

SCHEDULE B: Reports Requiring Further Information

10/0346

Item No: 08

Date of Committee 11/06/2010

Appn Ref No:
10/0346

Applicant:
Story Homes

Parish:
Brampton

Date of Receipt:
19/04/2010 08:01:14

Agent:

Ward:
Brampton

Location:
Former Highways Depot & Dandycroft, Station
Road, Brampton, CA8 1EU

Grid Reference:
353782 561006

Proposal: Erection Of 42no. Dwellings And Associated Infrastructure

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This is a Major application that has generated more than four letters of objection.

1. Constraints and Planning Policies

Public Footpath

The proposal relates to development which affects a public footpath.

Airport Safeguarding Area

Conservation Area

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

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol CP1 - Landscape Character

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP3 - Trees and Hedges on Development Sites

Local Plan Pol CP5 - Design

Local Plan Pol CP6 - Residential Amenity

Local Plan Pol CP7 - Use of Traditional Materials

Local Plan Pol CP8 - Renewable Energy

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

Local Plan Pol CP10 - Sustainable Drainage Systems

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

Local Plan Pol CP14 - Waste Minim.& Recycling of Waste

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H3 - Residential Density

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

Local Plan Pol H5 - Affordable Housing

Local Plan Pol LE1 - Urban Fringe Landscape

Local Plan Pol LE17-Dev.Involving Dem.Unlisted Bldgs CA

Local Plan Pol LE19 - Conservation Areas

Local Plan Pol LE30 - Derelict Land

Local Plan Pol LE31 - Hazardous Substances

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LC3 - Amenity Open Space

Local Plan Pol LC4 - Children's Play and Recreation Areas

Local Plan Pol LC8 - Rights of Way

Local Plan Pol LC9 - Disused Railway Lines

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): this application site has been the subject of previous applications (06/0307 & 05/0264). In the previous versions the application was for 24 dwellings. This application is therefore an intensification.

The Highway Authority is content with the level of intensification of this site and will therefore retain the previous highway conditions in its recommendation. But in order to ensure the sustainability and accessibility of the site (and to be consistent with similar size developments in the Carlisle Area) a further condition is included. The Highway Authority is confident that even with this inclusion, considering the revised number of dwellings, that this contribution level will not fall foul of planning circular 05/05.

As you are aware Brampton station is over 2km from the town centre. The current road cycling route is 2.8km distance and crosses the busy, high speed A69 bypass. The “Dandy Line,” a disused railway line (now a public footpath) provides a far more attractive cycle link to the Station. It will not be reasonable for a development of this size to contribute to the upgrade of the entire length of this path, but it is the Highway Authority's view that this development should be required to fund the installation of a ramp, allowing buggies and wheelchairs to access the path. This will not only offer this development a safe and accessible route to this community facility, but will also hold a wider community benefit.

It is therefore recommended that this development be conditioned to enter into a suitable legal agreement to provide a financial contribution for this ramp to the amount of £25510. This amount has been calculated as per previous schemes, taking into account the 25% affordable housing element.

The following conditions are as per the previous recommendation:

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

Reason: To ensure a minimum standard of construction in the interests of highway safety.

To support Local Transport Plan Policies: LD5, LD7, LD8

The development shall not commence until visibility splays providing clear visibility of 70 metres measured down the nearside channel line of the major road from a position 2.4 metres inset on the centre of the access road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no

trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

Reason: In the interests of highway safety.

To support Local Transport Plan Policies: LD7, LD8

Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian within and to and from the site shall be provided that is convenient to use. The developer will ensure that the footway link to the southwest of the site access on the south side of Station Road is constructed to provide a continuous footway leading from the development.

Reason: In the interests of highway safety.

No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

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

A Stage 1/2 road safety audit will have to be carried out as part of the detailed planning stage in accordance with HD 19/03;

Environment Agency (N Area (+ Waste Disp)): the Agency has considered the proposal and wishes to comment as follows:

Contaminated Land

Government policy as set out in Planning Policy Statement 23 notes the key role that the planning system plays in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution.

The Agency's approach to groundwater protection is set out in its recently revised policy 'Groundwater Protection: Policy and Practice' (2008). In implementing its policy the Agency will oppose development proposals that may pollute groundwater especially where the risks of pollution is high and the groundwater asset is of high value. The Agency also seeks to ensure that applicants provide adequate information to demonstrate that the risks posed by development to such groundwater assets can be satisfactorily managed. In this instance the applicant has failed to provide this information.

In this case the Agency considers that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

The consultants recommend removal of contaminated soils next to the joiners shop. Remediation of this nature will require further ground investigation and a risk assessment to assess the extent of ground contamination.

It is noted that there have been no recorded water strikes in trial pits and boreholes which confirm the status of water quality in the groundwater of the underlying major aquifer. Further investigation is required to determine the impact of petroleum hydrocarbons on groundwater quality.

The Agency requests that re-consultation once this information is made available.

Development and Flood Risk

The site is located within Flood Zone 1 as defined in Table D.1 of Planning Policy Statement 25: Development and Flood Risk (PPS25). With reference to the Agency's Flood Zone Mapping the site is at little or no risk of flooding from River, tidal & coastal sources which shows the extent of floods with below 0.1% annual probability of occurrence.

In Flood Zone 1, where the risk of flooding from rivers or the sea is classified as low, the Flood Risk Assessment (FRA) should be focused on the management of surface water run-off.

Development that increases the amount of impermeable surfaces can result in an increase in surface water run-off, which in turn can increase flood risk both on site and elsewhere within the catchment. This is particularly important for larger scale sites, which have the potential to generate large volumes of surface water run-off. In addition, the site may also still be at risk from other sources of flooding (e.g. groundwater and overland run-off), which are not considered in the mapping of Flood Zones.

The Agency has been consulted on this application because the site is greater than 1 hectare in Flood Zone 1. With reference to the Flood Risk Assessment (FRA) produced by Integra Consulting, the Agency would wish to clarify that with reference to the closing sentence section of 3.1. The nearest watercourse to the site is actually Brampton Beck, Main River which lies some 500 metres to the South West. Brampton Beck is largely culverted beneath the town and is known to have capacity problems. For this reason the Agency would be concerned about any incremental surface water inputs which would exacerbate any flooding problems.

The proposed development will only be acceptable if the following planning condition is imposed:

Development shall not begin until a surface water drainage scheme is produced for the site, in accordance with the approved Flood Risk Assessment (FRA) dated March 2010, referenced NS 2207 and compiled by Integra Consulting on behalf of Story Homes and the following mitigation measures detailed within the FRA: based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and

managed after completion

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system.

Environment Management - Advice to applicant

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The applicant must still comply with the duty of care for waste. The applicant will need to record all waste movements in one document, having a SWMP will help to ensure that they comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

During the construction phase and site occupancy any facilities, above ground, for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Contaminated surface water runoff, must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakaway or watercourse including drains with connection to a watercourse;

Local Environment (former Community Services) - Drainage Engineer:
comments awaited;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: comments awaited;

Cumbria County Council - (Archaeological Services): do not wish to make any recommendations or comments;

Carlisle Airport: having conducted a thorough study of the possible impact of this proposed development Stobart Air Limited will not object if planning consent is sought;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): can confirm that a Phase 2 Ground Investigation has been carried out for the above site by Integra Consulting (March 2010). The recommendations made in the report were acceptable from a human health perspective. It should be noted however that the Environment Agency may have some comments in relation to the ground water.

As with any development it is recommended that the following condition is attached to any planning approval.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, 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 without unacceptable risks to workers, neighbours and other offsite receptors;

Planning - Planning Policy & Conservation: comments awaited;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): wish to make the following observations regarding this proposal, which has been considered from a crime prevention and architectural liaison perspective. Reference is made to the Consultation SPD 'Achieving Well Designed Housing' and the adopted SPD 'Designing Out Crime' as appropriate. The Constabulary is encouraged to note the 'Secured by Design' item in the submitted Design and Access Statement, which demonstrates that criminal and anti-social activity has been considered as part of the design process.

Site Layout - The site is laid out in a cul-de-sac arrangement and the dwellings tend to overlook each other, without compromising privacy. It is also noted that the POS is directly overlooked by three dwellings, so that no unwelcome activity shall be hidden from view.

