend that careful consideration be given to the transport implications of the proposal and their potential impact on the adjoining employment land at Kingmoor Park.

Network Rail: have no objection in principle to the development. It is however commented that all surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property and that the proposed ponds adjacent to the railway must not interfere with the structural integrity of the railway embankment nor the Railway drainage.

Network Rail raised a number of other issues for consideration, including the need to provide a suitable trespass proof fence adjacent to Network Rail's boundary and 2m high safety fences alongside any football/rugby pitches. It is also advised that certain broad leaf deciduous trees should not be planted adjacent to the railway boundary and that any trees/shrubs should be positioned at a minimum distance from the railway boundary that is greater than their predicted mature height. Where new lighting is to be erected adjacent to the operational railway, it is advised that the lighting should be positioned where it

would not dazzle drivers and its colour must not give rise to the potential for confusion with the signalling arrangements on the railway.

Following the revisions to the Indicative Masterplan to incorporate a site for a primary school, Network Rail has expressed concern about the proximity of the proposed primary school and its grounds to the railway. They consider that the school should be located in a more central part of the site. However, if the school is to be located near the railway line, National Rail advice that trespass-proof line side fencing should be installed alongside the proposed school site and any children's play equipment should not be located close to the railway boundary. Network Rail have stated that they would object to any proposal to locate a school adjacent to a level crossing if the school would be on one side of the level crossing and the feeder estate on the other.

Cumbria Constabulary (Crime Prevention): has stated that it is clear that crime prevention has been considered as part of the design and the Constabulary is satisfied that this application complies with Policy CP17 of the Local Plan. It is noted that the applicant has not intimated any intention to apply for full 'Secured by Design' accreditation, which would influence this development's layout and design. However, the intention to ensure all dwellings achieve Level 4 of the Code for Sustainable Homes (CSH) provides the opportunity to acquire CSH credits by complying with Section 2 of 'Secured by Design' in respect of Physical Security.

Cumbria Constabulary is content with the location of the proposed primary school provided that suitable fencing is installed to prevent trespass on to the railway line. It is however advised that nearby dwellings should be orientated to provide some casual surveillance of the building and its associated grounds

Following consultation on the Addendum to the ES, Cumbria Constabulary's Architectural Liaison Officer has commented that the ES asserts that the street lighting scheme will be the only significant external lighting source associated with the development. The Architectural Liaison Officer queries whether it would also be appropriate to consider the effects of additional illumination in the form of security lighting.

Cumbria Wildlife Trust: considers that the information provided is inadequate to assess the impact of the proposals on the interest features of the River Eden SAC and on protected species. Cumbria Wildlife Trust dispute the applicant's assertion that the Great Crested Newt population on site is low and they express concern about the loss of mature trees and the impact of the proposed development on the fragmentation of species rich hedgerows. Cumbria Wildlife Trust concludes that there would be a net loss of biodiversity from the site and note that the only areas of grassland with medium-high species diversity would be lost.

Cumbria County Council Transport and Spatial Planning: initially objected to the proposed development. They considered the proposal to be contrary to the

Development Plan and that the proposal is not justified as an exception to policy (At the time of making that conclusion they stated that there was a 5 year land supply). They also considered the Transport Assessment, Travel Plan and the designer's response to the issues raised in the Road Safety Audit to be inadequate.

However, it is advised that should permission be granted, a S106 Planning Agreement should be used to secure:

- the provision of a site for a school within the development;
- funding for the design, construction and fitting-out of a 210 place primary school;
- on site community facilities; and
- the provision of the proposed level of affordable housing.

It was also advised that the Council should ensure that measures are taken to mitigate against the potential adverse effects of the development on biodiversity and landscape interest and that appropriate planning conditions be attached to allow for the examination and recording of historic features on the site.

Following the submission of additional information and the revision of the proposals to incorporate a primary school within the site, Cumbria County Council submitted further comments relating to the transport and education implications of the proposal. These state that the Highways Authority is not in a position to sustain a recommendation for refusal in relation to this application and consider that the additional highway capacity released by the construction of the Carlisle North Development Route should ensure that the traffic generated by the proposed development would not result in unsatisfactory performance of the proposed CNDR / Parkhouse Road Junction, the operation of Junction 44 or the various key junctions on the A7 corridor between junction 44 and Hardwicke Circus.

It is also advised that the County Council's previously identified concerns regarding site access, accessibility and connectivity can be suitably addressed through a number of suggested planning conditions, a Section 106 agreement and a Section 278.

In relation to education, their revised comments stated that the County Council would expect the developer to provide a "turn key" single form entry primary school to their specification and satisfaction in accordance with Building Bulletin 99 on an appropriate site. Whilst it is recognised that the site plan is only indicative at this stage, it is advised that the preferred location for the primary school would be adjacent to the bus and community facilities in the centre of the site.

Cumbria County Council (Archaeological Services): The County's Historic Environment Officer notes that the site lies in an area of some archaeological

potential. He notes that although the extent of the archaeological work undertaken to date is not sufficient to confidently indicate that no remains of archaeological interest survive on the site, the results of the geophysical survey are detailed enough to indicate that it is highly unlikely that site contains archaeological remains of national importance that would be worthy of preservation in situ. It is however considered that further information regarding the quality and survival of archaeological remains within the development area is required and a number of conditions are recommended to secure this.

The Historic Environment Officer accepts that the farm buildings of historic interest at High Crindledyke farm should be recorded prior to their demolition. However, it is recommended that these buildings should be recorded to a greater detail than recommended in the Environmental Statement. A condition is suggested to secure this.

Cumbria County Council (Children's Services): consider that the proposed development would have a potentially significant impact on the demand for school places in the area. It is noted that the local primary schools are operating at or very close to their full capacity and that the County Council would be unable to meet the likely demand for places should Crindledyke proceed. Consequently, given the lack of provision elsewhere in the vicinity, the County Council seeks the provision of a site within the site for a school plus funding to cover the costs of the design, construction and fitting-out of a primary school (to BB99 standard) and a contribution towards secondary school provision. Subsequent negotiations have confirmed that a primary school is to be provided for onsite (see later sections of this report). The original response by the County Council Development Control and Regulation Committee stated that the catchment area secondary school for the area is Trinity, which is operating at full capacity. There are, however, other secondary schools in the City with available capacity, so the County Council would not seek a contribution from the development in this regard.

Cumbria Vision: support the proposed scheme and consider that it would make a strong contribution to the future growth of Carlisle. They consider that the proposed development would fit well with the economic strategy for the Carlisle City Region and that the site offers a unique opportunity to locate substantial housing development adjacent to Kingmoor Park, which would support the creation of a sustainable live-work area to the north of Carlisle City Centre. The contribution of the development to affordable housing is also welcomed.

Invest in Cumbria: support the proposed development and consider that it provides a substantial opportunity for new inward investment into the County.

Carlisle City Council Environmental Services - Environmental Quality: advised that although the land is currently agricultural it is surrounded by industrial land and may also have been owned at one time by the M.O.D. As such, it is suggested that a condition be attached to any permission to ensure an appropriate investigation and risk assessment is completed prior to the

development commencing. Planning conditions are also recommended to secure the implementation of a detailed remediation scheme to bring the site to a condition suitable for the intended use. A further condition relating to the reporting of unexpected contamination is also recommended.

It is advised that conditions should be imposed to ensure an appropriate level of protection against noise and that the design control measures proposed by the developer should be appropriate. It is noted that there would be some light spillage across the proposed development and, as a result, there must be a reduction in light levels at source, and mitigation through design.

Following re-consultation on the application, the Environmental Quality Section has advised that they have no objections in principle to the development. It is stated that no development should take place until an investigation and risk assessment has been completed to assess the nature and extent of any contamination on the site.

Carlisle City Council Countryside Officer: states that the proposed development lies over part of a public footpath and that part of this footpath would effectively be extinguished by the proposed development. In the absence of any satisfactory detail of how the developer proposes to deal with the path, the Countryside Officer states that he would be likely to object to the development. However this is a matter of the detailed design which will need to be addressed at any subsequent reserved matters applications should the application be approved.

Carlisle City Council Environmental Services (Green Spaces): are encouraged by the naturalistic approach that has been taken to drainage and would be willing, in principle, to take over a wetland area for management post-completion.

The Green Spaces team are content with the efforts that have been made to create usable open spaces within the development and are also satisfied with the efforts that have been made to retain some of the habitat value of the site. It is however noted that the developer will need to demonstrate that the proposal reaches the required standard of public open space provision expected by the City Council, or be prepared to contribute a commuted sum for any off-site provision needed to cover any deficiency, and that detailed assessments of the impacts of the proposal on wildlife will be needed. It is also affirmed that the sports pitch/allotments would not be placed in the optimum location.

Carlisle City Council Community Services (Drainage): The drainage engineer states that she has no knowledge of flooding issues at this site but acknowledges that such information is dependant on reports from the public and that flooding of agricultural land is seldom reported. The Drainage Officer does however consider that the applicant's proposals for sustainable drainage and soakaway are acceptable methods for the disposal of surface water.

Carlisle City Council Housing Services - Housing Strategy: note that the area is likely to be a popular location for new housing development. The assertion that the anticipated level of affordable housing delivery generated by this plan would lead to an oversupply is refuted as this is considered to be based purely on the identified need for 72 additional affordable units per annum. It is noted that the Council's Strategic Housing Market Assessment identifies a backlog of 292 affordable units in Carlisle City, and 748 across the district, as insufficient affordable housing has been delivered in the past to meet the identified housing need. As a result, it is considered that the numbers of affordable housing units discussed in relation to the proposed development would not represent an oversupply.

Carlisle College: support the application and in particular the contribution it would make to affordable housing and the opportunities it would offer in terms of jobs and apprenticeships in the construction trades. It is also contended that the proposed development would provide the opportunity for the college to develop training linked to new building techniques and the use of new technologies and renewables.

Rockcliffe Parish Council: is concerned that the proposed development would generate an unacceptable level of traffic in the northern part of Carlisle, resulting in increased noise and pollution. The Parish Council also consider that the unclassified road at Harker Roads Ends and the part near the former 14MU gates is inadequate for the amount of traffic that would be generated. Concern is also expressed about the development not being part of the Carlisle Local Plan and the impact the proposed development would have on Rockcliffe School, which is almost full.

Kingmoor Parish Council: object to the proposed development. The Parish Council note that the proposed site is outside the areas allocated for development within the Local Plan. They also have concerns about the loss of agricultural land and the impact of the development on the local highway network and ecological interests. The Parish Council request that the application be referred to the Government Office for the North West.

Kingmoor Park Properties Ltd: No objection in principle however they are concerned that the location of housing in such close proximity to the Regional Investment Site (RIS) could potentially result in conflict between proposed uses. The proposal should in no way compromise the existing and consented employment land, or the ability of KPPL to deliver future employment development at Brunthill. The key areas of concern relate to traffic impacts and inadequate access arrangements and the interface with the RIS and the strategic employment site at Brunthill. These key issues must be addressed in order so that the proposed scheme does not impair the growth and development of the site.

6. PUBLICITY

6.1 Site notices were placed on the site on 07 August 2009 for;

- An application which comprised a departure from the Development Plan;
- An application which affected a public footpath; and
- An application accompanied by an Environmental Statement.

A press notice was published in the Cumberland News on 14 July 2009.

6.2 An Addendum Report relating to the Environmental Statement, Planning Statement and Design and Access Statement was received on 6 May 2010. Letters were sent out to consultees and third parties/neighbours on 7 May 2010.

6.3 Following the submission of further information (Addendum to the Environmental Statement) on 23 June 2010 a further site notice (for an application accompanied by an Environmental Statement) was placed on the site on 02 July 2010 and a further press notice was placed in the Cumberland News on the same day.

6.4 75 letters were sent to surrounding residents and businesses at the original submission and again when the Addendum to the Environmental Statement was received.

6.5 In addition, to the public consultation undertaken by the City Council the applicant undertook Community and Stakeholder Engagement, which is summarised below.

Community and Stakeholder Engagement

6.6 A two end phased approach was adopted by the applicant in relation to community and stakeholder engagement.

Two separate consultation phases were undertaken:

Phase One: Key Stakeholder and Community Consultation July 2008

Phase Two: Key Stakeholder and Community Consultation June 2009

Stakeholder Engagement

6.7 A number of organisations were contacted with a number of face to face meetings taking place throughout 2008 and 2009.

- 6.8 Further meetings with stakeholders were also carried out prior to and during the community consultation events and as part of the design development and preparation of the EIA.

Subjects discussed included:

- Noise
- Affordable housing
- SuDS and open space
- Education and school places
- Transport, travel plans, highways and accessibility
- Energy solutions
- Neighbour issues
- Access and drainage
- Bus services
- Wastewater options
- Overhead powerlines
- Crime prevention

First Round Consultation

- 6.9 The first public consultation event was held on the 09th of July 2008. The main objective of this event was to present the three draft Crindledyke Masterplan options to stakeholders and the public.
- 6.10 The day was split into two with a VIP session held between 12.00 and 14.00 and a public drop-in event between 14.00 and 20.00. In total approximately 100 people attended the event.

Second Round Consultation

- 6.11 The second round of public consultation events took place in June 2009. The main objective of this event was to provide feedback on concerns raised at the first round of consultation and to present the final draft masterplan of the site to the stakeholders and the public.
- 6.12 The consultation events took the form of an invitation only evening session for local residents on the 02nd of June 2009 and a VIP lunch and wider public event on the 03rd of June 2009. In total approximately 69 people attended the events.
- 6.13 Following the two phases of consultation, the concerns of the local community are primarily focused on the amount of traffic which is perceived to arise from the development and also the potential shortfall of school places.

7. Officer's Report

Assessment

- 7.1 The relevant planning policies against which the application is required to be assessed are:

DEVELOPMENT PLAN

North West of England Plan - Regional Spatial Strategy to 2021 (Published September 2008)

DP1: Spatial Principles

DP2: Promote Sustainable when considering new development.

DP3: Promoting Sustainable Economic Development

DP4: Making the Best Uses of Existing Resources and Infrastructure

DP5: Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

DP6: Marry Opportunity and Need

DP7: Promote Environmental Quality

DP8: Mainstreaming Rural Issues

DP9: Reduce Emissions and Adapt to Climate Change

RDF1: Spatial Priorities

RDF2: Rural Areas

W1: Strengthening the Regional Economy

L1: Health, sport, Recreational, Cultural and Educational Services Provision

L2: Understanding the Housing Market

L3: Existing Housing Stock and Housing Renewal

L4: Regional Housing Provision

L5: Affordable Housing

RT1: Integrated Transport Networks

RT2: Managing Travel Demand

RT3: Public Transport Framework

RT4: Management of the Highway Network

RT9: Walking and Cycling

EM1: Integrating Environment and Protection of the Region's Environmental Assets

EM2: Remediating Contaminated Land

EM3: Green Infrastructure

EM15: A Framework For Sustainable Energy in The North West

EM16: Energy Conservation & Efficiency

EM17: Renewable Energy

EM18: Decentralised Energy Supply

CNL1: Overall Spatial Policy for Cumbria

CNL2: Sub-area Development Priorities for Cumbria

Cumbria and Lake District Joint Structure Plan 2001 – 2016, Adopted April 2006

ST4: Major development proposals

ST5: New development and key service centres outside the Lake District National Park

H19: Affordable housing outside the Lake District National Park

T30: Transport Assessments

T31: Travel Plans

Carlisle District Local Plan 2001-2016, adopted September 2008

DP1: Sustainable Development Locations

DP7: European Natura 2000 Sites

CP1: Landscape Character

CP2: Biodiversity

CP3: Trees and Hedges on Development Sites

CP4: Agricultural Land

CP5: Design

CP6: Residential Amenity

CP7: Use of Traditional Materials

CP15: Access, Mobility and Inclusion

CP8: Renewable Energy

CP9: Development, Energy Conservation and Efficiency

CP10: Sustainable Drainage Systems

CP11: Protection of Groundwaters and Surface Waters

CP12: Foul and Surface Water Sewerage and Sewage Treatment

CP13: Pollution

CP14: Waste Minimisation and the Recycling of Waste

CP16: Public Transport, Pedestrians and Cyclists

CP17: Planning Out Crime

H1: Location of New Housing Development

H3: Residential Density

H4: Residential Development on Previously Developed Land and Phasing of development

H5: Affordable Housing

H16: Residential Allocations

LE1: Urban Fringe Landscape

LE2: Sites of Special Scientific Interest

LE3: Other Nature Conservation Sites

LE5: Hadrian's Wall World Heritage Site

LE7: Buffer Zone on Hadrian's Wall World Heritage Site

LE6: Scheduled/ Nationally Important Ancient Monuments

LE8: Archaeology on Other Sites

LE9: Other Known Sites and Monuments of Archaeological Significance

LE10: Archaeological Field Evaluation

T1: Parking Guidelines for Development

LC2: Primary Leisure Areas

LC4: Children's Play and Recreation Areas
LC8: Rights of Way
LC11: Educational Needs
LC15: Percent for Art
IM1: Planning Obligations

OTHER POLICY

NATIONAL POLICY

Planning Policy Statement 1 (PPS1): Sustainable Development – (2005)
PPS1 Supplement: Planning & Climate Change (2007)
Planning Policy Statement 3 (PPS3): Housing (2011)
Planning Policy Statement 4 (PPS4): Planning for Prosperous Economies (2009)
Planning Policy Statement 5 (PPS5): Planning & the Historic Environment (2010)
Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas (2004)
Planning Policy Statement 9 (PPS9): Biodiversity and Geological Conservation (2005)
Planning Policy Statement 10 (PPS10): Planning for Sustainable Waste Management (2011)
Planning Policy Guidance 13 (PPG13): Transport (2011)
Planning Policy Guidance 17 (PPG17): Planning for Open Space, Sports and Recreation (2002)
Planning Policy Statement 22 (PPS22) Renewable Energy (2004)
PPG22 Companion Guide: Planning for Renewable Energy (2004)
Planning Policy Statement 23: (PPS23) Planning and Pollution Control (2004)
Planning Policy Guidance 24: (PPG24) Planning and Noise (1994)
Planning Policy Statement 25: (PPS25) Development and Flood Risk (2011)

LOCAL DEVELOPMENT FRAMEWORK (LDF)

Carlisle City Council is currently preparing a Local Development Framework (LDF) for the District which, once adopted, will replace the saved policies from the Carlisle District Local Plan (September 2007) and the existing policies of the Carlisle District Local Plan 2001-16 (adopted September 2008).