Perimeter Security - The revised layout dispenses with the vehicle route which previously provided access to Dandycroft. However, it is unclear if this route still forms a footpath outside the east boundary, so the Constabulary wish to clarify that the site boundary treatment will be sufficient to discourage intrusion to garden spaces from this direction. The DAS advises 'It is intended to provide stone walls rather than fences to boundaries of the site where they border public spaces such as footpaths (p17), yet the drawing (p23) implies this boundary shall be formed by 1.8m fencing (but not specified if close-boarded or otherwise).

It is acknowledged that the requirement for a designated access point to the fields beyond the site (between Units 22 & 23). The Constabulary is concerned that this feature breaches the site perimeter and is not overlooked by the adjacent dwellings. It is, therefore, recommended that the incorporation of windows in the gable walls (as has been recognised as an issue - Units 15, 30 & 38). This access point should be securely locked when not in use.

It is encouraging to note the proposed new hedgerow to the south boundary and part east boundary, the intention being to deter any unobserved or unwelcome intrusion to the site.

Garden Boundary Treatments - The DAS implies the formation of rear garden boundaries by the use of 1.8m stone walls or timber fencing, to deter intruders. The Constabulary wish to clarify the formation and height of rear/side garden boundaries for each dwelling, to ensure these spaces can be made reasonably secure. There is also mention of general amenity shrub planting to provide plot frontages. In the Police view, front garden curtilages should be more boldly defined by bringing planting elements forward to the access road/footpath threshold. AWDH Item 4.18 "Walls fences, hedges and railings can have an important security function. They denote where public space stops and semi-public or private space begins. They can help the householder to control who can use particular areas of space and can dissuade casual trespass".

Car Parking - It is clear that the intention is to provide on-plot parking for the entire site. It is noted the extensive provision of garages, thereby improving vehicle security. As mentioned above, reinforcing front garden curtilages shall have a positive effect on defining 'Defensible Space'.

Landscaping - It is proposed to extensively landscape the site, with the intention of creating an 'informal rural town setting'. The choice and location of species in the scheme is important, to ensure that shrubs or trees do not impede natural surveillance as they mature.

Street and Security Lighting - There are no details on these matters

Public Open Space - This space is provided and intended for use by residents only. The Constabulary is satisfied that it is sufficiently overlooked by dwellings, so that any unwelcome behaviour will be noticed. Access should only be permitted from within the site (via the designated access point). The site perimeter must be substantial, to deter casual access from other directions.

Physical Security - Unfortunately, the 'Secured by Design' item makes no reference to the proposed physical security measures for this development. The incorporation of security standard door (including garage door) and window products (conforming to BS PAS 24, BS7950 and LPS 1175 as appropriate) and fitted with laminated glazing is recommended. It is also recommended that each dwelling should be fitted with a non-switched electrical spur to permit the installation of Intruder Alarm Systems, if required (DOC Item 6.39 'Exterior doors, windows, gates or locking devices should conform to the appropriate security standard';

Planning - Local Plans (Trees): there are a number of trees and hedges on site, many of which will have to be removed to implement the development which individually may have a limited level of visual amenity, but as a whole this is considerably greater. Whilst there is no objection in principle to the tree and hedge removal adequate mitigation must be provided, and this must not only seek to replace what is removed but to improve and enhance both the visual amenity and ecological value of the site and locality.

The proposed landscaping scheme falls short in both respects and needs to be improved. There are a number of areas where the opportunity exists to do this for example along the eastern boundary where the existing boundary planting could be improved by native hedgerow planting on the track side of what appears to be a

proposed close board fence. Also, the proposed trees within the development are primarily Rosaceae species, and all are relatively small growing. A greater variety and larger growing tree species should be used.

Should the proposals be acceptable a condition must be attached to the letter of consent requiring a detailed scheme of tree protection to be agreed in writing with the Local Planning Authority prior to commencement on site. This should include the location of the barriers and their specification, either in accordance with the standard set out in B.S. 5837:2005 Trees in relation to construction Fig. 2, or Scott Fitzgerald's Arboricultural Report and Method Statement Appendix 3 para. 7.0. The barriers must be erected prior to commencement of any works on site, including initial site clearance, tree works, demolition or any other works associated with the proposal.

There is predominantly hard surfacing over the site, even close to the existing trees. Should the proposals be acceptable a condition must be attached to the letter of consent requiring that the hard surface within the root protection area of the trees identified to remain is removed by hand digging only;

Conservation Area Advisory Committee: the Committee felt that this was a very prominent site and the manner in which it was proposed to develop it looked very intensive. Some of the properties were sited very closely together, yet the type of dwelling that was being presented suggested that this site should be treated in a more open way with a feeling of spaciousness. The tight nature of the development has resulted in the property at the front of the site, the one with the greatest impact on Station Road, looking very cramped. It was suggested that one of the units behind this property should be deleted so that Unit No 1 has a better setting and relationship with Station Road. This would also enable the remaining units to be spaced more appropriately.

The Committee felt that there was insufficient information to assess the impact of the development on the existing houses to the west of the site, particularly the issues of separation and overlooking. It was also felt that although the majority of the house types were reasonably well detailed, the development as a whole did little to try and reflect the local scene, part of this was due to the tight layout proposed and the lack of space around the units. It was suggested that accurate street elevations showing the proper relationships of the houses (some of which are at odd angles to their neighbours) and also reflecting the true levels within the site;

Council for Protection of Rural England/Friends of the Lake District: comments awaited;

Planning & Housing Services - Housing Strategy: the most recent Station Road planning application (which proposes to build 42 units of housing, a mixture of 3 and 4 bed houses) will, through a section 106 agreement, provide some much needed affordable, family-sized units for the Brampton area.

The district of Carlisle is divided into three distinct Housing Market Areas (HMAs), with Brampton falling into Rural Carlisle East. As one of only two key service centres in Rural Carlisle, development has focused on Brampton to help maintain and boost the service development for its catchment population. Brampton is

well-linked to Carlisle and other areas via train, bus and road infrastructure. Brampton therefore is a sustainable place to develop further housing.

There is great evidence that affordable housing is needed in Brampton and the wider area. The district housing survey of 2006 found that, in order to meet housing needs in Rural Carlisle East, 106 units of affordable housing were required per year for the subsequent five years.

The Strategic Housing Market Assessment for Rural Carlisle East 2009 (SHMA) identified a predominant need for larger 3+ bedroom general needs housing. There is a greater level of need for social rented housing than intermediate, in general because almost all family sized properties were lost to Right to Buy.

One method to demonstrate a need for affordable housing in the area is to calculate whether prospective buyers will be able to acquire a financially viable mortgage on the property. The government recommends that sensible mortgage borrowing should not exceed 2.9 x joint household income and 3.5 x a single household income. An examination of houses sold in the area covered by the four-digit postcode CA81 (the majority of streets in central Brampton) in the last nine months demonstrates that the average property sold for £148'862. When this is compared to the median household income of £23'877 in Brampton (taken from CACI Paycheck 2010 data), a mortgage of over 6 x household income is required on the property. This clearly is above the recommended mortgage borrowing, highlighting the need for lower priced housing.

A similar examination can be made of those on Carlisle City Council's Low Cost Housing register; this perhaps gives more of an idea of the financial situation first time buyers find themselves in. The average single income of those on the register (as of May 2010) is £16'677; the average joint income is £28'965. Based on an average property sale price of £148'862 in the CA8 1 area in the last nine months, single applicants on the Low Cost Housing register would be required to take out a mortgage of just under 9 x their annual incomes, and joint applicants must achieve a mortgage of over 5 times their annual incomes. This is well above government recommended borrowing levels.

The above needs to be considered within the context of the current financial climate. House prices have fallen in the last eighteen months, and although economic recovery appears underway, prices have not significantly recovered. To some this might signify that housing is more affordable, however, in actuality, the current housing market bodes ill for ensuring the necessary affordability both in the short term and longer term.

In the short term, the recent downturn in the economy has made it even harder for prospective householders to obtain larger mortgages. The Council of Mortgage Lenders reported in January 2009 that the average deposit required was 18% of the value of the property; anecdotal evidence from those registered on our Low Cost Housing register suggests that some lenders want between 20-25% in certain cases. These large deposit sizes are unrealistic for many of those on the Low Cost Housing register.

In the longer term, the current climate will have a devastating effect on the amount of

housing available, thus leading to further unaffordable prices in the housing market. Lack of available credit and lower house prices means that many developers are delaying building new houses until the housing market picks up. This will lead to a further gap between supply and demand in the future. It also means that opportunities to secure affordable housing through s106 agreements, such as this one, are limited. The situation will worsen given the inevitable reduction in public finance; national funding bodies, such as the Homes and Communities Agency (whose funding of affordable housing has proven invaluable during the financial crisis), will suffer large budget reductions. Given this will impede the ability of housing associations to build affordable housing, it will result in even less homes being built than at present.

Affordable Housing Provision Onsite - Policy H5 of the Carlisle District Local Plan states that, in rural areas, any developments over 25 dwellings must provide an affordable housing contribution of 25% of total units, at a 25-30% discount. The real need for affordable housing in Brampton means that a 30% discount will be required on the properties.

The applicant has offered ten 3-bedroom houses as an affordable housing contribution, as helpfully demonstrated on the submitted planning layout. These ten units are pepper-potted throughout the site, which we fully support as it encourages integration and invisibility of tenure. It may be necessary to recalculate these units based on the type of tenure that is chosen. We would normally ask for a split between intermediate and social rented housing. We look forward to further discussing and finalising the affordable housing contribution with the developer at a later date;

Brampton Parish Council: would like any commuted sum to be spent for community benefit on play and open spaces at King George V field;

Cumbria County Council, Education: comments awaited;

Ramblers Association: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
How Glen	28/04/10	Comment Only
5 Tree Gardens	28/04/10	Objection
6 Tree Gardens	28/04/10	
Dandy How	28/04/10	
Willow Tye	10/05/10	
Franleigh House	28/04/10	
Clover Hill	28/04/10	Objection
Hill Crest	28/04/10	
Lyndholme	28/04/10	Objection
Linden Lea	28/04/10	
Homestead	28/04/10	
Jesmond Dene	28/04/10	Comment Only

Dandycroft	28/04/10	
Lyndene	28/04/10	
Station Road Garage	28/04/10	
Edgewood	28/04/10	
Elm Cottage	28/04/10	
Society, The old Brewery	28/04/10	
2 Tree Gardens	28/04/10	Comment Only
3 Tree Gardens	28/04/10	Objection
4 Tree Gardens	28/04/10	Objection

3.1 This application has been advertised in the form of press and site notices and the direct notification of the occupiers of 20 properties. At the time of preparing the report 8 formal responses have been received 5 of which raise objections and 3 make comments and/or require clarification on several issues.

3.2 The grounds of objection/concern are as follows:

1. the scale of the houses, their design and density are inappropriate to the size of the site, and the character of the surrounding area and the Brampton Conservation Area. The density, and the presence of two storey house close to open landscape and to existing single storey dwellings, is inappropriate in terms of appearance and impact on the amenity of those existing houses through loss of privacy, additional noise in adjacent existing houses, and overshadowing, in particular:

a. the site is highly visible from three important recreational areas - the Public right of way along the Dandy Line to Brampton Station, the Ridge and the amenity area of Jocks Hill

b. the 1.8m close boarded fences between the houses are inappropriate and will have a negative effect on the character of the area and the landscape

c. the proposed houses adjacent to Tree Gardens should be bungalows to minimise loss of privacy

d. street lighting has the potential to be very intrusive and must be designed to minimise impact

e. the 1.8m fence adjacent to Tree Gardens will block off a window on the side elevation of the garage

f. unlike the proposed two storey houses, the existing single storey properties merge into the surrounding rising ground

2. the level of traffic generated by the development is not in line with sustainability aspirations of the immediate area and will result in increased traffic within Brampton centre, encourage commuting to Carlisle, leading to increasing carbon emission and traffic congestion

3. the hedge boundaries with the adjacent properties are up to 12 feet in height

and, as they are long established, they are important wildlife habitats which should not be disturbed. Can a Preservation Order be imposed? Who will be responsible for their maintenance?

4. the new footpath from Station Road to Tree Road is tight to the boundary which may result in (a) damage to the roots of the beech hedge and (b) the hedge overhanging the pavement

5. reduction in property values.

3.3 Clarification has been sought on the following issues:

1. the purpose of including a gate in the remaining field as it could provide a route through to Tree Gardens and Tree Road with associated loss of privacy (and potential danger from farm stock)
2. the difference in levels on the boundary with Tree Gardens as there is a 2m drop approximately 3m from the boundary
3. plants to be used in the hedge on the the west side of Dandy Croft
4. the right of access to maintain fencing and garage at No 1 Tree Gardens
5. the position of the proposed fence relative to the wall at How Glen

4. Planning History

- 4.1 In 1951, under application BA 750, approval was given for the erection of an open shed.
- 4.2 In 1966, application BA 4363, approval was given for canteen accommodation.
- 4.3 In 1971, BA 6454, approval was given for new office accommodation.
- 4.4 In 1981, 80/1014, on objections were raised to the provision of an underground 2000 gallon petrol tank.
- 4.5 In 1983, 83/0586, approval was given for a salt storage barn.
- 4.6 In 1985, application number 85/0750 and 85/0811, approval was given respectively for an extension to provide shower/drying rooms, and, erection of a salt storage barn.
- 4.7 In 2005, under application 05/0264, outline planning permission was refused for residential development.
- 4.8 In 2007, under application 06/0307, full permission was given for the erection of 23 dwellings.

- 4.9 In April 2010, application 10/0234, Conservation Area Consent was given for the demolition of all existing buildings on the former Depot.
- 4.10 The Council are also currently processing an application, 10/0347, seeking Conservation Area Consent for the demolition of Dandy Croft and its associated outbuildings.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 The application site, which is approximately 1.40 ha in extent, is located to the immediate west of the now dismantled railway track/spur, and is approximately 50 metres to the east of the Tree Road/Station Road junction. The northern part of the application site, which was formerly used as a depot for the County Council's highways maintenance teams, consisted of storage areas for road grit/salt, road signs, top dressing, maintenance/refueling for the associated vehicles, a relatively large open fronted salt/grit store, a vehicle maintenance workshop, an office, joiners workshop, and a tin shed. The southern section of the site comprises what resembles a paddock with an outbuilding, nissen hut, a metal corrugated sheeted garage, timber shed, and a bungalow known as Dandy Croft. Vehicular access to the site is via Station Road with a public footpath (the "Dandy Line") running along the eastern boundary following the line of a dismantled railway track.
- 5.2 To the west and south-west of the site there are residential properties at Tree Road and Tree Gardens. The immediately neighbouring residential units at Tree Gardens comprise bungalows primarily with rendered walls and slate or tiled roofs. The southern and western boundaries are delineated by post and wire and concrete panel fencing. There is an electricity sub-station and a former entrance to the depot on the eastern boundary of the site.
- 5.3 Other characteristics of the site include the presence of mature trees and the gradual incline from Station Road giving it a visual prominence. The site lies within the recently extended Brampton Conservation Area.

Background

- 5.4 In 2007, under application 06/0307, full planning permission was given for the erection of a total of 23 semi-detached dwellings on the former County Council's highways maintenance depot based around a single access road with a turning head at a density of 30 dwellings per hectare. Conservation Area Consent has also subsequently been given, under application 10/0234, for the demolition of the existing buildings.
- 5.5 The current application seeks Full Planning Permission for the erection of 42 two storey houses with an area of open space formed adjacent to the eastern part of the frontage facing Station Road, and a field access on the southern boundary. Of the 42 units, 20 are three bed and semi-detached and the remainder detached with four bedrooms. The detailing and external finishes

of the proposed dwellings vary depending on prominence such that 4 have full stone elevations; 5 have frontage walls in stone; 9 have stone feature gables, and the remainder would be finished in render and brickwork. The proposed boundary treatment consists of stone walling at the entrance and within the estate at plots 15, 30 and 38; the western (in part) and eastern boundaries to be 1.8m high close boarded fencing; and the western (in part) and southern boundaries to be a new hedgerow. The submitted details indicate that 10 of the 3 bed dwellings are to be "affordable/social" units.