The LDF is a collection of Local Development Documents (LDD) produced by the City Council that will collectively deliver the spatial planning strategy for the area. The Core Strategy DPD will be central to the future development of the District and will be the first DPD to be prepared. The Core Strategy will set out the key elements of the City Council's planning policy framework up to 2031, setting out the long term spatial vision for the District, the strategic objectives, spatial strategy and core Development Management policies. The

Core Strategy will indicate in broad terms what development will be delivered in the District over the period to 2031, when it will be delivered and how it will be delivered through both the Strategy and other related DPDs, as well as through programmes within and outside the LDF. The Core Strategy Key Issues Report is the first stage in the process of developing the Core Strategy and will be used to identify and consider the key issues affecting the District over the plan period. The current timetable for the production of the Core Strategy DPD is for it published in January 2013, submitting to the SoS in June 2013 and adopted in February 2014. The Allocation of Land DPD will be published in September 2014, submitted in January 2015 and adopted in October 2015.

7.2 The main planning issues to be considered in the determination of this application are:

1. Prematurity

7.3 Guidance on prematurity is contained with The Planning System: General Principles. This states that in some circumstances it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy of DPD. Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. It also states that where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay this would impose in determining the future use of the land in question. For prematurity to be the reason for refusal of planning permission, the local planning authority must demonstrate how the grant of permission for the development concerned would prejudice the outcomes of the DPD. An additional 850 dwellings would be around a 3% increase to the dwelling stock within the urban boundary. At a development rate of 60 dwellings per annum this is equivalent to around 11% of the annualised target of 537 per annum (i.e. RSS annual requirement plus existing backlog).

7.4 The extent of the delay envisaged by the Council in resolving issues with DPDs means that refusal of the application on grounds of prematurity is not considered appropriate. It cannot be said that there is presently an early prospect of submission to the Secretary of State of a Core Strategy (2 years), let alone a Site Allocations document (3 ½ years). The future of a specific site like the appeal site would normally be dealt with in the Allocations of Land DPD, although the Core Strategy should provide overall guidance on the level of housing provision required in the Borough. The Allocations of Land DPD will not be submitted until January 2015, with adoption later in the year. It is not considered that such a lengthy delay is envisaged by the guidance in the

General Principles document. Such a delay would also compound the current shortfall in housing (including affordable housing).

- 7.5 The Crindledyke site was considered by the Local Plan inspector in 2007. The Council acknowledged that the site was well located and accessible, although with a caveat concerning its location in respect of public transport. The inspector thought that this could be overcome through negotiation with operators. The Council suggested that consideration of the site might be more appropriate post 2010 when the CNDR was scheduled for completion. (Completion is scheduled to take place next year.) The Council resisted the requested allocation on the ground that the allocation, given the Inspector's conclusion that the Morton allocation should remain an allocation (this has now achieved outline planning consent with a detailed application submitted on phase 2 of the Beeches), would result in the Local Plan not being in conformity with the Structure Plan. The Council also expressed the view that an allocation would also potentially pre-empt future land releases through the LDF/DPD to meet the requirements of the emerging RSS. The inspector noted that "[t]hese are important reasons to treat the proposals with caution." The inspector was aware that the emerging RSS included a substantial increase in the housing requirement – from a total of 315 per annum to 450 per annum. "I have determined that in the transitional period it is right that the Plan should remain in conformity with the Structure Plan rather than take on board the requirements of the emerging RSS ... these are matters to consider in the context of the DPD on housing allocations which the Council intends to bring forward after adopting this Plan and when the emerging RSS has been adopted. No change should be made at the present time." As set out above, however, the LDF has not progressed as envisaged.
- 7.6 On the issue of prematurity a number of appeal cases and planning applications from other authorities have been brought to the attention of officers. Each case of course has its own facts. Many of these decisions were made at a time when it was thought that the Regional Spatial Strategy had been lawfully revoked and should be accorded no or little weight. A case from Wesham has some similar issues to this planning application (but important differences too e.g. regarding settlement boundaries and availability of land within settlements) and the issues of prematurity, 5-year supply, agricultural land and RSS have all been addressed separately in this report. In order to consider the issues raised, prematurity has been covered in the preceding paragraphs and the next section of this report covers the current position relating to the status of RSS.

2. Revocation of RSS

- 7.7 On the 6th July 2010, the Secretary of State for Communities and Local Government (CLG) purported formally to revoke the RSS, pursuant to the Local Democracy, Economic Development and Construction Act 2009. This decision has been subjected to a legal challenge by CALA Homes. The position which has been reached is presently as follows:

- The purported revocation was unlawful and RSS remains presently part of the development plan and applications should be determined in accordance with the development plan unless material considerations indicate otherwise;
- The Secretary of State's statement that local planning authorities should have regard to the fact that he intends to revoke RSS is a material consideration in decision making by local planning authorities
- Recent decisions of the SoS indicate that, whilst the Localism Bill is at an early stage, he intends to give his intention to revoke little weight;
- The weight to be given to the relevant provisions of RSS will be for decision makers to gauge;
- The work that informed the preparation of the RSS could be relevant
- Unless and until the Localism Bill is enacted, LDFs are required by current law to be "in general conformity" with the RSS.

7.8 The Court of Appeal judgment (on 27th May 2011) in the *Cala Homes*' case has now clarified the position further and stated that (1) the intention to revoke RSS is not relevant to plan-making (so that unless and until the RSS are revoked plan-making must be in accordance with the RSS); (2) as regards the determination of planning applications, the intention to revoke, whilst a material consideration, is very unlikely at present to be given weight by a decision maker because the Localism Bill has not progressed far, and the giving of clear and cogent reasons would be highly advisable for any view to the contrary. (The court envisaged that the sort of exceptional example where it would not be irrational to give the intention some weight at present was where a very large-scale development was proposed to be developed over a 15-20 year period, to which there were very strong objections, and the only justification for granting permission was the need to meet the requirement for residential development over the next 20 years in the regional strategy. Whilst, as set out below, the present development may be developed over a number of years, it is not considered to be a very large-scale development.)

7.9 On 18th April 2011 Carlisle City Council Executive Council considered the current position regarding the revocation of RSS and agreed that the interim planning policy approach for Carlisle comprises:

1a - That for the purposes of calculating and maintaining a 5 year supply of housing sites, the RSS figure of (450) dwellings per year be retained.

2 That the CLG are informed that the Carlisle Local Plan policies contained in Appendix 1 will be saved pending the development of the Carlisle Local Plan.

- 7.10 The report states that the RSS figure is the most recent figure that has been subject to consultation, was supported by the Council through the Examination and reflects the Council's growth ambitions as recognises in the Corporate Plan. Whilst not translated into the LDF the wider context is still to deliver economic growth for the city. The Government have clearly indicated that housing is a key factor in delivering economic growth and the thrust of Government policy is to encourage growth.
- 7.11 The very recent decision of the Court of Appeal in the Cala Homes' case has moreover now clarified that plan-making must at present continue to be in accordance with the RSS.
- 7.12 That decision has also made clear, as set out earlier in this report, that at present it would generally be regarded as irrational to give other than very limited weight to the intention to revoke RSS given that the Localism Bill has some way to go before enactment (whether as drafted or amended, or at all). Moreover, there is a clear resolution from the executive committee that the RSS housing target should continue to be used to manage the release of housing land.

3. Principle

- 7.13 For the avoidance of doubt, whilst the site bears rural characteristics, by virtue of its historic agricultural use, the site is located within the 'Urban Area' of the city as defined by the Carlisle District Local Plan (2001-2016) Proposals Map.

(a) Strategic Location for Development

- 7.14 PPS1 (Delivering Sustainable Development) paragraph 5 states that, "Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community".
- 7.15 The North West of England Regional Spatial Strategy (RSS) endorses these national principles into the Development Plan specifically through Policies DP1 through to DP9, RDF1, CNL1 and CNL2.
- 7.16 RSS Policy DP1 (Spatial Principles) identifies a range of principles that underpin the RSS. Other regional, sub-regional and local plans and strategies

and all individual proposals, schemes and investment decisions should adhere to the following principles; promote sustainable communities; promote economic development; make the best use of existing resources and infrastructure; manage travel demand, reduce the need to travel, and increase accessibility; marry opportunity and need; promote environmental quality; mainstream rural issues; and reduce emissions and adapt to climate change.

- 7.17 RSS Policy RDF 1 (Spatial Priorities) requires development to accord with a sequential test for the strategic location of new development. Following the first priority for growth and development within the regional centres of Manchester and Liverpool, the plan looks to the inner areas surrounding these regional centres, followed then by towns/cities in the city region, then finally in the towns and cities outside the City Region of Carlisle and Lancaster.
- 7.18 RSS Policy CNL1 (Overall Spatial Policy for Cumbria) requires major developments to be focused in Barrow in Furness and Whitehaven, and Workington, and in the City of Carlisle in line with policy RDF1 and spatial principles DP1-9.
- 7.19 RSS Policy CNL2 (Sub-area Development Priorities for Cumbria) supports sustainable growth in Carlisle. Whilst the policy does not specifically address housing, there is a presumption in favour of development within Carlisle that will support the role of the city as the sub-regional centre.
- 7.20 Structure Plan Policy ST4 (Major development proposals) aims to permit major development where:
1. The total benefit clearly outweighs the total detrimental effects,
 2. The proposal complies with national standards and best practice for environment, safety and security, and where appropriate is independently reviewed; and
 3. Alternative locations and methods giving rise to less harm have been fully considered and rejected.
 4. In addition, provides criteria against development in the Lake District National Park and AONBs.
- 7.21 Structure Plan Policy ST5 (New development and key service centres outside the Lake District National Park) aims to focus new development into key service centres, with the City of Carlisle as the first priority, to foster its regional role as the location where major development should take place.
- 7.22 Local Plan Policy DP1 (Sustainable Development Locations) seeks to assess all development proposals against their ability to promote sustainable development. Proposals will be considered favourably in a sequential hierarchy with the first priority being the Urban Area (City of Carlisle), with second priorities being Key Service Centres and third priorities being Local

Service Centres. The reasoned justification in the paragraphs that follow the policy tie it back to the general thrust of PPS3.

- 7.23 Local Plan Policy H1 (Location of New Housing Development) seeks to locate new housing development in sustainable locations. It requires 80% new development (during the Local Plan period) to be located within the urban area of Carlisle (including allocated sites on the edge of the City referred to in Proposal H16). The remaining 20% will be permitted in the rural area of the District. A criteria base is then provided for housing development in remainder of the rural area.
- 7.24 The site is located within the Carlisle Urban Area as identified in the Carlisle District Local Plan. The Local Plan allocated sufficient housing land to realise the target of 315 dwellings per annum – or 4725 in total over a period between 2001 and 2016. The application site – proposed for allocation by the developer through the Local Plan process – was not supported by the LPA for allocation nor was it ultimately allocated by the inspector on the basis that the site would take the plan out of conformity with the housing targets in the adopted Structure Plan. However, as part of the Local Plan Public Examination process, the Inspector accepted that the application site is well located and accessible, indicating that, “the site is well located and accessible (and) is located adjacent to the major employment areas of Kingmoor and Kingstown.” The site is positioned adjacent to existing and future employment opportunities at Kingmoor Park and is within walking/cycling distance of retail, services and facilities. The site is accessible via a range of public transport links including the National Cycle Network 7 (NCN 7); it is within 400m of the 62/62A bus route; and is a 25 minute bus ride away from Carlisle Train Station. The site is located within Flood Risk Zone 1 and on land that is not designated for environmental purposes.
- 7.25 As stated above, the Council considered that consideration of the site might be more appropriate post 2010 when the CNDR was scheduled for completion. The completion is scheduled for April 2012 and the northern part is scheduled to open in advance in October
- 7.26 The Inspector’s views were, at that time, predicated on the basis that the RSS was at an emerging stage. The RSS now forms part of the development plan and includes a requirement to deliver 8,100 dwellings over the plan period, equating to an annual figure of 450 dwellings. This represents a significant up lift in the number of dwellings to be delivered compared to the Structure Plan requirement of 315 dwellings per annum. The housing targets identified in RSS places greater pressure on the need to identify further suitable housing sites over and above those allocated in the Local Plan. Thus, each site not allocated in the Local Plan must be considered and assessed on its own merits.
- 7.27 The planning policy framework at the strategic level clearly supports the general principle of directing development towards the Carlisle urban area,

specifically RSS policies RDF1, CNL1, and CNL2. The site is considered to be a good strategic location for development and one that is in accordance with the general thrust of the strategic locational policies.

(b) Greenfield Land

- 7.28 Policy H16 of the Local Plan identifies housing allocations to achieve the housing targets contained within the Local Plan. The application site is not identified under H16. Policy H4 states that in order to achieve the higher target of 65% brownfield permissions in the urban area, applications for greenfield development in addition to any allocations in H16 will not be granted planning permission. A sequential approach to site development will be applied and, in the context of Policy DP1, brownfield sites in unsustainable locations will not be given priority over more sustainably located greenfield sites. The supporting text of policy DP1 (paragraph 2.27) of the Local Plan states that..."The focus for new development proposals should be the urban area of Carlisle, with limited rural development...Where large scale development is not feasible within the urban area a sustainable urban extension, such as that proposed for Morton, provides an opportunity for efficient use of land and infrastructure resources".
- 7.29 Various Previously Developed Land targets are identified in various planning policy documents. PPS3 (Housing) sets a target of at least 60% of new housing should be provided on previously developed land. Local Plan Policy H4 sets a Previously Developed Land target of 65%. RSS Policy L4, however states that the proportion of new housing on 'Brownfield land' in the Carlisle administrative area should be 50% and this is the target that the Local Authority is required to work towards as this is the most up to date figure.
- 7.30 The applicants Planning Statement reports that *"in recent years housing permissions, allocations and completions on brownfield sites in the Urban Area have significantly exceeded the 60% target recommended by PPS3 as well as the 65% target recommended by the Local Plan. According to Carlisle City Council's latest Annual Monitoring Report, in 2007/08 housing completions on brownfield sites accounted for 71% of housing completions in the city whilst in 2006/07 the figure was 83%"*
- 7.31 The report goes on to state that *"In the urban area the completions trend has decreased to 307 units per annum over the last 5 year period. The urban area rate has generally reduced as the majority of greenfield sites have now been completed and the brownfield sites are taking longer to commence. Whilst those applications for apartments have been completed others have failed to commence as the market for apartments has diminished"*.
- 7.32 Since the submission of the application the 2009/2010 Annual Monitoring Report has been published and confirms that *"the percentage of brownfield completions within the whole district is at 79% (for year to 31/3/2010). Since*

the start of the RSS period (2003) – 1934 of the 2783 dwellings have been built on PDL – equivalent to 69%.