- 5.6 The submitted forms and plans are accompanied by a Flood Risk Assessment, Phase 1 and 2 Geo-Environmental Ground Investigation Reports, an Ecological Report, an Arboricultural Report and Impact Assessment, a Design and Access Statement, a Summary, and letter. The aforementioned letter explains, amongst other things, that the proposed development is at a rate of 30 dwellings per hectare; that a payment will be provided split between the maintenance cost of the on site provision and off site improvements to King George V playing field; and that the applicant is currently in talks with Brampton Rural Housing Trust on the basis of 25% of the units being affordable at a 30% discount.

Assessment

- 5.6 At the time of preparing this report Members should be aware that revised copies of the proposed Site Layout plan (drawing no. SH068.90.9.SL.PA) are needed that the specified house types coincide with those shown on drawing no. SH068.90.9.SL.BD. This aside, when assessing this application it is considered that the main planning issues are:
- i) whether the site would be appropriate for residential use in the light of current national, regional and local planning policies in respect of new housing;
 - ii) whether the application complies with Policy LC8 concerning rights of way and the "Dandy Line";
 - iii) Whether the proposal would be detrimental to the character of this part of Brampton Conservation Area inclusive of trees and the proposed landscaping;
 - iv) Whether the proposal would be detrimental to the living conditions of neighbouring residents including security;
 - v) Whether the proposal meets the Council's objectives with regard to the provision of affordable/social housing; and,
 - vi) Whether the proposal complies with Policy LC4 concerning children's play and recreational areas.
- 5.7 These issues inter-relate to a certain degree but in order to clarify matters they will be separately assessed.

- i) Whether The Site Would Be Appropriate For Residential Use In The Light Of Current National, Regional And Local Planning Policies In Respect Of New Housing.
- 5.8 The application site falls within Brampton which, under Policy DP1 of the Local Plan, is identified as a Key Service Centre. Under the Proposals Map the former Depot is identified as land allocated for housing with the remainder designated as a Primary Residential Area. As such this application relates to land in a sustainable location and therefore is consistent with the aims of up to date national, regional and Local Plan policies in respect of new housing development.
- ii) Whether The Application Complies With Policy LC8 Of The Carlisle District Local Plan 2001-16
- 5.9 As part of the Urban Cycle Network Review for 2007/8, Capita Symonds prepared a draft report in January 2008 concerning the Brampton Urban Cycle Network. The aforementioned report identified the following six priorities: to establish an east-west strategic cycle route through the town on which to then develop local routes; link the schools, especially William Howard Secondary School, to the urban network; improve links between the rail station and town centre; link the main employment site (Townfoot) to the urban network; provide a cycle link between the town and Talkin Tarn; and provide cycle parking in the town centre.
- 5.10 In the case of the links to the railway station, the report noted that the station is over 2km from the town centre and some 70m higher. The current road cycling route is 2.8km in distance and crosses the busy A69 bypass. The "Dandy Line," however, has the potential to provide a far more attractive cycle link to the station. The recognised potential problems in achieving such a link along the Dandy Line are the need to have a licensed agreement with the landowner, the need to re-surface and widen in places, and the access onto Station Road is currently via steps and a gate - whilst usable by dismounted cycles, a ramped access may be preferable if an acceptable gradient could be achieved. The report estimated in 2008 that the cost for the establishment of a shared footway/cycle (including a licensed agreement, widening and surface improvement) along the Dandy Line as £87,500.
- 5.11 The Highway Authority's requested contribution of £25,510 to fund the installation of a ramp is currently the subject of on going discussions with the applicant and therefore will be included within an updated report to Members. The pertinent issue is whether such a request, on the basis of a draft policy, is considered to be consistent with advice contained in Circular 05/2005 although such improvements have been requested as part of other schemes.
- iii) Whether The Proposal Would Be Detrimental To The Character Of This Part Of Brampton Conservation Area
- 5.12 PPG15 "Planning and the Historic Environment" identifies that planning is an important instrument for protecting and enhancing the environment in town and country, and preserving the natural and built heritage (paragraph 1.2).

PPG15 advises in paragraph 4.17 that many Conservation Areas include gap sites that make no positive contribution to the area. Their redevelopment should be a stimulus to imaginative, high quality design: *"What is important is not that new buildings should directly imitate earlier styles, but that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own"*. PPG15 goes on to advise that special regard should be had to matters such as scale, height, form, massing and respect for the traditional pattern of frontages.

- 5.13 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed.
- 5.14 In such a context it is recognised that the proposed houses will be visible from a number of public vantage points and that the neighbouring dwellings at Tree Gardens are in the form of bungalows. Conversely, the former Depot is not particularly attractive, the proposed design incorporates a "green", the impact of the road has been minimised, the houses have been sited to avoid a continuous frontage using a more natural grade in site levels, and involves the use of traditional materials. On the matter of density it is apparent that that this already varies within the immediate area, for example along Tree Road there are the terraced houses on Tree Terrace, the semi-detached properties on the western side, and the detached houses on the eastern side. Whilst the proposed development shows a more even distribution this is not considered to be particularly disconcerting in this case. On balance it is considered that the design of the proposed dwellings is acceptable, although the applicant's response to the formal observations of the Council's Landscape Officer are awaited and clarification has been sought on whether more of the proposed dwellings can have slate on the roofs.

iv) Whether The Proposal Would Be Detrimental To The Living Conditions Of Neighbouring Residents Including Security

- 5.15 The draft SPD on "Achieving Well Designed Housing" (February 2009) indicates that there needs to be a minimum distance of 21 metres between primary facing windows between dwellings and 12/14 metres from a gable end to primary facing windows. In the case of the proposed scheme, the proposed dwellings backing onto Tree Road are shown to be at least 23 metres from their counterparts facing wall. In relation to number 1 Tree Gardens, the facing walls of the proposed dwellings on plots 12 and 13 are respectively 4 metres and 6 metres from the boundary. However, due to the levels and relationship between the proposed and existing this is not considered sufficient in itself to refuse permission. In the case of the proposed dwelling on plot 16 the facing wall is 17 metres from the boundary; for the dwelling proposed on plot 17 the distance between facing walls varies from 16 metres to 20 metres. When considering the relationship of the proposal with regard to 2 Tree Gardens the proposed dwelling on plot 17 is 9 metres from the boundary and 14 metres between the nearest walls. A

similar relationship exists between the proposed dwelling on plot 18 and 3 Tree Gardens. In effect, whilst it is appreciated that the properties are at an angle to one another there are concerns over their proximity based on the currently submitted plans.

- 5.16 Furthermore, it is considered that the proposed scheme currently needs to take account of the comments of Cumbria Constabulary.

v) Whether The Proposal Meets The Council's Objectives With Regard To The Provision Of Affordable/Social Housing

- 5.17 Policy H5 of the Local Plan sets the provision of affordable housing on sites of more than 0.4 ha or in developments of 10 or more dwellings i.e. 25% on sites over 0.8ha or 25 dwellings. At this stage the proposed amount of affordable/social housing is consistent with Policy H5, it is more the means of provision that needs to be resolved.

vi) Whether The Proposal Complies With Policy LC4 Concerning Children's Play And Recreational Areas

- 5.18 An updated report will be made to Members on this matter following receipt of the views of the Council's Open Spaces Manager.

Other Matters

- 5.19 It is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European Protected Species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favorable conservation of the protected species and their habitat. In this case, based on the Ecological Report, Officers are satisfied that the proposal will not harm the favourable conservation of any protected species or their habitats.
- 5.20 It is appreciated that other issues have been raised by interested parties (such as the design of street lighting, traffic, noise from the use of the proposed dwellings, the protection of existing hedgerows/birds, and the proposed fence blocking up a side window serving a garage) but these are not considered to have sufficient weight to determine the application because they can be covered by the imposition of relevant conditions, are covered by other agencies, constitutes permitted development, and/or raise potential civil matters.

Conclusion

- 5.21 It is recognised that the scheme relates to land within an identified Key Service Centre and therefore there is no objection in principle to the proposal. However, at this stage issues still need to be resolved concerning contributions to the improvement of the Dandy Line, the proposed landscaping

and external roofing material, impact on the living conditions of neighbours and security measures, and the requirements concerning children's play and recreational areas. The formal observations of other consultees are also awaited.

5.22 It is anticipated a recommendation will be able to be made at Committee.

6. Human Rights Act 1998

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

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

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

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

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

7. Recommendation

Reason For Including Report In Schedule B

Issues still need to be resolved concerning contributions to the improvement of the Dandy Line, the proposed landscaping, impact on the living conditions of neighbours, security measures and the requirements concerning children's play and recreational areas. The formal observations of other consultees are also awaited.





Boundary Details

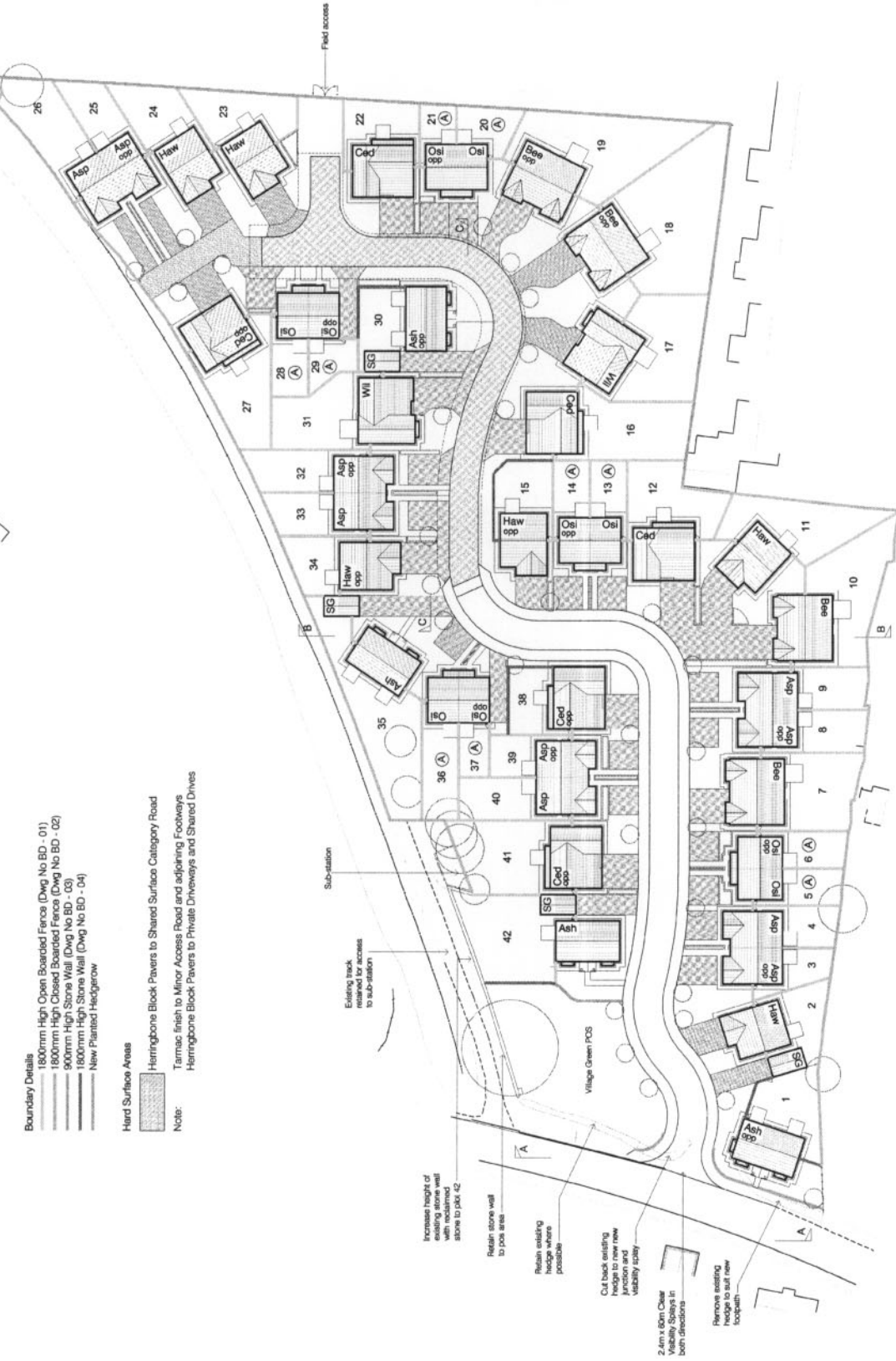
- 1800mm High Open Boarded Fence (Dwg No BD - 01)
- 1800mm High Closed Boarded Fence (Dwg No BD - 02)
- 900mm High Stone Wall (Dwg No BD - 03)
- 1800mm High Stone Wall (Dwg No BD - 04)
- New Planted Hedgerow

Hard Surface Areas

- Herringbone Block Pavers to Shared Surface Category Road
- Tarmac finish to Minor Access Road and adjoining Footways
- Herringbone Block Pavers to Private Driveways and Shared Drives

Note:

- Herringbone Block Pavers to Shared Surface Category Road
- Tarmac finish to Minor Access Road and adjoining Footways
- Herringbone Block Pavers to Private Driveways and Shared Drives



Note
All Visibility Splays to be kept free of any objects or planting above 1m in height

★ Indicates clear forward visibility of 15m

(A) Indicates Affordable Housing

House Types
Ash 4 no
Hawthorn 6 no
Aspen 10 no
Osier 10 no
Beech 4 no
Cedar 6 no
Willow 2 no
Total 42 no

N

STORY
Homes

DEVELOPMENT

Brampton

DRAWING

SITE LAYOUT

Boundary Area & Hard Surface Area Details

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CHECKED BY		SCALE	1:500@A2
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SITE REFERENCE	SH068	Revisions	

Boundary & Hard Surface Details

© Story Construction Ltd.

Burgh Rd Industrial Estate, Carlisle, Cumbria, CA2 7NA.

Tel 01228 640850

Fax 01228 640851

**STORY**
Homes

DEVELOPMENT

Brampton

DRAWING

SITE LAYOUT

Tree Constraints Plan

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CHECKED BY	-	SCALE	1:5000(S)
DRAWING NUMBER	SH068.90.9.SL.TC		
SITE	SH068		
REVISION	-		
REVISIONS			

13

Tree Constraints Plan

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Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850

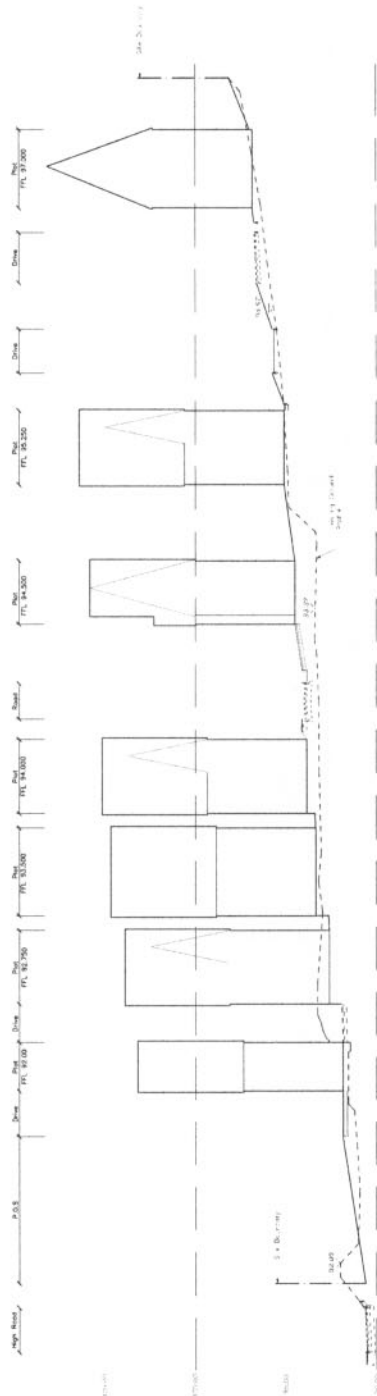
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1 All dimensions are in millimeters unless noted otherwise.

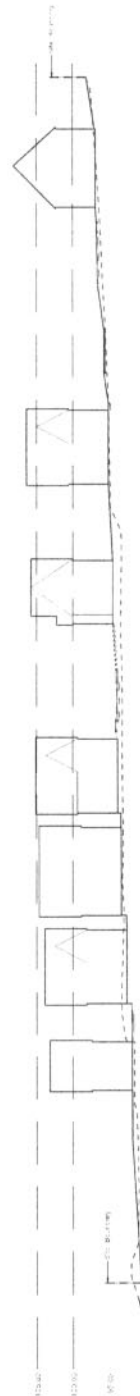
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Notes

1. All dimensions are in millimetres unless noted otherwise.
2. All levels are in metres unless noted otherwise.
3. The drawing is to be used in conjunction with all relevant Architectural and Structural Engineering drawings.