- 7.33 The table below highlights all of the sites identified in the draft SHLAA, and provides an analysis of sites with housing potential that are brownfield, greenfield or mixed.

| | Number of sites | Size in hectares |
|-------------------|------------------------|-------------------------|
| Greenfield | 64 | 407.587 |
| Brownfield | 27 | 100.47 |
| Mixed | 1 | 0.28 |

- 7.34 An analysis of the sites in the draft SHLAA reinforces the conclusion that the supply of housing land identified over the next 15 years comprises a significant proportion of greenfield land, both in terms of number of sites and in terms of site size. There will be a significant reliance on greenfield sites to deliver an appropriate supply of housing sites over the next 15 years to meet RSS targets and housing need.
- 7.35 There is a clear understanding that there is a current shortage of brownfield sites available that are suitable for housing development. The Inspector's Report on the Local Plan, highlights this issue stating that, *"from my visit in and around Carlisle I believe there is little likelihood of further major brownfield sites being available for allocation."*
- 7.36 Although the site is not allocated under H16 of the Local Plan, it must be recognized that the Local Plan requirement was set at a lower level than RSS. The 2004 Planning and Compulsory Purchase Act provides that if there is a conflict between policies in an RSS or policies in a DPD the most recent policy will take precedence. The housing target in the RSS must therefore take precedence and the lack of allocation under H16 must be considered in the overall context of the ability of allocations and permissions to deliver the supply of housing contained in RSS. The allocated sites have not all come forward to a construction stage nor has the LDF work progressed to a stage that additional land allocations are confirmed. The site is considered to be a good strategic location, supported by policies RDF1, CNL1, and CNL2; located in a sustainable location and its development would provide a supply of housing land that is required to delivered the housing targets that the Council's executive committee has committed to achieving in the short term.
- 7.37 Local Plan Policy DP1 states that the focus for new development proposals should be the urban area of Carlisle, with limited rural development. It continues that proposals for residential development will be considered in accordance with advice in PPS3 which indicates that the priority for development should be previously developed land. Evidence from the draft SHLAA (and current land supply calculations) shows that there is inadequate PDL land to maintain the speed and delivery of housing land sought by the

authority. Turning to greenfield sites, DP1 states that where large scale development is not feasible within the urban area sustainable urban extension provides an opportunity for efficient use of land and infrastructure resources. The site is located within the urban boundary, and the submission of the planning application has demonstrated that development is feasible within the urban area.

(c) Agricultural land

- 7.38 PPS7 states that in relation to best and most versatile agricultural land that “The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Little weight in agricultural terms should be given to the loss of land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practises may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.”
- 7.39 Local Plan through Policy CP4 (Agricultural Land) resists development where it would lead to the loss of the best and most versatile agricultural land, unless:
1. There is an overriding need for the development; and
 2. There is insufficient land of a lower grade available; or
 3. Available lower grade land has a statutory landscape, wildlife, historic or archaeological designation.
- 7.40 The supporting text for policy CP4 states that the provisional Agricultural Land Classification map suggests there to be a small amount of best and most versatile land in Carlisle District emphasising the importance of this land to the agricultural economy of Cumbria.
- 7.41 A soil survey was undertaken by the applicant to determine the Agricultural Land Classification of the site. The findings of this survey indicates that the majority of the site is Grade 3b, with some locations of the site marginally Grade 3a. The Grade 3a land forms a narrow strip of land projecting from the west boundary and spans 6 of the sites existing fields. The Planning Statement indicates that, *“the areas of lower grade agricultural land in the Carlisle District are all located some distance from the Carlisle Urban Area, in the far east and northern part of the district. Therefore, it is likely that there is*

little opportunity for development on lower grade agricultural land in close proximity to Carlisle”.

- 7.42 The applicants Agricultural Land Survey does however indicate that 10.25% of the site is identified as Grade 3a agricultural land (2.97ha). The remainder of the site is identified as non agricultural land or woodland. Despite this presence of Grade 3a agricultural land, the distribution means that the retention for future agricultural purposes is impractical if the proposed development were allowed. It is acknowledged that this appears at odds with the presumption to retain BMV agricultural land however other areas around Carlisle have greater quality including Grade 2 and the juxtaposition of this Grade 3a land with predominant Grade 3b has a small impact on overall quality around Carlisle.

(d) Proposed Uses

- 7.43 The following section of the report identifies the proposed uses on site including: -

- Residential
 - Phasing
 - Density
 - Affordable housing
- Community uses
- School

(e) Residential (C3)

- 7.44 RSS, Policy L4 (Regional Housing Provision) identifies the scale of housing provision and its distribution across the region. The policy states that local planning authorities should manage their allocation of land and granting of planning permissions to maintain a minimum five year supply of deliverable land. The reasoned justification indicates that, “the annual average figures are not absolute targets and may be exceeded where justified by evidence of need, demand, affordability and sustainability issues and fits with relevant local and sub-regional strategies.”

- 7.45 The table below is an extract from table 7.1 of RSS Policy L4 and identifies the housing requirement for Carlisle over the plan period 2003 – 2021.

| | Total housing provision 2003-2021 (Net of clearance replacement) | Annual Average rates of Housing provision (Net of clearance replacement) | Indicative target proportion of housing provision to use brownfield land and buildings |
|-----------------|---|---|---|
| Carlisle | 8,100 | 450 | At least 50% |

Growth Point Status

- 7.46 Carlisle City Council was awarded Growth Point status in July 2008. This identified an opportunity to develop Carlisle's potential to function as the sub regional centre for Cumbria and southwest Scotland. The Council produced a Programme of Development setting out how the Council will implement the development of additional housing and employment land in a sustainable manner. The reasons for supporting Growth Point status were referred to in the recent Executive Committee Report (regenerate the city and revitalise the city centre, increase the population, develop Carlisle as a university city, increase the provision, quality and choice of housing, including delivery of affordable housing and attract new business and employment opportunities and improve skill levels)
- 7.47 The Growth Point submission and associated Programme of Development, sought for 20% uplift over this figure resulting in annual target of 600 units per year over the target period (up to 2017). However, it should be noted that Growth Point status must be implemented through the plan making process; that is through the Council's Local Development Framework and as such therefore does not form part of the current development plan. Progressing the LDF will provide an opportunity to review whether the assumptions underlying the desire to have growth point status still pertain and / or are achievable in the short / medium term. However, In relation to the 5 year housing supply figures, the award of Growth point Status does not effect the housing requirement set out in the RSS, and therefore the housing supply requirement remains as per the adopted RSS: that is, 450 units per annum over the plan period (2003-2021). Notwithstanding this, the aspirations of the Council are clear and growth remains an ambition of the Council and this is recognised through the Corporate Plan.

Analysis of dwelling requirement for the District (2003 – 2021)

- 7.48 The applicant has submitted a Housing Supply advice note as part of the planning application submission. This paper provides an analysis of the specific sites which contribute towards identifying a 5 year supply of housing sites. This paper is based upon information detailed in the Council's Housing Land Supply Position Paper (May 2009). The applicant identifies that the District as a whole has only a 3.88 year supply of housing when assessed against the RSS targets.
- 7.49 The Council has now updated their Housing Land Position Statement to reflect supply issues as of April 2011, the details of which are outlined in the subsequent paragraphs of this report.
- 7.50 The Housing Land Position Statement (April 2011) identifies the number of completions since the commencement of the RSS plan period (April 2003). The paper indicates that 3028 dwellings have been completed up until 31st March 2011. The paper identifies an outstanding plan period requirement of

5072 dwellings and an identified shortfall of 572 dwellings, when compared against the cumulative RSS target up until March 2011.

- 7.51 The Council have indicated within the Position Statement that they will deal with the plan shortfall of 572 dwellings over the remaining RSS plan period, resulting in a 5 year target of 537 dwellings per annum, or 2685 dwellings in total. Spreading out the shortfall is necessary as achieving the RSS target plus full backlog in the next five years is not considered realistic given the changes in the economy since 2008 and the economic assumptions which underlay the housing and employment policies of the RSS (and growth point status)

Housing Land Supply

- 7.52 The basis for housing land supply calculations is the RSS target, as confirmed by the executive committee. Questions raised about the evidence base upon which the RSS is based being outdated, however this authority has confirmed its continued use for managing release of housing land as the most recent figure which has undergone a rigorous examination process. Policy H16 of the Local Plan is relevant to this consideration as it provides the housing land allocations to be considered but it is not in accordance with the RSS target. Whilst sites may be brought forward sooner in recognition of the higher target, this forms part of the analysis when considering supply.
- 7.53 PPS3 indicates that Local Authorities are required to ensure that there is sufficient, suitable housing land available to achieve housing land delivery targets through identification of a 5-year supply. It should be noted that all housing figures in subsequent paragraphs of this report have been amended to take into account the demolitions that took place as part of the Raffles redevelopment programme. RSS table 7.1 clearly states that housing provision is net of clearance and therefore the replacement of dwellings at Raffles within the 5 year scenario are not included within the 5 year supply judgement.
- 7.54 The Housing Land Position Statement (May 2011) identifies a potential supply of 3718 housing units based upon outstanding planning permissions and remaining allocated sites. This is well in excess of the required target (adjusted for backlog) of 2685 dwellings (6.9 years supply). Despite this, PPS3 clearly indicates that all local planning authorities are advised to assess and demonstrate the extent to which existing plans fulfil the requirements to provide a five-year supply of **deliverable** housing sites.

PPS3, paragraph 54 identifies three deliverability criteria that any site identified within the 5 year supply should meet, that is: -

- Be deliverable - the site is available now
- Be suitable - the site offers a suitable location for development now and

- would contribute to the creation of sustainable, mixed communities; and
 - Be achievable - there is a reasonable prospect that housing will be delivered on the site within 5 years
- 7.55 Through the Housing Land Position Paper, the Council has assessed the existing identified housing land supply against the above criteria to ensure that sites are available, suitable and achievable and therefore whether they realistically contribute towards a deliverable 5 year supply. Through this process the Council has identified a potential supply of 2094 dwellings which equates to a deliverable housing land supply of **3.9 years**.
- 7.56 In circumstances where there is a shortfall in deliverable sites, PPS3 paragraph 71 states that, “where there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in this PPS relating to quality, mix, site suitability, the efficient use of land and wider housing policy objectives (paragraph 69).
- 7.57 These issues are covered elsewhere in this report, however the Council is still working on their Strategic Housing Land Availability Assessment (SHLAA). The consultation draft SHLAA was published in December 2010 for consultation and forms an important part of the evidence base supporting the production of the Local Development Framework. The primary role of the SHLAA is as follows: -
- To identify sites with potential for housing;
 - To assess their housing potential; and
 - To assess when they are likely to be developed
- 7.58 The application site is identified in draft SHLAA, site reference CA40. The document states that, *“the sites lies within Kingmoor Parish but is also shown as located within the urban area settlement boundary. It is not allocated for development. It is, instead, shown as White Land with no other pertinent designations such as for any intrinsic landscape quality.”* The identification of the site in the SHLAA suggests that the site is a potentially suitable location for housing.
- 7.59 Suitability also considered by the Local Plan inspector. The Inspector accepted that the application site is well located and accessible, indicating that, “the site is well located and accessible (and) is located adjacent to the major employment areas of Kingmoor and Kingstown.” The site is positioned adjacent to existing and future employment opportunities at Kingmoor Park and is within walking/cycling distance of retail, services and facilities. The site is accessible via a range of public transport links including the National Cycle Network 7 (NCN 7); it is within 400m of the 62/62A bus route; and is a 25 minute bus ride away from Carlisle Train Station. The site is located within

Flood Risk Zone 1 and on land that is not designated for environmental purposes.

(e1) Phasing

- 7.60 Local Plan Policy H4 (Residential Development on Previously Developed Land and Phasing of Development) states that permission will be phased on sites over 20 dwellings in the urban area and over 10 dwellings in the rural area.
- 7.61 The preliminary phasing diagram suggested that the development would be undertaken over 9 Phases, with a build out rate of broadly 80 units per annum (with an initial Phase of 155 units) and assumes that a total development of about 875 units. The first three Phases are assumed, on the basis of a start on site in mid-2010, to be completed in 2014-2015; Phases 4-6, comprising about 260 dwellings, could take up to 2018 for their completion, with the final Phases 7-9 (circa 240 dwellings in total) realising the site's overall development by approximately 2022.
- 7.62 Despite the phasing indications identified in the both the Planning Statement and from the preliminary phasing diagram, the applicant has indicated to the Council that a more realistic completion rate due to the economic circumstances would be 40-60 dwellings per annum in the short term whilst the economy continues to recover.
- 7.63 The Council's Housing Land Supply Position Paper (April 2011) provides a breakdown of expected build rates based on the current economic climate up to 2017. As noted previously in this committee report there is an insufficient supply of housing land to meet the 5 year land supply targets and associated shortfall. The current target is equivalent to 2685 dwellings over the five year period. The position statement identifies a supply of 2095 units. The Crindledyke development would increase the supply of housing land, contributing towards achieving housing targets and meeting anticipated housing need across the plan period. Based on a build out rate of 60 dwellings per annum its contribution would be an additional 300 dwellings towards the shortfall. This would increase the housing supply figure to 2395 (or a 4.5 year land supply). Therefore it would not lead to a significant over provision of housing in the short term. It would, however, have a positive contribution in terms of helping to consolidate the housing supply in future years (continuing to be built out throughout the plan period), which is particularly important when considered that sites such as that allocated at Morton has not been delivered.

(e2) Density

- 7.64 Local Plan policy H3 (Residential Density) seeks new residential development to achieve an average minimum net density of 30 dwellings per hectare.

Within urban areas development will be expected to achieve a minimum net density of 40 dwellings per hectare and, where appropriate, higher densities close to the City Centre. It should be noted however that minimum density no longer features within PPS3 and as such the weight of this policy is relaxed.

- 7.65 The Planning Statement indicates that *“a final density figure for Crindledyke is not part of the outline application, but illustrative density figures have been developed to provide an indication of the overall site density that could be appropriate for the site. Design work to date suggests that it would be inappropriate to build at 40 dph across the entire site. Instead, the illustrative layout brings low densities to the site’s edges and higher, more urban, density towards the centre of the site and adjacent to the West Coast Mainline Boundary. This would result in an average density of approximately 35 dph”*.
- 7.66 Although it is recognised that the applicant is applying for outline planning permission only, they do however indicate that there would be up to 850 dwellings delivered on site as part of the final scheme. If 850 dwellings are delivered on site then a density of approximately 29 dwellings per hectare would likely to be achieved.
- 7.67 The applicant has indicated in the first addendum to the Environmental Statement (including the school) that there will be 4.54 hectares of public open space, including 1.09 hectares of land for delivery of the school site.
- 7.68 In consideration of the proposed build out rates, it is considered that the density of dwellings that will be achieved on site are acceptable in relation to the policy framework and the location of the development within the urban area.

(e3) Affordable Housing

- 7.69 National, regional and local planning policy seeks the delivery of affordable housing in major schemes. Paragraph 23 of PPS3 (Housing) states that *“Developers should bring forwards proposals for market housing which reflects demand and the profile of households requiring market housing, in order to sustain mixed communities. Proposals for affordable housing should reflect the size and type of affordable housing required”*.
- 7.70 In terms of affordability PPS3 states that *‘Local Planning Authorities should aim to ensure that provision of affordable housing meets the needs of both current and future occupiers, taking into account information from the Strategic Housing Market Assessment’*.
- 7.71 RSS policy L5 (Affordable Housing) states that *‘evidence, including from Strategic Housing Market Assessments, should be used to support the setting of quotas and thresholds for affordable housing provision along with an indication of the type, size and tenure of affordable housing required’*.

- 7.72 Structure Plan Policy H19 (Affordable housing outside the Lake District National Park) requires affordable housing on sites that exceed 0.4 hectares or 10 or more dwellings. Such housing must meet proven local need.
- 7.73 Local Plan Policy H5 (Affordable Housing) requires negotiation to secure affordable housing in housing developments. Cridledyke meets the threshold for compliance with the policy (10 or more dwellings in the urban area) and is expected to contribute 30% of units on-site towards affordable housing. Only in exceptional circumstances will off-site contributions or a financial contribution in lieu of on-site provision be acceptable. The proportion of affordable housing sought will only be varied if this can be justified on a robust, evidence based, assessment of the economic viability of the site. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% will be sought and the discounted sale will be required to be in perpetuity.
- 7.74 The Planning Statement notes the need for more family orientated affordable accommodation (i.e 3 bedrooms) rather than single dwelling units and accommodation for the elderly. As such the following offer is made for on site affordable housing provision

| | Rented | Discounted | Total |
|------------|--------|------------|-------|
| Apartments | 0 | 17 | 17 |
| 2 Bed | 38 | 31 | 68 |
| 3 Bed | 38 | 30 | 68 |
| 4 Bed | 9 | 8 | 17 |
| Total | 85 | 86 | 171 |

- 7.75 The Council's Carlisle City Council Housing Services - Housing Strategy team consider that the indicative Affordable Housing Provision numbers, mix and tenure split represents a reasonable starting point for negotiations.
- 7.76 The accepted formula for concluding the appropriate amount of affordable housing is to understand the total value of the site and then to apply a 30% discount to this figure in order to determine an overall affordable housing contribution on site. Based on a 50% split of discounted and rented units and an indicative number and mix of units, the contribution would be realised at £3,648,000 for 86 discounted units and £7,907,000 for 85 rented units (at 30% discount).
- 7.77 On the basis of a value calculation the offer of affordable housing (171 units) would meet the requirements of policy H5.
- 7.78 It must be considered that this figure is indicative as the exact number and mix would likely alter under any future reserved matters application (and

would in any event be secured via the Section 106). As such, the generally the mix of unit types is noted to be acceptable, although there are some concern about the sustainability of 1-bed apartments. This matter would be addressed at Reserved Matters stage.

- 7.79 Such provision of affordable housing would be secured through an index linked S106 legal agreement.
- 7.80 It is noted that the Council's Strategic Housing Market Assessment identifies a backlog of 292 affordable units in Carlisle City, and 743 across the district, as insufficient affordable housing has been delivered in the past to meet the identified housing need. As a result, it is considered that the numbers of affordable housing units provided would assist in delivering this shortfall, and that the provision of these units within the proposal is a material consideration in favour of the scheme.

(f) Community Uses (A1, A3, A4, A5, D1)

- 7.81 PPS3 (Housing) promotes housing developments in suitable locations, which offer a good range of easily accessible community facilities and services.
- 7.82 PPS4 (Planning for Sustainable Economic Growth) seeks to ensure that economic uses such as main town centre uses are located in acceptable locations. Policy EC10 (Determining Planning Applications for Economic Development) requires applications which include an element of economic development to be assessed against a criteria basis including issues of accessibility, inclusive design, regeneration, and local employment. Policy EC14 requires supporting evidence for planning applications for main town centre uses and EC15 and EC16 require a sequential assessment and impact assessment.
- 7.83 PPG13 (Transport) promotes the provision of local day to day shops and services within easy walking distance of housing.
- 7.84 RSS Policy L1 (Health, sport, recreation, cultural and education services provision) states that all major developments should ensure that there is appropriate health, cultural, recreational, sport, education and training provision for all members of the community from the outset.
- 7.85 Retail proposals in out of centre locations such as Crindledyke must be able to demonstrate a need for the development and not prejudice the retention of local services. In addition, proposals in out of centre locations will only be permitted when situated to minimise travel by having a location which:
1. Maximises the opportunity for combined trips with other retail and service uses, or
 2. Relates well to its catchment by reducing journey lengths.

- 7.86 Local Plan Policy DP1 (Sustainable Development Locations) seeks to assess development proposals against their ability to promote sustainable development. Proposals will be assessed on the basis of the need for development to be in the location specified. Within the Urban Area proposals for retail (as well as office and leisure developments) will be subject to a sequential approach which requires that locations are considered as follows: firstly within the City Centres; secondly edge-of-centre locations; and thirdly the remainder of the urban area. The policy has a bias towards previously developed land.
- 7.87 The Planning Statement states that the site is situated in a location that is easily accessible to services, retail and facilities by walking and cycling. The site is located within the Carlisle Urban Area, five minutes walk from the site edge and fifteen minutes from the centre of the site to Kingmoor Business Park, shops and a bank. The local post office and Rockcliffe Church of England School are accessible within a 15 minute cycle ride. Morrisons supermarket, Bannatynes Health and Fitness Club and Kingmoor Primary School are all accessible within a 20 minute cycle ride. The proposals are therefore considered to be in accordance with the thrust of PPS3, PPG13 and RSS policy L1
- 7.88 The illustrative layout makes provision for a local service centre which could include a small scale shop, nursery and/or community space. The applicant has not however undertaken an assessment of the town centre uses proposed in relation to PPS4 or other complementary policies within the Development Plan. Despite this, due to the scale of the proposals it is considered appropriate for small scale community uses, such as those suggested in the planning statement to be developed on a site of this scale. These facilities would be able to meet people's day-to-day needs, reduce their need to travel and ensure that those people who do not have access to a motor vehicle are catered for.
- (g) School
- 7.89 Local plan Policy LC11 (Educational Needs) states that where educational facilities are proposed outside existing sites the location should be close to the intended catchment in order to minimise travel in conjunction with centres listed in policy DP1.
- 7.90 A key concern raised by many opponents of the application, and reflected within the consultation response from the Strategic Planning Authority, is the general inadequacies of local services and facilities, with particular concern being focussed on acknowledged inadequate capacity in educational places at primary level, north of the river.

- 7.91 The situation in relation to local school capacities has been explored in some depth by the Strategic Planning Authority through its internal consultation with the Education Service. Although that Authority has objected to the application it highlights, should the City Council be minded to approve the proposals, requirements that would need to be delivered to provide suitable nursery, infants and junior educational places to serve the projected population from this development.
- 7.92 Pupil yield calculations prepared in September / October 2009 relating to the application provided a range of potential yield figures based on the assumption (at that time) that the scheme would deliver between 850 – 900 units. These calculations have been used to inform the county council's negotiations with the developer. The developer has agreed to provide a one-form entry (210 place) primary school. Heads of terms have been drafted between County Council, City Council and the applicant relating to the potential education contribution from the proposed development. These (included below in the planning contribution section) are material to the determination of this application.
- 7.93 A primary school would need funding to cover the costs of design, construction and fitting out of a single form entry school, with nursery provision. In the alternative, the developers could design and construct the school to the County Council's specification which, at current estimated costs, would cost in the region of £6-7m.
- 7.94 The applicant has used the basic design specifications as set out in Building Bulletin 99: Briefing Framework for Primary School Projects (BB99) published by the Department for Education and Skills. This notes that for a "Turn Key" school (that appropriate for this site) a site of 1.09ha is required. The applicant has offered to provide a site of this size and to build a school to BB 99 standards to be completed by the occupation of the 300th unit. In addition, a bond is also offered to the value of £3.5, to deliver the school.
- 7.95 The Education Authority also identifies that the development is expected to house between 118-164 secondary school age pupils and that the site is within the catchment area of Trinity School. It advises that Trinity School is operating at its full capacity but that there are other secondary schools in the City with available capacity: consequently, the County Council would not seek a developer contribution in respect of secondary pupils. However, under its existing "Home to School" transport policy the County Council would be required to cover the costs of transporting secondary school pupils given that the distance of the site, from schools with capacity, exceeds the statutory maximum walking distance for pupils of secondary school age.
- 7.96 Subject to the provision of a new school to BB 99 standards, which it has been agreed with the applicant would be secured and implemented on-site through a Section 106 agreement should Members be minded to approve the application, it is considered that the requirements of Local Plan Policy LC11

have been fully addressed. The location of the school would need to be determined at Reserved Matters stage.

4. Recreational Space

- 7.97 Planning Policy Guidance 17 (PPG17) is the governments policy on open space provision, including recreational and sports provision. It requires proposals for development to consider the qualitative and quantitative role of open space in line with local need.
- 7.98 RSS Policy L1 (Health, Sports, Recreation, Cultural and Education Services Provision) seeks the provision of recreational facilities within all communities and societies within the North West of England.
- 7.99 Local Plan Policy LC2 (Primary Leisure Areas) is divided into two parts, the first part of the policy is concerned with the protection of Primary Leisure Areas and the second part of the policy lists a range of aspirational district wide targets for recreational open space provision.
- 7.100 Local Plan Policy LC4 (Children's Play and Recreation Areas) sets a threshold of 40 or more dwellings, beyond which a housing scheme will be required to include, pro rata, the following standards of play space provision:
1. Outdoor playgrounds 150m² per hectare;
 2. Informal playspace 270m² per hectare.
 3. 0.1 hectares of sports ground development per hectare (on development sites of 5 hectares)
- 7.101 Children's play and recreation areas required by this policy will be dedicated to the City Council for maintenance purposes and a commuted payment equivalent to 10 year's maintenance costs will be required.
- 7.102 The application is not accompanied by a PPG17 Statement, however a section is provided within the Planning Statement to address this issue. It notes that although the final figures for open space cannot be calculated at the outline application stage, the illustrative layout has been used to estimate the approximate level of open space that might be provided to demonstrate that targets can be met.
- 7.103 In terms of meeting the open space requirements of policy LC4 the site must provide:
1. 0.435ha of outdoor playgrounds;
 2. 0.783ha of informal play space; and
 3. 2.9ha of sports ground.

This equates to a total site requirement of 4.118 hectares of open space provision.

- 7.104 Open space would be provided in a number of ways through toddler play, older children's play, a central meadow area, SUDS, green corridors, newt protection areas and allotments. The positioning of the open space allows for the best access to it from all residential units and also provides a mitigation belt from noise, vibration and light pollution from the West Coast Mainline, to the west of the site.
- 7.105 Following submission of the EIA Addendum, which incorporates the inclusion of the school site, the applicant has identified the following open space provision
1. Open land including foraging land equates to 2.45ha;
 2. The 'Village Green' equates to 0.66ha;
 3. The landscaping strip to the eastern boundary equates to 1.13ha
- 7.106 This equates to a total provision of 4.24 hectares of on site open space provision. As part of the identified 2.45 hectares of open land, 1.09h hectares are provided by the inclusion of the school site. The applicant has indicted that this open space provision would be used outside of school hours for the community as a sports provision, managed by the developer.
- 7.107 Sport England are formally consulted on applications which affect the loss of playing fields and sports facilities and are not required to be consulted on this proposal however details of the application have been forwarded to Sport England, , the Open Spaces Society supports the sports and open space provision within the scheme as does Carlisle City Council Environmental Services (Green Spaces). They consider that the scheme can adequately create usable open spaces although the sports pitch and allotments are not shown on the indicative layout plan to be placed in the optimum location.
- 7.108 Policy LC2 lists a range of aspirational district wide targets for recreational open space provision. This policy has been prepared through reference to the Open Space, Sports and Recreational Facilities Audit, carried out as part of the Local Plan preparation process. Of the wards assessed the Belah ward is in closest proximity to the application site. The assessment indicates that in terms of outdoor sports facilities there is significant existing provision for the local population, with a concentration of natural pitches over artificial pitches (16 to 1). In addition to this, the assessment identifies 1.25 hectares of allotments, 12.87 hectares of Amenity Greenspace; 2.45 hectares of cemeteries and churchyards; 2 Indoor sport pitches; 24.86 hectares natural and semi natural urban greenspace and 9 play areas.
- 7.109 The development proposals have an acceptable level of recreational open space and exceed the open space requirements expected by the City Council under policy LC4, which refers specifically to on site provision. Policy LC2 identifies a range of aspirational targets across the District. It is considered

that there is sufficient existing open space in the surrounding area to achieve the aspirational targets set in the policy.

- 7.110 The provision of open space will be provided on the basis of this application and secured through a S106 legal agreement which will also address its future maintenance on a 10 year basis.

5. Addressing Climate Change

- 7.111 Government guidance concerning climate change is set out in Planning Policy Statement 1 (PPS1): Sustainable Development (2005), PPS1 Supplement: Planning & Climate Change (2007), PPS22: Renewable Energy (2004) and PPG22 Companion Guide: Planning for Renewable Energy (2004). This suite of policies sets out targets for percentage cuts in UK carbon dioxide emissions through various measures including the location of development, the energy efficiency of development and the need to promote renewable energy.
- 7.112 PPS22: Renewable Energy (2004) sets out the Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020. The guidance states that development proposals should demonstrate any environmental, economic and social benefits as well as how any environmental and social impacts have been minimised through careful consideration of location, scale, design and other measures.
- 7.113 RSS Policy DP 9 (Reduce Emissions and Adapt to Climate Change) adopts the targets of PPS22 into the Development Plan and policy EM17 (Renewable Energy) looks specifically at the role of the North west Sustainable Energy Strategy in delivering these targets meaningfully over the period up to 2020. Cumbria is expected to deliver 292.4MW of renewable energy by 2020.
- 7.114 EM15 (A Framework for Sustainable Energy in The North West) and EM16 (Energy Conservation & Efficiency) introduces an Energy Hierarchy which seeks development to promote sustainable energy production. The Hierarchy seeks principally to minimize demand through location of development, followed by more efficient use of energy, use of renewable energy and finally a cleaner use of fossil fuels through more efficient heating and CHP. Policy EM18 (Decentralised Energy Supply) places a requirement for renewable energy be generated at the location of its requirement rather than remotely on a strategic scale.
- 7.115 Local Plan Policy CP9 (Development, Energy Conservation and Efficiency) seeks development proposals that take into account the need for energy conservation and efficiency in their design, layout and choice of materials. It considers matters of orientation of buildings (solar gain and insulation), the efficient and effective use of land, reuse of existing buildings, use of materials,

landscaping, renewable energy technologies, waste minimisation, recycling and water management.

- 7.116 Local Plan Policy CP10 (Sustainable Drainage Systems) seeks development to incorporate Sustainable Drainage Systems (SUDS) when surface water run-off will increase and when this is likely to create or exacerbate flooding problems. Details of the type, design, pollution prevention measures and operational and maintenance requirements of the SUDS should be provided.
- 7.117 The scheme is in outline with all matters reserved, however the supporting documentation promotes the development as an environmentally conscious scheme. The Planning Statement notes that the development aims to contribute positively to the legally binding targets for reducing UK carbon dioxide emissions by at least 15% by 2020 and by 80% by 2050.
- 7.118 It is also intended that the development will achieve Code for Sustainable Homes Level 4 although this will be achieved on site through the design and construction of the building, rather than the inclusion of district energy network, which the applicant has confirmed is not physically or commercially viable at the proposed density (below 50 dwellings per hectare).
- 7.119 Climate Change adaptations include SUDS for heavy and often sudden bursts of rainfall, and a network of green spaces to provide green tree routes that offer cover during warmer drier summers.
- 7.120 The North West Sustainability Checklist has been completed in order to accord with the requirements of the RSS. This offers a grade for sustainability in various areas including (1) adaptation, mitigation and energy, (2) place making, (3) community, (4) transport, (5) ecology, (6) resources, and (7) buildings. The applicant has undertaken this assessment indicatively so as to gauge how Code Level 4 might be achieved.
- 7.121 The initial Phases of development would be designed to achieve Level 3 of CSH, which takes effect in 2010, with Level 4 being introduced in 2013 and Level 6 being required by 2016. Hence, having regard to the indicative Phasing Programme, most of the development could be completed to Level 4 or upwards of the Code.
- 7.122 Dwellings within Zone Four would be likely to incorporate higher performance glazing envelopes to provide increased areas of day lighting, large terraced areas and utilise facing materials that offer improved performance in terms of sustainability. Some elements of pre-fabrication might be considered, thus improving technical performance such as air tightness and thermal efficiency, but also offering related benefits including a reduction in site waste associated with traditional wet trades.
- 7.123 Zones Four and Five would be developed within latter phases of the development and the Design and Access Statement observes that this will

mean that the detailed designs of homes in these areas will need to respond to higher levels of the Code for Sustainable Homes, as the standards will increase in future years.