Exaggerated Section 1-1
Scale 1:250



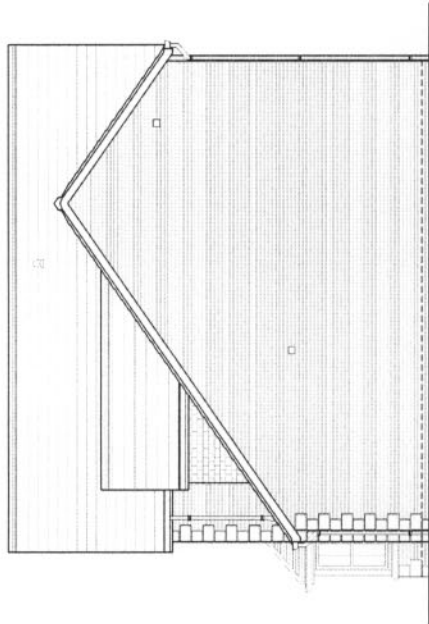
Section 1-1
Scale 1:250

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3	3	10/10/2018	Issue for construction
4	4	10/10/2018	Issue for construction
5	5	10/10/2018	Issue for construction
6	6	10/10/2018	Issue for construction
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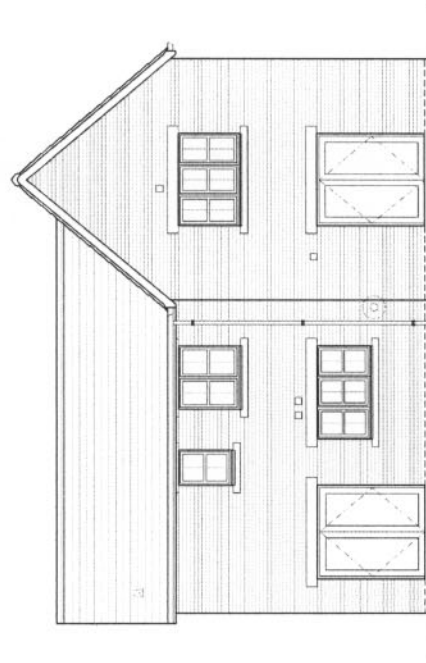
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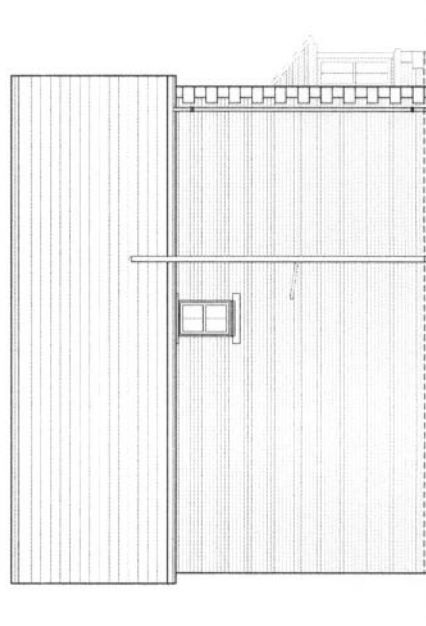
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



DEVELOPMENT
Station Road, Brampton

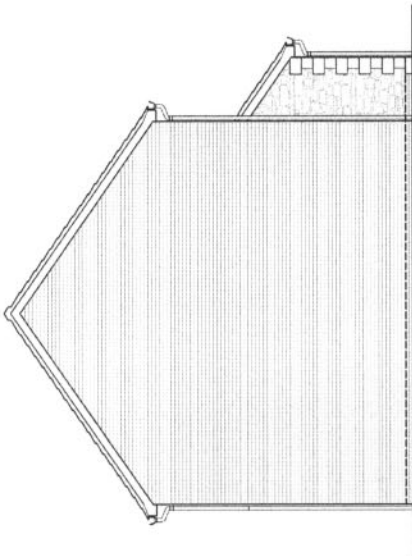
HOUSE TYPE
The Willow
PLOTS 17 & 31

DRAWING
Planning Elevations

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DRAWING NUMBER	WIL-PL1	REVISION	
REGION	SH068	MASTER REF	1
REFERENCE			



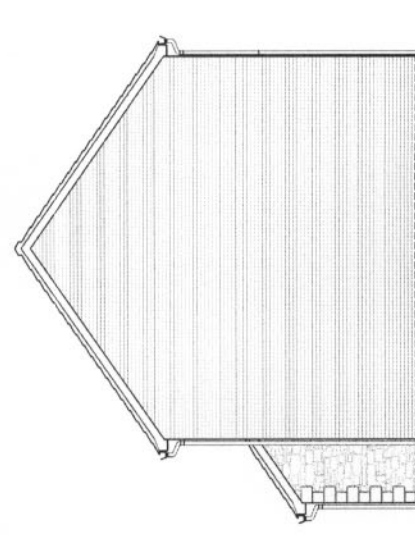
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



DEVELOPMENT

Station Road, Brampton

HOUSE TYPE

The Osier

PLOTS 05, 06, 13, 14, 20, 21, 26 & 27

DRAWING

Planning Elevations 1

Drawn by: S. Brown & B. Brown

Checked by: S. Brown

Date: 14/03/2010

Scale: 1:100 (A3)

Revision:

OSI - PLE1

SH068

Master Ref:

1

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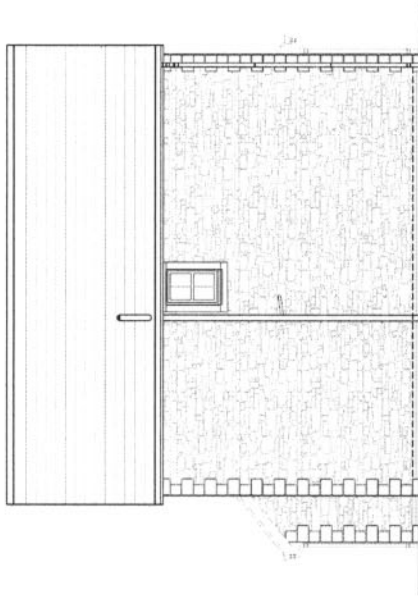
Burgh Rd Industrial Estate, Carse, Cumbria, CA2 7NA

Tel 01228 640850

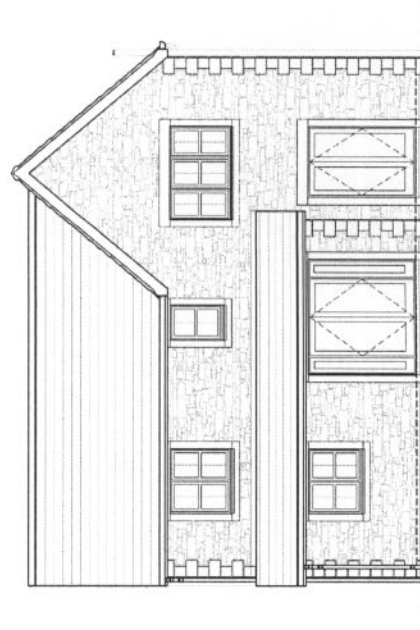
Fax 01228 640851



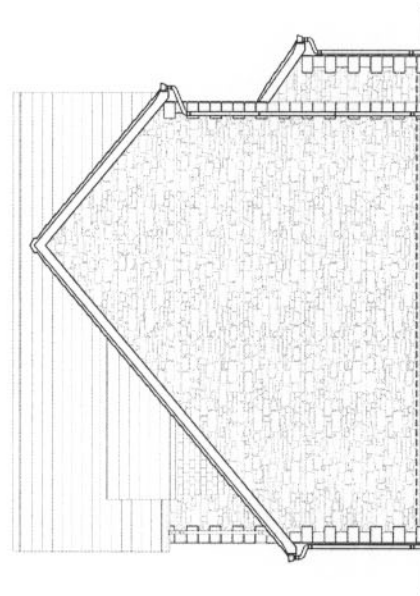
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