6. Waste Management

- 7.124 Local Plan Policy CP14 (Waste Minimisation and the Recycling of Waste) requires applications for major development proposals such as Crindledyke, to follow the principles of sustainable waste management and must include details of facilities for the storage, collection and recycling of waste produced on-site. A Waste Audit should be provided, informing the type and volume of waste likely to be generated both during the construction and operational phases.
- 7.125 The acceptability of proposals will be assessed sequentially against the following order of preference:
1. Reduction in the amount of waste produced;
 2. Re-use of waste on site without significant processing;
 3. Recycling and/or composting of waste on-site;
 4. Recycling and/or composting of waste off-site;
 5. Recovery of value from waste produced;
 6. Land filling of residual waste
- 7.126 A Waste Strategy Report has been submitted with the application and identifies accordance with the recognised Waste Hierarchy. There is a clear understanding of the amount of demolition waste that will be produced and where and what its origins will be, along with how much waste will be generated during the construction itself. The report does not recognise the options for recycling waste on site or off site, but identifies that this will be provided a reserved matters stage through a Site Waste Management Plan.
- 7.127 With regards to the operational phase of the development the Report identifies the different types of provision of refuse and recycling for both houses as well as communally for apartments. There is a clear understanding of the requirement for capacity although there is no identification of a standard or typical arrangement or position of these facilities in terms of access and collection.
- 7.128 The details of how waste can be removed or recycled (on/off site) during both the construction and operational phases can be acceptably handled under a reserved matters application and therefore no objections are raised under this application that would substantiate a reason for refusal. It is considered that an appropriate scheme could come forward at reserved matters stage to address matters of noise and air quality.

7. Noise, air quality

- 7.129 PPS23: Planning and Pollution Control (ODPM, 2004) is mainly concerned with development that creates pollution rather than development close to pollutant sources, however, it does address matters of existing and future air quality and the need for compliance with any statutory environmental quality standards or objectives (air quality).
- 7.130 PPG24: Planning and Noise (DoE, September 1994) addresses matters concerning the impact of noise which is a material planning consideration. It notes that it must be a consideration, where practical, to mitigate noise levels.
- 7.131 Local Plan Policy CP13 (Pollution) resists development that would generate, either during construction or on completion, significant levels of pollution from noise and dust (along with other pollutants) which can not be satisfactorily mitigated within the development proposal or by means of planning conditions.
- 7.132 Air Quality is addressed in Chapter 8 of the Environmental Statement and is based on the Transport Assessment. It concludes that some receptors may experience a slight adverse effect on air quality, while a small number may experience a slight improvement. With further understanding of the exact number and type of vehicles in each phase (in conjunction with the Brunthill development) appropriate mitigation measures will be offered under the reserved matters application(s). Such mitigation offered during the construction would include monitoring the hours of vehicle movement and dust monitoring and for the operational phase, the layout of the development and boundary treatments and landscaping.
- 7.133 Noise and Vibration is addressed under Chapter 14 of the Environmental Statement. Whilst the noise from the Brunthill development cannot yet be fully quantified (due to its outline nature) there is a risk of noise from the commercial nature of this development. As such mitigation would be built into the reserved matters' design through the design of the scheme layout, noise barriers and the use of noise insulation and ventilation strategies.
- 7.134 As well as the operational noise of this adjacent use, other noise sources identified include the construction phase, the railway and surrounding road traffic. These have both been assessed against the relevant legislation (PPG24).
- 7.135 Carlisle City Council Environmental Services advise that the development would be acceptable subject to mitigation being secured through conditions ensuring an appropriate level of protection against noise.

8. Contaminated land

- 7.136 Contaminated land is also addressed under PPS23, however in this instance the Development Plan offers greater clarity in accessing matters of contamination.
- 7.137 RSS Policy EM2 (Remediating Contaminated Land) requires sustainable remediation technologies to be adopted in the cleaning up of previous development on contaminated land.
- 7.138 Although the historical use of the site is agriculture, it is still a requirement to understand the condition of the site for residential use and as such a Preliminary Ground investigation Report has been submitted with the application. The report comprises a desk top study, an analysis of the site, fieldwork and laboratory analysis, an assessment of ground conditions, chemical contamination and preliminary engineering advice. Accompanying this report is a Geographical Survey and Report on Desk Study. Ground conditions and contamination is further investigated within the Environmental Statement Chapter 7. This concludes that there is no significant additional environmental impact.
- 7.139 The Environment Agency has no objections to the proposed development in relation to recreation and biodiversity issues and considers that the low levels of contaminants present on site should not pose an unacceptable risk to controlled waters given their negligible leaching potential. Nevertheless, as a precautionary measure, a condition relating to land contamination is recommended.
- 7.140 Carlisle City Council Environmental Services advised that although the land is currently agricultural it is surrounded by industrial land and may also have been owned at one time by the M.O.D. As such, it is necessary that a desk study and site reconnaissance report be carried out and an appropriate investigation and risk assessment is completed prior to the development commencing. Planning conditions are also recommended to secure the implementation of a detailed remediation scheme to bring the site to a condition suitable for the intended use. A further condition relating to the reporting of unexpected contamination is also recommended in conjunction with any approval of planning permission.

9. Drainage, utilities and flood risk

- 7.141 PPS25: Development and Flood Risk (CLG, December 2006) is the government's policy document addressing all forms of flooding and their impact on the natural and built environment. The aims of planning policy on development and flood risk are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in

areas at risk of flooding, and to direct development away from areas at highest risk.

- 7.142 Local Plan Policy CP12 requires developments of the size of Crindledyke to be accompanied by SUDS which use an ecological approach to surface water management.
- 7.143 Local Plan Policy CP12 (Foul and Surface Water Sewerage and Sewage Treatment) resists development where there is inadequate foul and surface water sewerage infrastructure and sewage treatment capacity, or where such provision can not be made within the time constraint of the planning permission.
- 7.144 A Flood Risk Assessment has been submitted with the application under Chapter 9 of the Environmental statement. The assessment identifies the site as being within Flood Zone 1 (of lowest risk - Planning Policy Statement 25) and notes the site to be appropriate for this type of use when considering the sequential test. Post development runoff has been assessed as has the predicted increase in Flood Risk due to Climate Change. A proposed surface water drainage strategy, through the use of SUDS is offered as part of the mitigation for flood risk. The combined effect of Crindledyke with Brunthill is likely increase in potential flood risks in the area, however mitigation is considered to remain adequate.
- 7.145 Matters relating to foul sewerage and utilities are addressed within the Planning Statement where it is confirmed that it is possible to provide an adequate level of electricity, gas and water supply to the site for this development. With regards to foul water drainage, the site can be connected (via a pumped system) to the main 750mm sewer adjacent to ASDA to the rear of Kingstown Industrial Estate.
- 7.146 The Environment Agency considers that the proposed development would be acceptable if the measures detailed in the Flood Risk Assessment are implemented. As such, a planning condition to secure appropriate mitigation measures in relation to surface water run-off, storage of floodwater and reducing the risk of flooding is recommended.
- 7.147 Carlisle City Council Community Services (Drainage) note there is no knowledge of flooding issues at this site and that the applicant's proposals for sustainable drainage and soakaways are acceptable methods for the disposal of surface water. Moreover, United Utilities has no objection to the proposal provided that the site is drained on a separate system, with only foul drainage connected into the foul sewer. United Utilities also agree in principal with the applicant's proposal to install a new pumping station and the interception of some existing flows.

10. Trees and Hedgerows

- 7.148 Local Plan Policy CP3 (Trees and Hedges on Development Sites) requires proposals for new development to provide for the protection and integration of existing trees and hedges. Where trees and hedges are present, a survey will be required showing the following:
1. The location of existing trees and hedges;
 2. The species, age, height and crown spread of each tree;
 3. An assessment of the condition of each tree;
 4. The location and crown spread of trees on adjacent land which may be affected by the development;
 5. Existing and proposed changes in ground level.
- 7.149 In order to protect and integrate existing trees and hedges within new development, the City Council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees identified in the tree survey. Layouts will be required to provide adequate spacing between existing trees and buildings, taking into account the existing and future size of the trees, and their impact both above and below ground. The City Council will protect existing trees and woodlands where appropriate, by tree preservation orders, and by the use of planning conditions requiring protective fencing around trees to be retained to prevent site works within their crown spread.
- 7.150 Further guidance is provided within the Trees on Development Sites: Supplementary Planning Guidance. The guidance emphasises the value of trees when planning any scheme incorporates existing trees of all ages and species that are appropriate to that location and the landscape character of that area.
- 7.151 In accordance with policy CP3, the application is accompanied by a Tree Survey which identifies all trees within the site (affected or otherwise). The application is accompanied by an indicative layout plan that illustrates how existing trees and hedgerow can be retained and the Planning statement notes that *“the design has sought to incorporate hedgerow and tree retention and enhancement where possible”*. The significance of hedge within the site and the development upon them is investigated within Chapter 10 (Ecology and Biodiversity) of the Environmental Statement) which concludes that *“the removal of sections of important hedgerow will be permanent in nature and will constitute a negative impact”*.
- 7.152 Carlisle City Council Tree Officer has commented that whilst the masterplan appears to include much of the important hedgerow, all important hedgerows should be retained in areas of public open space or publicly maintained areas.

- 7.153 It is noted that there are numerous trees on the site and that where trees and hedges are to be removed they should be replaced by an equivalent feature. Nevertheless, it is considered that due to the density of the site there is little or no room for large growing trees with the scope to mitigate the loss of the existing trees, and as such the layout of the proposed development should be reconsidered to ensure there is sufficient space for the planting of larger growing tree species within the site.
- 7.154 It is clear from the indicative layout plan that a significant amount of the important hedgerow identified on the site is to be retained in some form as part of the landscape. Whilst the indicative layout plan is not considered to be the ideal solution for retaining the trees and hedgerows, it is clear that the amount of residential development on the site can accommodate an acceptable level of trees and hedgerows. In order to ensure this will be the case conditions with respect to tree and hedgerow retention, and replacement provision would be necessary should the scheme be approved.

11. Nature Conservation

- 7.155 Under paragraph 1 (ii), PPS9 states that *'planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, Local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment'*.
- 7.156 RSS Policy EM1(B): Natural Environment – seeks schemes to secure a 'step-change' increase in the regions biodiversity through protecting and enhancing the wildlife sites and ecology.
- 7.157 Local Plan Policy CP2 (Biodiversity) requires all proposals not to harm the integrity of the biodiversity resource as judged by key nature conservation principles, and proposals should seek to conserve and enhance the biodiversity value of the areas which they affect. In areas where species protected under national and European legislation are most likely to occur, special account will be given to their presence in the consideration of development proposals.
- 7.158 Local Plan Policy LE2 (Sites of Special Scientific Interest) requires development likely to affect the nature conservation or geological interest of Sites of Special Scientific Interest to be the subject of special scrutiny and not permitted unless the development outweighs the nature conservation value of the site or mitigation can be provided to protect the site.
- 7.159 Local Plan Policy LE3 (Other Nature Conservation Sites) resists development which would have a detrimental effect on Regionally Important Geological/Geomorphological Sites, County Wildlife Sites and other sites of

nature conservation significance, Local Nature Reserves and Ancient Woodlands unless:

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

7.160 Local Plan Policy CP11 (Protection of Groundwaters and Surface Waters) seeks to resist development which would cause demonstrable harm to the quality, quantity and associated ecological features of groundwater and surface waters will not be permitted.

7.161 Local Plan Policy DP7 (European Natura 2000 Sites) notes that “except where there are imperative reasons of overriding public interest, proposals that would have an impact on a European Natura 2000 site* will not be permitted unless it can be objectively demonstrated that they would be unlikely to have a significant adverse effect, either alone or in combination with other plans or projects”. The site lies 1.25km from the River Eden SAC and the River Eden Tributaries SSSI. These two designated areas share the same boundaries and the designation of a SAC makes the river an area of international importance.

7.162 Natural England noted in March 2008, in its response to a request for scoping opinion for the Environmental Impact Assessment that *“the development be subject to a Habitats Regulation Assessment. Regulation 48 of the Conservation Natural Habitat Regulations 1994. These regulations require competent authorities to make an Appropriate Assessment of any plan or project which is likely to have a significant effect on a European site”*. As such Ecology and biodiversity is addressed under Chapter 10 of the Environmental Statement. This demonstrates that during both the construction and operation of the site, measures will be put in place to ensure that the runoff rates from the site remain at green field rates, that particular runoff is intercepted via SUDS ponds so that only clean runoff enters the unnamed tributary for discharge into the SAC. These drainage measures will ensure that there will be no significant impact on the River Eden and this has been ratified by Natural England.

7.163 The Kingmoor Sidings Local Nature Reserve, Kingmoor North Reserve Designated Wildlife Site, Kingmoor Wildlife Pond Nature Reserve Designated Wildlife Site and Kingmoor Nature Reserve Designated Wildlife Site are all of county importance due to their designated status.

7.164 Cumbria Wildlife Trust consider that the submission is inadequate to assess the impact on the development on protected species. It is also mindful that the impact of the Great Crested Newt population on site is not low as stated by the applicant, and there will be a net loss of biodiversity from the site.

- 7.165 Natural England have confirmed that there are Great Crested Newt breeding ponds (which have been recently active) within 50m of the proposed site. The ponds are situated in Kingmoor Yard sidings directly to the west. It is stated that the proposed fencing and trapping regime, subject to details of a future license application, will be satisfactory albeit originally further information was requested to address the operational impacts of the development on newts, particularly with respect to drainage features. Furthermore, consideration of the introduction of SUDS could have an impact on the population.
- 7.166 Following the receipt of further information from the applicant as to solutions for managing Great Crested Newt activity on site it is considered, subject to additional conditions with respect to further survey work and details of such mitigation being secured that impacts can be managed. As referred to in the school section of this report, the location of the school will be determined at Reserved Matters stage with further consideration of the potential pressures on Great Crested Newts.
- 7.167 The applicant has undertaken surveys of the existing farm buildings and found no evidence of bats. Natural England concur with this view and has agreed that as a precautionary approach, a further survey prior to demolition would be appropriate. A condition is recommended to this effect. Regard has been had to the Habitats Directive and there is no reason to suppose that, if a licence were needed, it would not be granted by Natural England. [NB Morge (Supreme Court 2011)]
- 7.168 Turning to trees and their potential roosting habitat it is noted that the applicant has undertaken a survey to identify the likelihood of roosting potential. It is advised that 8 no. trees have a high potential to support bats. Subject to additional survey work, it is considered that adequate mitigation can be secured. A condition to secure this is therefore recommended.

12. Design and amenity issues

- 7.169 The proposal is in outline with all matters reserved, however an indicative site layout, along with some parameters have been established. As such the following policies would be considered against any future reserved matters application should this application be considered acceptable.
- 7.170 Local Plan Policies CP5 (Design), CP6 (Residential Amenity), CP7 (Use of Traditional Materials), CP15 (Access, Mobility and Inclusion) and LC15 (Percent for Art). The City Council have also adopted the Cumbria Design Guide: Supplementary Planning Guidance although some of this has now been superseded by Manual for Streets and the Cumbria Design Guide is still to be updated.
- 7.171 The scheme has been submitted in conjunction with a Design and Access Statement which has demonstrated that an acceptable level of design and amenity could potentially be secured at the density sought in this location.

7.172 Whilst the application is in outline with all matters reserved, Carlisle City Council's Urban Design Officer has no objections to the proposed development and considers that an effort has clearly been made to develop a streetscape. He notes that there would be a relationship between housing and open space that is often lacking in major development proposals and also notes that thought has been given to creating a hierarchy of spaces and a variety of building forms selected to complement a particular space.

13. Crime Prevention

7.173 Local Plan Policy CP17 (Planning Out Crime) requires the design of all new development to contribute to creating a safe and secure environment. A criteria based policy is offered to ensure that development integrates measures for security and crime prevention and minimising the opportunity for crime. In addition the City Council also has a Designing out Crime in Residential Areas: Supplementary Planning guidance.

7.174 The Design and Access Statement submitted with the application addressed the need for 'Secure By Design'. It indicates that the main issues that need to be addressed are:

- Site perimeter treatment;
- Natural surveillance opportunities;
- Vehicular and pedestrian connectivity;
- Garden boundary treatments;
- Car parking;
- Implications of proposed cycle way links to Kingmoor Park;
- Provision of play/leisure space;
- Implications of retail/community service provision;
- Achievement of Secured by Design (Part 2); and
- Opportunity to achieve full Secured by Design certification.

7.175 The application is at outline with all matters reserved and therefore (as noted above) design and layout are not being considered under this application. Nevertheless, it is important that the indicative layout plan has demonstrated that these matters can be accommodated within this site and a safe and secure development can be conceived.

7.176 Cumbria Constabulary (Crime Prevention) notes that the applicant intends to ensure all dwellings achieve Level 4 of the Code for Sustainable Homes (CSH) that provides the opportunity to acquire CSH credits by complying with Section 2 of 'Secured by Design' in respect of Physical Security.

14. Landscape

- 7.177 Chapter 11 of the Environmental Statement addresses landscape and visual impact. It assesses the sensitivity of the landscape and the magnitude of change. It concludes that the effects on the landscape resource of the site itself, both during construction and in operation, are judged to be significant. The effect on the landscape character of the wider area, assessed on the basis of landscape character areas, was considered to be insignificant. There would be views of the development from footpaths and bridleways in the locality, and significant effects on FP 120010. There would be intermittent / sequential views of the development from minor roads, in particular from those routes which run in close proximity to the site. Locally, for users of Crindledyke Lane, this would result in a significant adverse effect.
- 7.178 The Tree Officer has commented that: it is considered that the proposal would have a significant impact on the visual amenity of the area. Given that the site is not connected to any other similar housing developments, the Tree/Landscape Officer considers that the proposed development would form a discordant, stand alone feature in the landscape of the area which even the landscaping of the site could not easily mask."
- 7.179 Development of a greenfield site will inevitably have some visual impact in landscape terms. This is assessed against the landscape character and designations afforded to the site. In this instance it recognised there will be some visual impact of the development however the adjacent land which is undeveloped has already got permission for industrial development and is set against the backdrop of this future context and the west coast main line.

15. Heritage

- 7.180 PPS5 requires developers to undertake an assessment of the significance of any heritage asset (designated or otherwise) in order to understand the degree of impact on that significance.
- 7.181 RSS policy EM1(c) (Historic Environment) seeks to protect the regions historic assets, while Local Plan Policy LE5 (Hadrian's Wall World Heritage Site) and LE7 (Buffer Zone on Hadrian's Wall World Heritage Site) must be considered in conjunction with policy LE6 (Scheduled/ Nationally Important Ancient Monuments) resists development that will have an unacceptable impact on scheduled and other nationally important ancient monuments and their settings.
- 7.182 Local Plan Policy LE8 (Archaeology on Other Sites) is also of relevance and is concerned with sites where there is no archaeological information, but where there are reasonable grounds for believing remains to be present. In these

circumstances the City Council will ensure that the archaeological aspects of development proposals are examined and evaluated before planning applications are determined. In accordance with PPS5, the policy therefore prevents planning permission being granted without adequate assessment of the archaeological implications.

7.183 Moreover, Local Plan Policy LE9 (Other Known Sites and Monuments of Archaeological Significance) and policy LE10 (Archaeological Field Evaluation) serve a role in ensuring that any heritage assets that may be discovered, revealed or affected are properly managed and mitigation is adequately provided.

7.184 Chapter 12 of the Environmental Statement addresses Archaeology and Cultural Heritage. Whilst the chapter was published in advance of PPS5, the methodology broadly accords with the requirements of the policy document. 7 cultural heritage sites are identified within the proposed development area of local or lesser importance. Direct effects are predicted on 6 of the sites which would be removed by the development, which the removal of High Crindledyke Farm and Low Crindledyke Farm considered of moderate significance. The Historic Environment Officer accepts that the farm buildings of historic interest at High Crindledyke farm should be recorded prior to their demolition through a condition (and to a greater detail than recommended in the Environmental Statement).

7.185 In relation to external receptors, there are no scheduled monuments, listed buildings or conservation areas within 2km of the proposed development that would be affected by the proposed development. It would lie in close proximity to the Hadrian's Wall WHS Buffer zone. However, Hadrian's Wall and associated features are over 2km from the proposed development and therefore the development would have a minor impact on the setting of the Wall.

7.186 Cumbria County Council (Archaeological Services) notes that the site lies in an area of some archaeological potential. The results of the geophysical survey indicate that it is highly unlikely that site contains archaeological remains of national importance that would be worthy of preservation in situ. Further information regarding the quality and survival of archaeological remains should as such be secured through condition.

16. Transportation, Parking and highway safety

(a) Sustainable Location

7.187 In terms of the location of Crindledyke, the consideration of a sustainable location has already been considered in principle (first section of the appraisal).

- 7.188 Planning Policy Guidance 13 (PPG13 2001) provides strategic guidance on matters of transportation with aims to discourage dependency on the private car and encourages development within settlement boundaries, where the use of local centres, community facilities and commerce can be sustainably accessed.
- 7.189 RSS Policy DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility) reiterates central government policy and seeks development in locations so as to reduce the need to travel, by enabling people as far as possible to meet their needs locally.
- 7.190 The development as such is not only within the Urban Area, but is 5km from the city centre and adjacent to Kingmoor and Kingstown, which offers a range of employment areas and therefore is considered to broadly, on balance, comprise a reasonably sustainable location.
- 7.191 The proposals will also see the introduction of a local centre to serve local residents, including a primary school.

(b) Development relationship to public transport connections

- 7.192 RSS policy RT1 (Integrated Transport Networks) and Policy RT 2 (Managing Travel Demand) look to maximize the opportunities to better connect to and improve public transport. Moreover, policy RT3 (Public Transport Framework) looks to development improving transport infrastructure in partnership with operators.
- 7.193 Local Plan Policy CP16 (Public Transport, Pedestrians and Cyclists) requires new developments to offer a realistic choice of access by public transport, walking and cycling. Priority should be given to the provision for safe and convenient pedestrian and cycle access including secure cycle parking provision facilities, where appropriate, in all new developments accessible to the public.
- 7.194 As noted earlier on within this report the site is linked via the National Cycle Network 7 (NCN 7), the 62/62A bus route (400m away), and is a 25 min bus ride away from Carlisle Train Station. As such the application site is considered to have reasonable public transport links.
- 7.195 The scheme shows the provision of a highway network that will allow for a bus route to enter the site and drop off at the 'hub'. Whilst there is no operator to sign up to the route, it is encouraging that the indicative scheme can design in a highway network capable of facilitating new additional public transport provision in the future.

(c)Impact on the local highway network

- 7.196 Structure Plan Policy T30 (Transport Assessments) requires the submission of a Transport assessments for development proposals in accord with national guidance.
- 7.197 A Transport Assessment (TA) has been submitted with the application and evaluates the impact arising from a development of 930 dwellings although there is no split in terms of house types e.g. houses, apartments, etc or comparative size of households. The TA undertakes a full review of existing transport flows in the area, accessibility, and the proposed development in terms of construction traffic, operational traffic, parking and future growth. The report focuses on particular junctions that will likely change in flow capacities during am and pm peak hours. In addition to the Transport Assessment, Chapter 13 of the Environmental Statement addresses Traffic and Transport and concludes that the development would be acceptable subject to a number of mitigation measures including works to road junctions through Section 278 Agreements between the applicant and the Local highway authority.
- 7.198 The County Council assessed the Transport Assessment (as referred to in their representations) and provided a detailed response. In the light of additional information submitted the County Council is not in a position to sustain a recommendation for refusal in relation to the application. There concerns about site access, accessibility and connectivity can be addressed through planning conditions, and s106 / s278 agreements.
- 7.199 It is therefore understood that subject to a series of planning conditions, s106 agreements and Section 278 Agreements being secured, the site will not have a harmful or unsafe impact on the local highway network.
- 7.200 This will include a commuted payment for off-site works totalling £877,125 that will cover the following:
- Contributions to an extension of 62/62A service to Crindledyke to provide a regular and frequent bus service.
 - Contributions to cycle way provision
 - Contributions to improve the walking surface of PROW between Crindledyke and Chandler Way
 - U2181 Road Closure Investigation West of Crindledyke Site Access
 - Travel Plan Monitoring
 - Travel Plan Penalty
- 7.201 Planning conditions are addressed separately in this report.
- 7.202 Following the issuing of a "Holding Direction" to enable an assessment to be made of the impact of the proposal on Junction 44 of the M6 and the interaction of the development traffic with other traffic arising from committed

developments in the area, the Highways Agency lifted the Holding Direction, raising no objection to the scheme (including the addition of the school) subject to a condition relating to the implementation of the Travel Plan (as revised).

(d) Travel Plan

- 7.203 Structure Plan Policy T31 (Travel Plans) requires Travel plans to be submitted for proposals for development that would otherwise generate local traffic problems as identified through a transport assessment or an evaluation of a proposal.
- 7.204 The applicant has submitted a Framework Travel Plan in conjunction with the application. This only deals with the occupational phase not the construction phase. The plan offers a Travel Plan Co-ordinator for the site (guided by a Steering Group) along with a Travel Pack which will address both behavioural and physical measures for walking, cycling and bus travel, as well as encouraging car sharing, car clubs and patterns of travel to school.
- 7.205 As noted above the Highways Agency is satisfied that the scheme can function acceptably subject to implementation of the travel Plan (as revised).
- 7.206 The Travel Plan demonstrates a real commitment to developing a sustainable community, principally through educate the incoming community on how best to access existing public transport, but also on how to work together as a community to reduce dependency on less sustainable forms of travel. This is subject to a recommended condition.

(e) Parking Provision

- 7.207 Local Plan Policy T1 (Parking Guidelines for Development) states that 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.
- 7.208 The application comprises a mix of parking solutions (on and off street) in driveways and in parking courts in the indicative layout plan. The Transport Assessment confirms that as the scheme is in outline, the final details for car parking are not yet finalised.

7.209 Planning Policy Guidance 13: Transport, in conjunction with PPS3: Housing sets out the need for Local Councils to use maximum parking standards for residential development. However recent amendments to PPG13 have resulted in the removal of this requirement and as such, this should be considered within the context of this application.

7.210 The applicant identifies no ratio for parking however, with the Travel Plan in place and a development at the density illustrated a sufficient operational requirement can be achieved. This is subject to final detail through reserved matters submissions in due course.

17. Planning contribution

7.211 Local Plan Policy IM1 (Planning Obligations) makes provision for the Council to consider the use of Planning Obligations (S106 Agreements) in order to provide for local or community needs relevant to the proposed development as set out in other policies within the Local Plan. Planning Obligations will cover a number of issues such as affordable housing, recreational space, art, transport/traffic improvements, community facilities, archaeology, amenity space/landscaping, training and employment and crime and disorder measures.

7.212 Extensive discussions have been held with various technical and professional consultees and executives within the Council to establish the need for the following Heads of Terms:

- Provision of school:
 - To make available a site of 1.09 hectares and transfer to the requisite body for a nominal sum
 - To put a bond in place for £3.5 million to cover the cost of the school should it not be constructed
 - To construct a single form entry primary school (210 places) with nursery places provided if not provided elsewhere on the site to BB99 standards (or equivalent)
 - Associated sports pitches and details of community use
 - Costs index linked
 - Delivered prior to the occupation of the 300th house.
- The provision of the proposed level of affordable housing
 - Affordable housing to be provided on site. The affordable units shall be split 50% rented, 50% discounted by the equivalent of 30% from OMV
 - The affordable contribution shall be equivalent to 30% of properties being available at a 30% discount
 - Affordable housing to be provided in a phasing plan agreed with the City Council
- Highway works, speed restrictions and travel plan monitoring.

- To pay the required contribution of £877,125 for highways works as agreed by the County Council as Highway Authority
 - To put into place a bond in case of failure to meet agreed travel plan targets
- Open Space and recreational provision.
 - A sum of money equivalent to 10 years maintenance of open space areas/equipment
 - Transfer of open space to the Council at a date to be agreed
- Community Facilities
 - Community facilities to be provided by the occupation of the 650th dwelling

18. Other Issues outside of applicant's direct control

(a) Overhead Power Lines

7.213 A 132kV overhead power line (OHPL) crosses the site (roughly through the middle from north east to south west) with two pylons located within the site itself. The applicant proposes to underground the line in order to facilitate a more sustainable and coherent housing layout. The applicant is mindful that leaving it in situ will be detrimental to the development in terms of design and visual amenity. It is confirmed that should planning permission be granted, a termination notice will be served under the terms of the current agreement with the operator and landowner.

7.214 It is a condition of any approval that the power lines are placed underground prior to the commencement of any development.

(b) Lighting from Network Rail Marshalling Yard

7.215 Chapter 15 of the Environmental Statement addressed Light Climate and undertakes a Light Obtrusion Survey. The survey assesses the construction phase, operational phase as well as external light sources. Mitigation measures seek to direct light sources away from high value habitats. The design of lighting will be addressed during the reserved matters stage, where it will be necessary to ensure that the schemes public lighting strategy is sympathetic to the urban fringe character of the site and surrounding area.

7.216 Discussions have been undertaken between the applicant and the Carlisle Marshalling Yard, which currently generates a significant level of light pollution. This matter remains unresolved and discussions will continue on into the reserved matters application stage. Whilst some on site mitigation can be achieved through planting, the most effective solution will be through redesigning the lighting solution in the marshalling yard itself. A scheme has been drawn up, it is now a matter for negotiating its implementation.

- 7.217 Should the application be considered acceptable it would be necessary to address the light spillage across the proposed development through design mitigation. If it is possible a reduction in light levels at source should continue to be pursued, but this remains out side of the control of the applicant and as such the design layout must address this matter sufficiently, and as such an appropriate condition would need to be attached to any approval.

(c)Rights of Way

- 7.218 Local Plan Policy LC8 (Rights of Way) seeks to retain all existing footpaths, bridleways and other rights of way and to establish new routes wherever possible. New development will seek to maintain the existing rights of way network and where possible local improvements and extensions will be sought as part of new developments. Proposals to close or divert existing rights of way will not be permitted unless an alternative route is available which is attractive, serves the same area and is not significantly longer than the original route.
- 7.219 Public Footpath No. 120010 traverses the site almost parallel with the southern/south western site boundary. Crindledyke Lane is also a Public Footpath (No 120011) from Parkhouse Road to Middle Farm. The Environment Statement (Section 13: Traffic and Transport) notes that there is a network of existing and proposed walk routes surrounding the site to access Parkhouse Road, ASDA, Kingstown Industrial Estate, Kingmoor and Lowry Hill.
- 7.220 Matters of movement will be considered at Reserved Matters stage although Members attention is drawn that such principles will also be the subject to a recommended condition to tie the development to the Design and Access Statement and parameters which accompany the Environment Statement. (The Environment Statement states that it is proposed that the footpath surfaces are improved where necessary to ensure walk routes are passable in wet weather conditions (estimated that some 590m of path will need attention, which can be delivered through s106 agreement). To simplify navigation through the network of PROWs it is proposed to erect a number of pedestrian direction signs secured through s106. A new shared foot / cycle way (secured through s278 agreement) will be constructed along the south side of Crindledyke Lane as part of the development).

CONCLUSION

- 7.221 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise.

- 7.222 The Development Plan comprises the North West of England Plan - Regional Spatial Strategy to 2021 (Adopted 2008), Cumbria and Lake District Joint Structure Plan 2001 – 2016, the Carlisle District Local Plan (2001-2016) and the Carlisle District Plan (1997). The Development Plan seeks to regulate the amount and location of development required within the District to meet the community's needs for housing, employment, social and community facilities, transport, leisure and recreation, retail and other land uses. It seeks to balance such requirements against (and/or reconcile them with) economic objectives, infrastructure capacities and environmental considerations.
- 7.223 Although the site is not allocated for residential development under H16 of the Local Plan, it must be recognized that the Local Plan requirement was set at a lower level than RSS. The 2004 Planning and Compulsory Purchase Act provides that if there is a conflict between policies in an RSS or policies in a DPD the most recent policy will take precedence. The housing target in the RSS must therefore take precedence and the lack of allocation under H16 must be considered in the overall context of the ability of allocations and permissions to deliver the supply of housing contained in RSS. The allocated sites have not all come forward to a construction stage nor has the LDF work progressed to a stage that additional land allocations are confirmed. The RSS continues to be afforded full weight following recent consideration by the Council's Executive Committee.
- 7.224 PPS3 indicates that Local Authorities are required to ensure that there is sufficient, suitable housing land available to achieve housing land delivery targets through identification of a 5 year supply. A comprehensive assessment of the Council's housing land supply has been undertaken and the Council can not demonstrate a 5 year supply of housing sites to meet plan housing land targets. The ability to deliver a 5 year supply of housing is important not only for this application but also in the wider consideration of the Council to deliver its growth strategy especially during the period until the LDF has a Core Strategy and Allocations DPD in place.
- 7.225 PPS3, paragraph 71 advises that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in the PPS including the considerations in paragraph 69. The Council accepts that there is a shortfall in the five year housing supply and that the requirement for favourable consideration of the proposal is a significant material consideration. The phased release of the application site would contribute towards achieving the desired delivery of dwellings over the plan period. The site is located within the Carlisle Urban Area as identified in the Carlisle District Local Plan and its development would fit well with the economic strategy for the Carlisle City Region - the site offers a clear opportunity to locate substantial housing development adjacent to Kingmoor

Park, which would support the creation of a sustainable live-work area to the north of Carlisle City Centre. The site is located in a sustainable and accessible urban location and would be further supported by the development at Brunthill and the potential to grow public transport infrastructure within the site, with the cooperation of bus operators. Local Plan Policy DP1 states that the focus for new development proposals should be the urban area of Carlisle, with limited rural development. Evidence from the draft SHLAA (and current land supply calculations) shows that there is inadequate PDL land to maintain the speed and delivery of housing land sought by the authority. Turning to greenfield sites, DP1 states that where large scale development is not feasible within the urban area sustainable urban extension provides an opportunity for efficient use of land and infrastructure resources. The site is located within the urban boundary, and the submission of the planning application has demonstrated that development is feasible within the urban area.