DEVELOPMENT

Station Road, Brampton

HOUSE TYPE

The Cedar

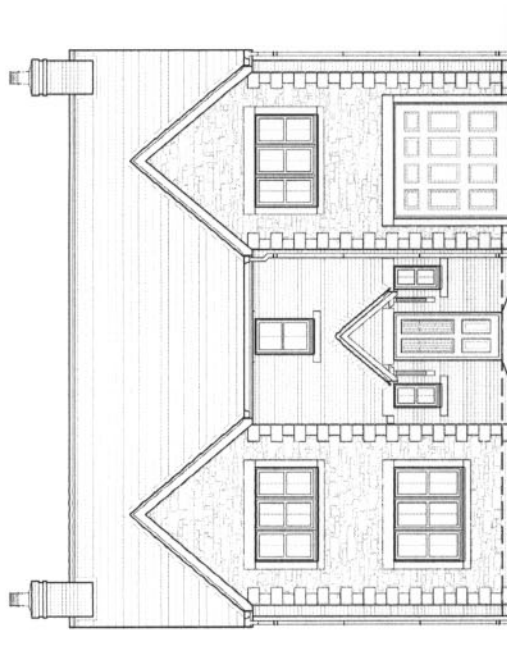
FLAT 12

DRAWING

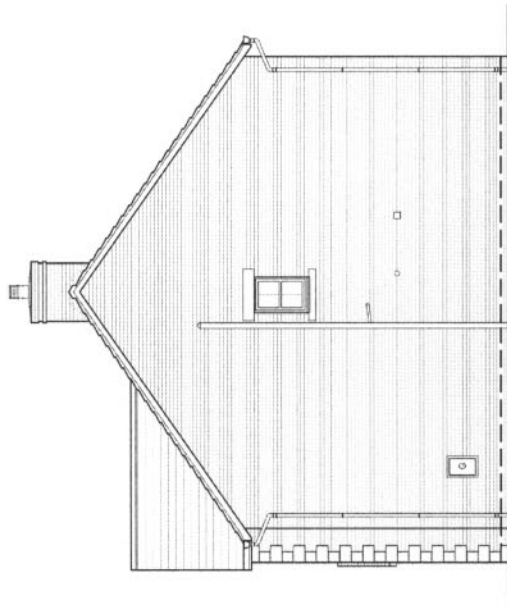
Planning Elevations 1

DRAWN BY	DATE	15/03/2016	SCALE	1:100/1/25	REVISION
CHECKED BY	DATE	15/03/2016	SCALE	1:100/1/25	REVISION
DRAWING NUMBER	CED - PLE1				
REGION	SH068				
MASTER REF	1				
REFERENCE					

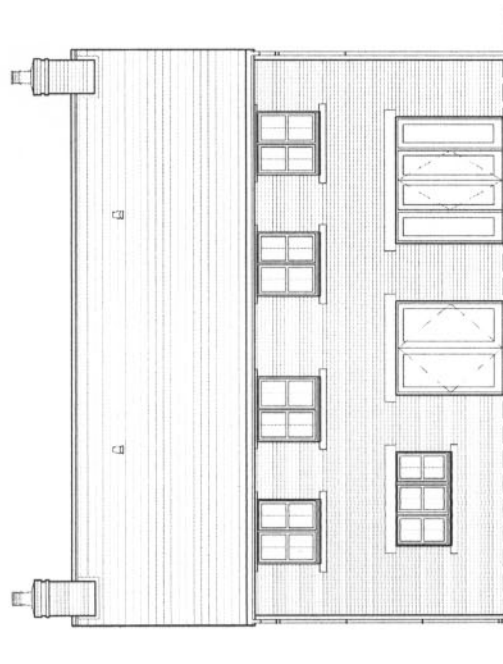
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 Tel 01228 640850 Fax 01228 640851



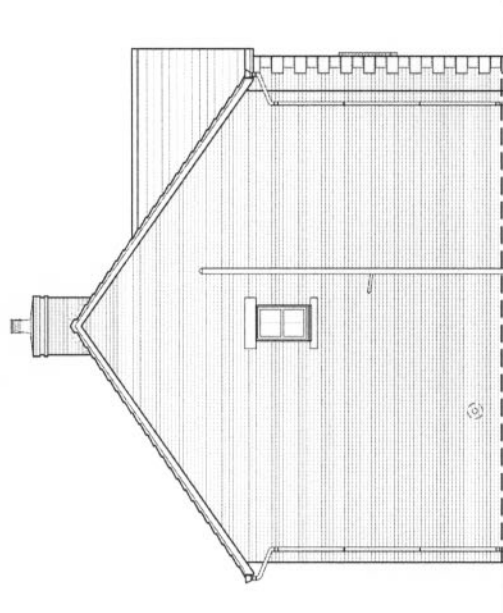
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



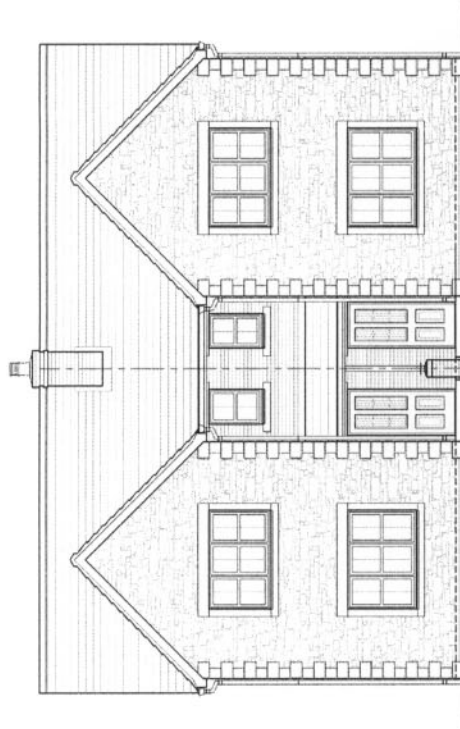
DEVELOPMENT
Station Road, Brampton

HOUSE TYPE
The Beech

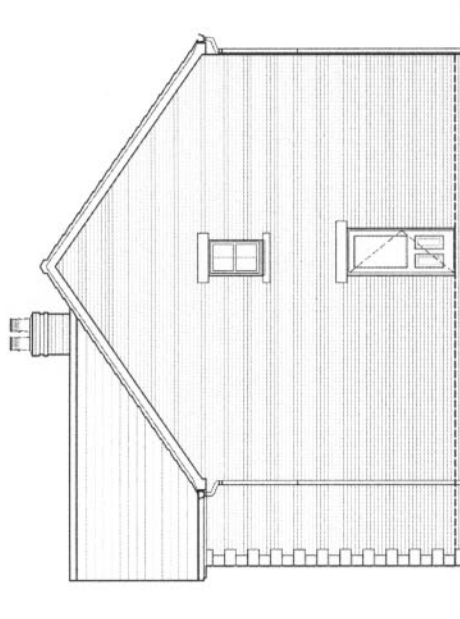
PLOT 7

DRAWING
Planning Elevations 1

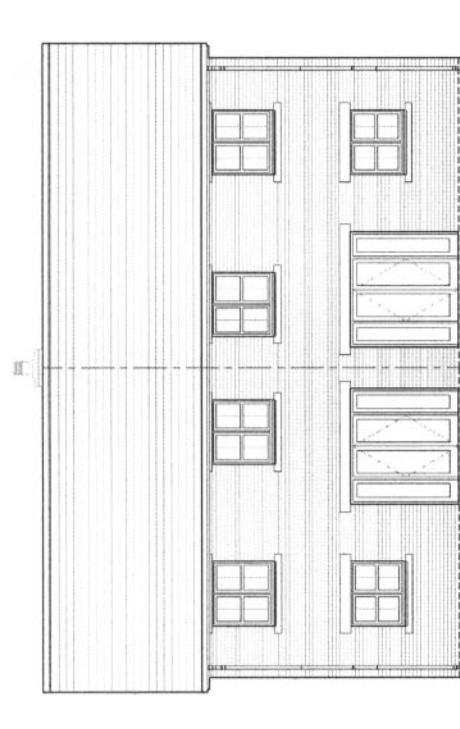
DRAWN BY STONEWORK & BRICKWORK		DATE 01/10/09	SCALE 1:100 @ A3	REVISION
CHECKED BY				
DRAWING NUMBER	BEE-PILE 1			
REGION	SH088			
REFERENCE				
				MASTER REF 1