- 7.226 The need for affordable housing in the area is substantial and, having regarding to the PPS3 requirement for authorities to identify an adequate level of affordable housing, the offer of 171 units of site is a point in favour of the scheme. (The Strategic Housing Market Assessment (2009) identifies a shortfall of 292 affordable units in Carlisle City and 743 across the District). As part of the application a primary school would also be provided on site, along with a range of community facilities necessary to serve the needs of those who would live within the development.
- 7.227 Significant factors weighting against the proposed development include the loss of agricultural land, landscape impact and ecology. The majority of the site is classified as being Grade 3b agricultural land; however the Agricultural Land Classification study indicates that part of the site is Grade 3a agricultural land (2.97 hectares). Despite this, the spatial distribution of this land, across six fields' means that the potential to farm this higher grade agricultural land is limited and the retention of the land would be impractical should the application be allowed.
- 7.228 In terms of landscape impact, clearly the development would have an impact on the visual amenity of the area. However, the site is located within the urban area of Carlisle as defined by the Local Plan (DP1). The Masterplan seeks to minimise and assimilate the development into the site. The proposals do not seek to extend the boundary of the urban area and as a consequence a clear defensible boundary will remain. The site is not identified in the Local Plan as Urban Fringe (LE1), but rather white land with no pertinent designations such as for any intrinsic landscape quality. Detailed landscape measures can be achieved through any reserved matters approval.

7.229 In relation to ecology, Natural England are satisfied that the proposal would not have a significant adverse effect on the SPA / SAC.

7.230 Regard has been given to the issue of prematurity and the impact of permitting development on the progression of the Local Development Framework. Whilst in an ideal world the LDF – including Allocations of Land DPD – is the most appropriate forum for taking forward new housing allocations, this will not be substantially progressed until 2015. Given the Council's recent reaffirmation of the housing targets in the RSS as the basis upon which to manage delivery of housing land, it is concluded that the current shortfall of housing land must be given significant weight. This cannot be addressed through existing permissions and Local Plan allocations alone. The Annual Monitoring Report and Local Plan Inspectors Report acknowledge that there is a shortage of suitable brownfield sites available for housing and therefore greenfield sites will have to be given consideration in light of achieving delivery of sufficient housing land to meet need. In line with the broad development strategy supported by the Local Plan particular weight has been given to the location of the site within the existing urban area boundary. Supporting the proposal would not preclude the continued development of existing permissions, presently allocations sites and further unallocated brownfield sites.

7.231 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.

REFERRAL

7.232 The Town and Country Planning (Consultation) (England) Direction 2009 requires local authorities to refer any application to the Secretary of State which fall within the terms of the Direction.

The Direction applies to any application for planning permission which:–

- (a) is for Green Belt Development, development outside town centres, World Heritage site development, playing field development or flood risk area; *and*
- (b) is received by a planning authority on or after 20 April 2009.

For the purposes of the Direction, 'development outside town centres' means development which consists of or includes retail, leisure or office use, *and* which:–

- (a) is to be carried out on land which is edge-of-centre, or out-of-centre; *and*

- (b) is not in accordance with one or more provisions of the development plan in force in relation to the area in which the development is to be carried out; *and*
- (c) consists of or includes the provision of a building or buildings where the floor space to be created by the development is:
 - (i) 5,000 square metres or more; or
 - (ii) extensions or new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres.

The proposal does not fit any of the above criteria identified in the Direction and therefore the application does not require referral to the Secretary of State.

8. Recommendation:

It is recommended that:

- I. That the Assistant Director (Economic Development) be authorised to enter into a legal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the following matters:
 - Provision of school:
 - To make available a site of 1.09 hectares and transfer to the requisite body for a nominal sum
 - To put a bond in place for £3.5 million to cover the cost of the school should it not be constructed
 - To construct a single form entry primary school (210 places) with nursery places provided if not provided elsewhere on the site to BB99 standards (or equivalent)
 - Associated sports pitches and details of community use
 - Costs index linked
 - Delivered prior to the occupation of the 300th house.
 - On site community facilities
 - The provision of the proposed level of affordable housing
 - Affordable housing to be provided on site. The affordable units shall be split 50% rented, 50% discounted by the equivalent of 30% from OMV
 - The affordable contribution shall be equivalent to 30% of properties being available at a 30% discount
 - Affordable housing to be provided in a phasing plan agreed with the City Council
 - Highway works, speed restrictions and travel plan monitoring.
 - To pay the required contribution of £852,125 for highways works as agreed by the County Council as Highway Authority

- To put into place a bond in case of failure to meet agreed travel plan targets
 - Open Space and recreational provision.
 - A sum of money equivalent to 10 years maintenance of open space areas/equipment
 - Transfer of open space to the Council at a date to be agreed
 - Community Facilities
 - Community facilities to be provided by the occupation of the 650th dwelling
- II. That the applicant be informed that the Council is minded to grant planning permission, subject to the conditions stated below, on completion of such legal agreement;
- III. That authority be given for the decision notice relating to the application be issued, (subject to the conditions and reasons stated below) on completion of the above-mentioned legal agreement;

1. **Time Limits**

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters for any phase of development, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 and to enable the local planning authority to retain control of the development whilst allowing a phased development on the site.

2. An application for approval of any of the reserved matters for the first phase shall be made to the local planning authority before the expiration of three years from the date of this permission.

Applications for the approval of reserved matters for all other phases shall be made to the local planning authority by no later than 8 years from the date of this permission.

Reason: To enable the local planning authority to retain control of the development whilst allowing a phased development on the site.

3. **Reserved Matters**

Any application for reserved matters shall be accompanied by details of the intended programme of phasing of the overall development hereby permitted (including phasing of the construction programmes for the associated highways, footpaths/cycleways, linkages to the school site, any public open space or landscaping, playspace, allotments, sports pitch, and associated parking, re-routing of the existing overhead power line, provision of the bus connection and turning facility, and infrastructure and services within the development and a connection to the existing public/adopted networks) shall be submitted to and approval obtained in writing from the local planning authority.

The development shall thereafter be carried out in accordance with the approved details or any amendments to those details as may subsequently be agreed in writing by the local planning authority.

Reason: To ensure that the site is developed in a co-ordinated manner and in order to safeguard the amenity of the area in accordance with Policy H4 of the Carlisle District Local Plan 2001-2016.

4. The development hereby approved shall provide for the construction of not more than 850 residential units.

Reason: To ensure an appropriate development density across the site

5. Any application for the approval of reserved matters shall be accompanied by a scheme for the provision of the following:

4. 0.435ha of outdoor playgrounds;
5. 0.783ha of informal play space; and
6. 2.9ha of sports ground.

The approved scheme shall be implemented in full accordance with the approved scheme and in accordance with the provisions of Condition 3.

Reason: To ensure that the site is developed in a co-ordinated manner and in order to safeguard the amenity of the area in accordance with Policy LC4 of the Carlisle District Local Plan 2001-2016.

6. Any application for the approval of reserved matters shall accord with the

principles set out in the Planning Statement and Design and Access Statement (July 2009) (amended May 2010) and shall be accompanied by the following details to be approved in writing by the local planning authority prior to commencement of the relevant works:

- (i) A layout of the development, including the position of widths of roads and footpaths and distribution and extent of all land uses;
- (ii) Landscaping including a landscape design drawing;
- (iii) The siting of all buildings and the means of access thereto from the proposed highways within the site, including the layout, construction and sightlines;
- (iv) Full details of existing and proposed ground levels, proposed finished floor levels, levels of any paths, and parking areas and the height of retaining walls;
- (v) The design and external appearance of all buildings and plant, including details of the colour and texture of external materials to be used, together with samples of all external facing and roofing materials.
- (vi) The provision to be made for the parking, turning, loading and unloading of vehicles;
- (vii) The provision to be made for street lighting and other means of external lighting (including security lighting). For the avoidance of doubt any lighting adjacent to the operational railway shall be positioned where it would not dazzle drivers and its colour not to give rise to the potential for confusion with the signalling arrangements on the railway;
- (viii) The provision to be made for the storage and removal of refuse, including the location and capacity of bin and recycling storage areas;
- (ix) The network of footpaths and pedestrian ways throughout the site over which the public are to have an uninterrupted right of access, and those paths and ways over which the public are to have discretionary access; and

The development shall thereafter be undertaken in full accord with those approved details and completed prior to the occupation of the last unit within each phase unless otherwise agreed in writing by the Local planning authority.

Reason: To ensure that the Local planning authority is satisfied that the reserved matters are in accordance with Policies CP5, H1, LC3 and LC4 of the Carlisle District Local Plan 2001-2016; to secure a comprehensive and co-coordinated development of the site; and to meet the requirements of Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

7. Any application for approval of Reserved Matters authorised shall be in accordance with the principles of the Illustrative Planning Application Masterplan (drawing pod-022-STO-500-01-01A), and the parameters set out in the

Environmental Statement, Transport Assessment, Design and Access Statement, Framework Travel Plan and subsequent amendments dated May 2010 unless otherwise agreed in writing by the Local planning authority.

Reason: To ensure that the Local planning authority is satisfied that the reserved matters are in accordance with Policies CP5, H1, LC3 and LC4 of the Carlisle District Local Plan 2001-2016; to secure a comprehensive and co-coordinated development of the site; and to meet the requirements of Section 92 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

8. Highway Works

All carriageways, means of access, footways, footpaths and cycleways shall be designed, constructed, drained and lit to a standard suitable for adoption and in accordance with the provisions pursuant to condition 3 of this permission.

Applications for Reserved Matters for such infrastructure shall be accompanied by the following details to be approved in writing by the local planning authority prior to commencement of the relevant works:

- i) longitudinal/cross sections;
- ii) means of surface water drainage;
- iii) specification of the works; and
- iv) construction programme.

These details shall be in accordance with the standards laid down in the current Manual for Streets (or other such guidance as agreed by the local planning authority).

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

9. All works approved under condition 8 and installation of ducts approved under condition 10 associated with a phase shall be concluded prior to the occupation of the last unit of housing within that phase unless the local planning authority agree otherwise and no unit of housing shall be occupied until:
 1. it is provided with a connection to the highway network that has been constructed in all respects to base course level, drained and lit; and

2. off-street parking and turning facilities associated with that unit (if applicable) are available for use.

Reason: To ensure a minimum standard of construction in the interests of highway safety in support of Local Transport Plan Policies: LD5, LD7 and LD8; and maintain the visual character of the locality in accord with Policies EC1 and CP5 of the Carlisle District Local Plan 2001-2016.

10. In each phase, adequate underground ducts shall be installed in accordance with details approved beforehand by the local planning authority to enable telephone services and electricity services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

In providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers.

Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (b) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local planning authority.

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

11. The access covers to the underground ducts to be installed pursuant to Condition 10 shall be carefully located in relation to the surface finishes in accordance with details submitted to and approved in writing beforehand by the local planning authority and shall be of the type whereby the "tray" may be in-filled with the appropriate surface materials.

Reason: In the interests of highway safety; and in accordance with Policies CP5 and EC1 of the Carlisle District Local Plan 2001-2016.

12. No development shall commence within any affected phase until a scheme is submitted to and approved in writing by the local planning authority for the protection of the affected sections of public rights of way to be retained within the development area and their consolidation with the wider network of public right of way. The approved scheme shall be implemented prior to the

commencement of development of the affected phase.

Reason: In the interests of highway safety; and in accordance with Policies LC8 of the Carlisle District Local Plan 2001-2016.

13. No more than 50 homes pursuant to this application shall be occupied unless and until the CNDR between Junction 44 of the M6 and Parkhouse Road is open to traffic and no more than 100 homes pursuant to this application shall be occupied unless and until the whole of the CNDR between Junction 44 of the M6 and Wigton Road is open to traffic, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety; and in accordance with Policies LC8 of the Carlisle District Local Plan 2001-2016.

14. Prior to commencement of the development, details of a scheme of highway improvements to Crindledyke Lane and its junction with Parkhouse Road, as shown in principle on Drawing Number A041003/C005/d dated November 2009, shall be submitted to and approved by the local planning authority and shall be completed prior to first occupation to the satisfaction of the local planning authority unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety; and in accordance with Policies LC8 of the Carlisle District Local Plan 2001-2016.

15. **Archaeology**

No development shall commence within any phase of the site until a programme of archaeological work has been implemented for that phase in accordance with a written scheme of investigation to be submitted to and approved in writing by the local planning authority.

The written scheme shall include the following components:

- i) an archaeological evaluation to be undertaken in accordance with the agreed written scheme of investigation;
- ii) an archaeological recording programme the scope of which will be dependant upon the results of the evaluation and will be in accordance with the agreed written scheme of investigation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains in accordance with Policy LE8 of the Carlisle District Local Plan 2001-2016.

16. Unless otherwise agreed in writing by the local planning authority an archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the local planning authority (LPA) shall be carried out within three years of the date of completion of the archaeology programme for the last Phase or otherwise agreed in writing by the LPA.

Reason: To ensure that permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development in accordance with Policy LE9 of the Carlisle District Local Plan 2001-2016.

17. Prior to the carrying out of any demolition of High Crindledyke Farm (comprising the entire agricultural group, including all barns and ancillary buildings) the site shall be recorded in accordance with guidance issued by English Heritage. That record shall comprise a Level 3 Survey as set out in "Recording Historic Buildings - A Descriptive Specification (Third Edition)" and, following its completion, a copy of that survey shall be furnished to the Local planning authority.

Reason: to ensure that a permanent record of the buildings is obtained.

18. **Contamination**

No development shall be commenced on any phase until a scheme to deal with any site contamination within that phase has been submitted to and approved in writing by the local planning authority. The scheme shall include investigation and assessment to establish the extent of contamination and measures to be taken to avoid risk to people, buildings and the environment. The approved scheme shall be fully implemented and completed before occupation of any unit of that phase.

Reason: To ensure that risks from land contamination to the future users of

the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Policies CP11 and LE29 of the Carlisle District Local Plan 2001-2016.

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely in accordance with Policies CP11 and LE29 of the Carlisle District Local Plan 2001-2016.

20. **Construction Impacts**

Prior to the commencement of development in any phase, a Construction Method Statement for that phase shall be submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the laying out of land for and details of the means of access and parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction; and
- vii) a scheme for the re-cycling/disposal of waste resulting from demolition

and construction works.

Reason: To ensure proper and adequate provisions are made during the construction phase in the interests of highway safety and local amenity in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

21. Notwithstanding the provisions of condition 20, no construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays) unless otherwise agreed in by the local planning authority.

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

22. Prior to the commencement of development in any phase, a scheme of ON-SITE noise mitigation measures for that phase shall be submitted to, and approved in writing by, the local planning authority. The development shall be carried out fully in accordance with the approved details unless otherwise agreed in writing beforehand by the Local planning authority.

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

23. For the duration of the construction works within any constituent part of the site, a suitable barrier preventing siltation and pollutants entering any watercourse within that part of the site shall be erected and maintained in accordance with details to be submitted to and approved in writing by the Local planning authority before any development is commenced on that part of the site.

Reason: To safeguard the biodiversity of the locality in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

24. **Landscaping and Biodiversity**

No development shall take place on any phase until a detailed Biodiversity Enhancement and Protection Plan for that phase has been submitted to and approved in writing by the Local planning authority:

- This shall include, mitigation measures to protect Great Crested Newts (including the appropriate use of newt exclusion fencing and full details of habitat linkage for existing Great Crested Newt Population);
- A habitat management plan detailing a method statement setting out details of the proposed mitigation measures (including that for the habitat creation and management of the foraging area in accordance with the principles set out in the Environmental Statement).

The Biodiversity Enhancement and Protection Plan shall be implemented in accordance with the approved details and development phasing, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the promotion and protection of biodiversity within the development in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

25. Prior to commencement of development, including site clearance and site remediation, a survey, to be agreed in writing with the local planning authority, shall be carried out to determine whether great crested newts have colonised the site. If colonisation has taken place, a translocation programme shall be submitted to and approved in writing by the local planning authority. The approved translocation programme shall be completed prior to commencement of development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the promotion and protection of biodiversity within the development in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

26. Prior to commencement of development, including site clearance and site remediation, a survey, to be agreed in writing with the local planning authority, shall be carried out to assess the foraging and habitat potential of trees on site. Any found to be of high roosting potential shall be subject to further survey work, the details of which shall firstly be agreed in writing by the local planning authority, and a scheme for retention or removal agreed. The approved scheme shall be completed prior to commencement of development unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the promotion and protection of biodiversity within the development in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

27. All identified important hedgerows located on the site are to be retained during the site development unless otherwise agreed in writing by the local planning authority and none of the hedgerows shall be cleared or damaged during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local planning authority.

Reason: To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

28. Applications for reserved matters for landscaping shall be accompanied (where appropriate) by the following details to be approved in writing by the local planning authority prior to commencement of the relevant works:

- i) identification of those trees/shrubs to be retained;
- ii) identification of the crown spread of retained trees, including those that overhang the boundary; and
- iii) a scheme for wetland planting.

These works shall be carried out not later than the end of the planting and seeding season following the completion of the phase of the development to which the landscaping relates.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

29. Any trees or other plants, which die, are removed or become seriously damaged or diseased within the first five years following planting shall be replaced during the next planting season with others of similar size or species unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

30. Any trees identified to be retained through reserved matters approvals shall be protected by a suitable barrier in accordance with details to be submitted to and approved, in writing, beforehand by the local planning authority.

Within those protected areas the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon unless otherwise agreed in writing by the local planning authority.

If any trenches for services are required in the protected area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 50mm or more shall not be left uncovered.

The protective barrier shall thereafter be retained at all times during construction works on the site.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies CP2 and CP3 of the Carlisle District Local Plan 2001-2016.

31. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for a period of not less than 5 years from the commencement of the work for all landscape areas (other than domestic gardens) within each Phase of the development shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall thereafter be fully implemented unless otherwise agreed to in writing by the local planning authority.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

32. No development within any phase shall take place until details of earthworks for that Phase have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. They shall also include engineering details of any works (including ponds) that are adjacent to the railway to demonstrate that their design would

not compromise the structural integrity of the railway embankment nor the Railway drainage. The works shall be carried out in full accordance with the approved details unless the local planning authority agree otherwise.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

33. No development within any phase shall take place until a scheme detailing the design and position of trespass proof fence adjacent to Network Rail's boundary and 2m high safety fences alongside any sports pitches have been submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of that phase of the development.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

34. **Drainage**

No part of the development shall commence until details for that part of the surface water drainage and means of disposal, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development (inclusive of how the scheme shall be maintained and managed after completion and any necessary off-site improvements for that part) have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, surface water drainage shall be on a separate system.

No housing or non-residential unit hereby permitted shall be occupied until the approved works to connect that unit to the surface water drainage system have been completed.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system in accordance with Policies CP10 and CP12 of the Carlisle District Local Plan 2001-2016.

35. No part of the development shall commence until details of the foul drainage, including any necessary off-site improvements, for that part have been submitted to and approved in writing by the local planning authority.

No housing or non-residential unit hereby permitted shall be occupied until the approved works to connect that unit to the foul drainage system(s) have been completed.

Reason: To prevent overloading of the public sewerage system, in order to protect the health and safety of existing residents and ensure no detriment to the environment in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

36. **Flood Risk**

The development shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) in Chapter 9 of the Crindledyke Environmental Statement dated July 2009 and amended in the Addendum dated June 2010 and July 2010, and produced by Ove Arup & Partners Ltd and the following mitigation measures detailed within the FRA:

- i) limiting the surface water run off generated by the critical storm up to and including the 1% annual probability (1 in 100 year event) plus allowance for climate change, so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;
- ii) flood volumes up to and including the 1% annual probability (1 in 100 year event) plus allowance for climate change, including an allowance for climate change will be stored on site;
- iii) demonstrate within a level 3 FRA that the design, protection and maintenance of proposed flood storage attenuation ponds will be provided in line with the best practice; and
- iv) finished floor levels for the proposed development shall be set no lower than 600mm above any proposed maximum attenuation storage levels for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policies CP10 and CP11 of the Carlisle District Local Plan 2001–2016.

37. Prior to development commencing on any phase all elevational materials relating to that phase shall be submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved materials.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.

38. **Renewable Energy**

As a minimum, the development hereby approved shall achieve a minimum Code for Sustainable Homes Level 3 rating or equivalent, or the Level adopted at the time of bringing forwards that phase.

A post-construction certificate confirming such an outcome for each phase shall be submitted to and approved in writing by the local planning authority as soon as this is available.

Reason: In the interests of resource conservation and environmental sustainability. This is in accordance with Policy CP9 of the Carlisle District Local Plan 2001-2016.

39. Prior to development commencing on any plot within a phase affected by the power lines and pylons that cross the site shall be placed underground for the entire length of the site.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies CP5 and CP6 of the Carlisle District Local Plan 2001-2016.

45 **Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise agreed in writing by the Local planning authority:

Location Plan - July 2009 - Dwg No: pod-022-STO-400-01-01

Illustrative Scale Parameters Plan - Dwg No: pod-022-STO-504-01-01

Illustrative Access plan - Dwg No: pod-022-STO-505-01-01

Illustrative Built Form Masterplan - Dwg No: pod-022-STO-500-01-01A
Access Point Plan - Dwg No: pod-022-STO- 506-01-01
School accessibility diagram Dwg No: pod-sto-510-01-01
Crindledyke Environmental Impact Assessment Vol. 1: ES Main Text (23rd July 2009)
Crindledyke Environmental Impact Assessment Vol. 2 Figure (July 2009)
Crindledyke: EIA Vol. 3 Appendices (July 2009)
Crindledyke ES Addendum (22nd June 2010)
Crindledyke Masterplan; Planning Statement (July 2009)
Planning Statement Addendum (May 2010)
Design and Access Statement (July 2009)
Crindledyke, Carlisle – Advice in relation to Housing Land Supply (January 2010)
Transport Assessment (July 2009)
Travel Plan (July 2009)
Waste Strategy Report (21st July 2009)
Preliminary Ground Investigation Report (April 2008)
Geophysical Survey (June 2008)
Desk Study – Potential Hazards Assessment (2007)
Report of Community and Stakeholder Engagement (17th July 2009)
ES Addendum (School) May 2010
D+AS Addendum (School) May 2010
Tree Survey for Bat Roost Potential –WYG (April 2011)



Location Plan

For: Story Group
Scale: 1:2500 @ A2

Date: July 2009
Dwg No: mod-022-STO-400-01-01

Dwg No: pod-022-STO-400-01-01

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tel:0845 003 7755 \ fax:0845 003 7756 \ e: info@pod.sp.com

pod

STORY



Land at Crindledyke, North Carlisle

Pictorial View - Western Edge

For: Story Group
 Scale: Not to scale
 Date: July 2009
 Dwg No: pod022-STO-502-01-01
 pod \ 99 galgate\ barnard castle\ county durham\ DL12 8ES.
 tel: 01845 003 7755 \ fax: 01845 003 7757 \ e: info@pod.gp.com
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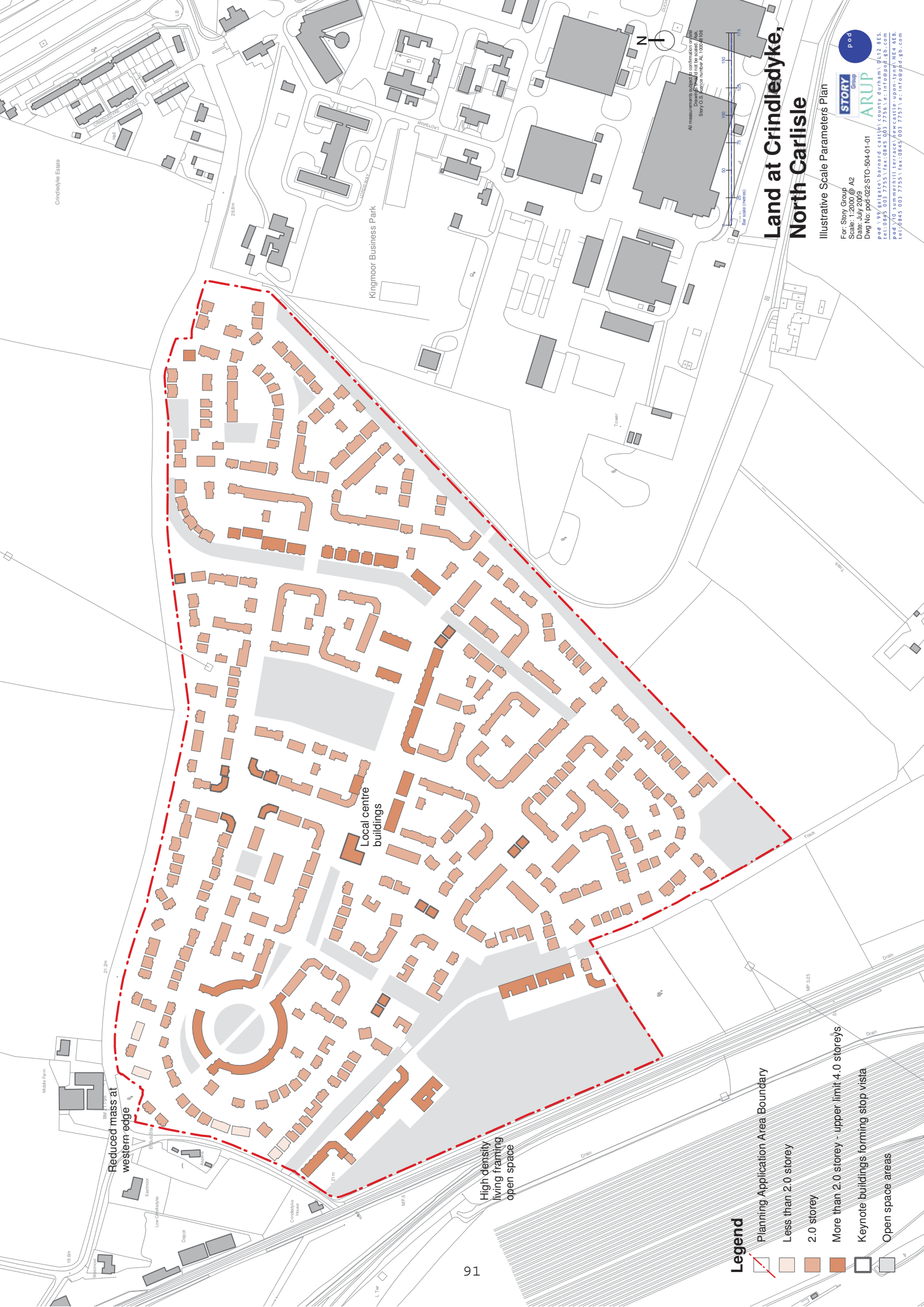


Land at Crindledyke, North Carlisle

Pictorial View - Boulevard Loop

For: Story Group
 Scale: Not to scale
 Date: July 2009
 Dwg No: pod-022-STO-508-01-01
 pod \ 99 galgate\ barnard castle\ county durham\ DL12 8ES.
 tel: 01845 800731 fax: 01845 800732 email: info@pod-uk.com
 tel: 0845 003 7755 fax: 0845 003 7757 e: info@pod-uk.com





Land at Crindledyke, North Carlisle

Illustrative Scale Parameters Plan

For: Story Group
 Scale: 1:2000 @ A2
 Drawing No: 2022-STO-504-01-01
 Date: 14/05/2022
 Drawn by: J. Smith
 Checked by: J. Smith
 Approved by: J. Smith
 All measurements subject to confirmation on site. Do not rely on this plan for construction. Plans may be amended without notice.
 Story Group Ltd, 100, The Quadrant, Carlisle, Cumbria, CA1 1JF.
 Tel: 01273 800 7755 | Fax: 01273 800 7756 | E: info@storygroup.co.uk
 pod
 STORY Group
 ARUP

Legend

- Planning Application Area Boundary
- Less than 2.0 storey
- 2.0 storey
- More than 2.0 storey - upper limit 4.0 storeys
- Keynote buildings forming stop vista
- Open space areas

Kinamoor Business Park

Land at Crindledyke, North Carlisle

Illustrative Access Plan

For: Story Group
Scale: 1:2000 @ A2

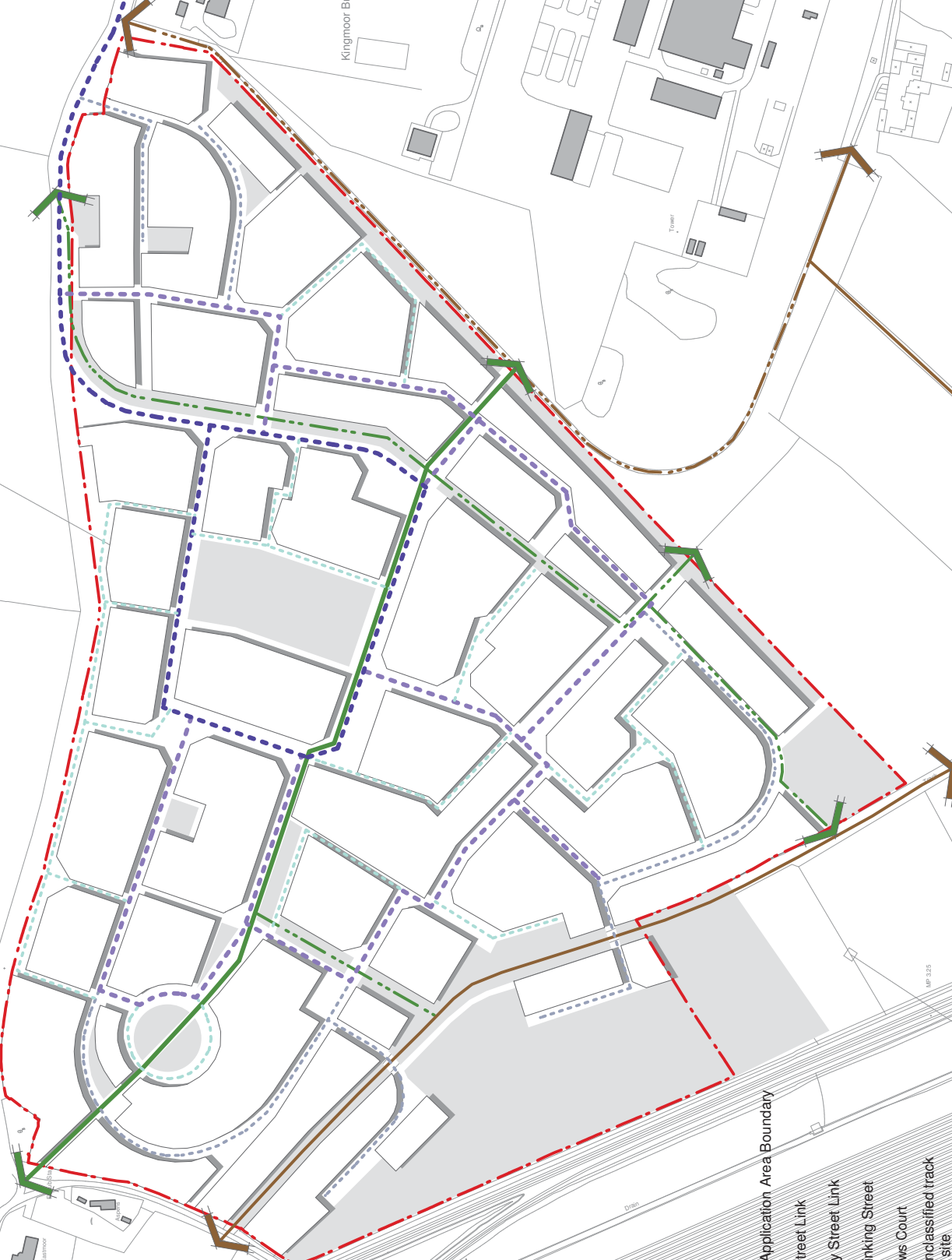
Date: July 2009
Dwg No: pod-022-STO-505-01-01

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STORY

ARUP

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Legend

-
- Planning Application Area Boundary
- Primary Street Link
- Secondary Street Link
- Tertiary Linking Street
- Lane / Mews Court
- Existing unclassified track alongside site
- Existing statutory footway / bridlepath
- Key proposed footpaths
- Proposed East-West foot / cycle link 'Linear Park'