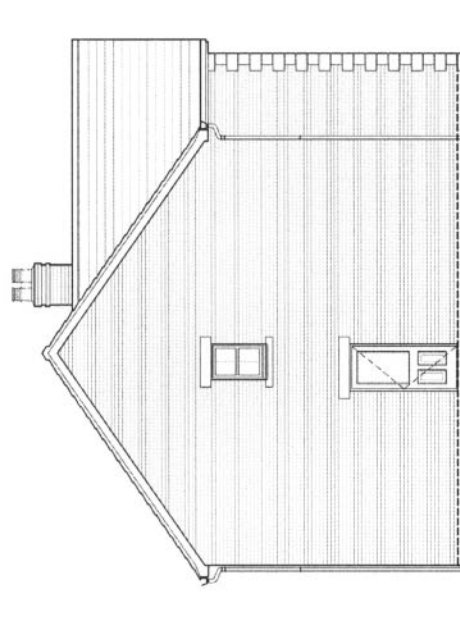
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP



DEVELOPMENT
Station Road, Brampton

HOUSE TYPE
The Aspen (Semi)

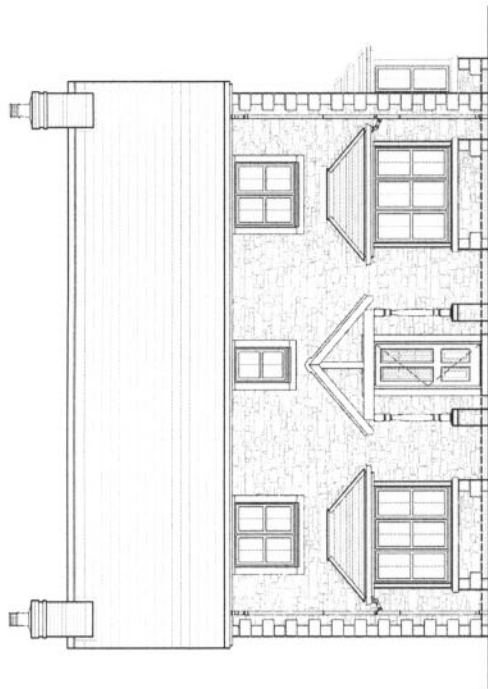
PLOTS 03, 04

DRAWING
Planning Elevations 1

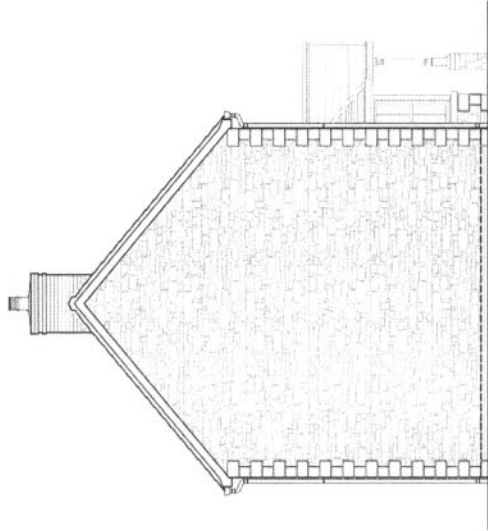
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CHECKED BY	SCALE	1:100/1/43
DRAWING NUMBER	ASP - PLE1	REVISION
REGION REFERENCE	SH068	MASTED REF
		1

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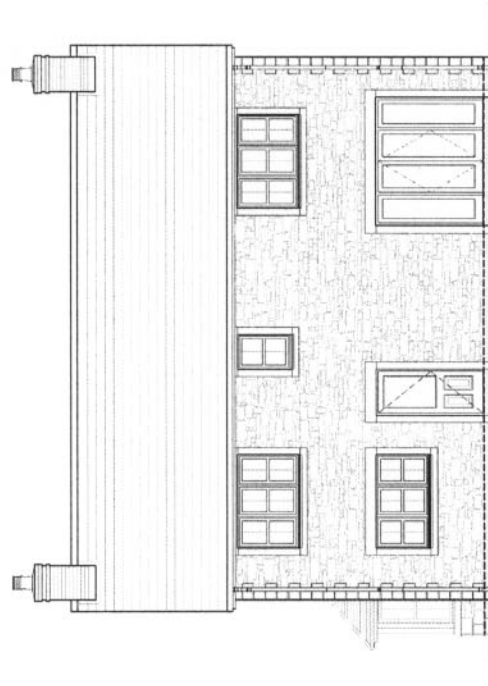
Burgh Rd Industrial Estate, Canishe, Cumbria, CA2 7NA.
Tel 01228 640850 Fax 01228 640851



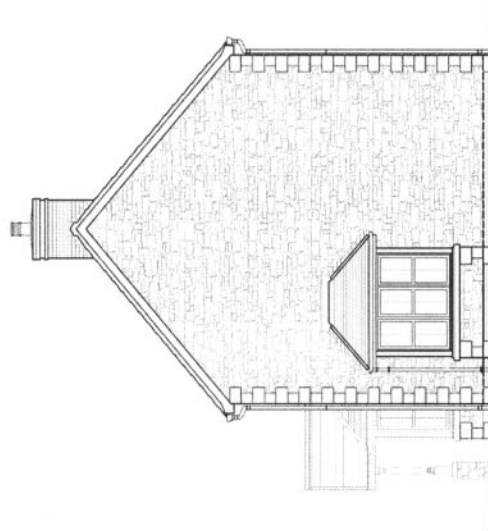
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

PLANNING APP




LAND ADJACENT TO
STATION ROAD, BRAMPTON

HOUSE TYPE
The Ash
PLOT 01

Planning Elevations 1

DRAWN BY	DATE	SCALE	REVISION
SH0088	24/03/2018	1:100/1:150	-
CHECKED BY	DATE	SCALE	REVISION
ASH - PLE1	24/03/2018	1:100/1:150	-
DRAWING NUMBER	REGION	MASTER REF	REFERENCE
SH0088	SH0088	1	1

Schedule of Finishes		Station Road, Brampton																					
SH068/90/12/-		Date: 14-Apr-10																					
Houses																							
Element	Description	Plot 1	Plot 2	Plot 3	Plot 4	Plot 5	Plot 6	Plot 7	Plot 8	Plot 9	Plot 10	Plot 11	Plot 12	Plot 13	Plot 14	Plot 15	Plot 16	Plot 17	Plot 18	Plot 19	Plot 20	Plot 21	Plot 22
Walls, below DPC:	Smooth Red Engineering Brick - Natural Mortar	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Walls, above DPC:	Desimpel Heritage Blend - Natural Mortar																						
	Terca Runswick Red Multi - Natural Mortar			✓	✓	✓	✓	✓	✓	✓		✓		✓									
	Natural red sandstone; cement mortar (selected elevations only)	✓	✓										✓										
Feature Panels:	Pre-Finished Wet-Dash Effect Textured Render - Colour: White			✓	✓	✓	✓	✓			✓			✓							✓		✓
	Natural red sandstone; cement mortar (selected elevations only)											✓											
	Pre-Finished Wet-Dash Effect Textured Render - Colour: White								✓														
	Natural red sandstone	✓	✓										✓										
Cills, Heads, Surrounds & Mullions	Through Coloured Concrete (Red)			✓	✓	✓	✓	✓	✓	✓	✓	✓											
	Pre-cast concrete painted (Red)																						
Windows:	White PVCu, glazing bars as shown.																						
Front Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCU frames, colour as	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rear Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCU frames, White Finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
French Door/Frame:	White PVCu, glazing bars as shown.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Garage Door/Frame:	Hormann Georgian no lights, colour to as front door, metal frame painted white	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Gutters/Downpipes, etc:	Ogee Section with PVCu Circular Downpipe. All in black finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fascia/Barge etc:	Black Ash / Dark Finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Paintwork to Front Door:	Gloss paint; Green BS 14C 40G (Conifer)	✓			✓								✓										✓
	Gloss paint; Blue BS 20C 40B (Midnight)																						
	Gloss paint; Red BS 04D 45R (Monarch)		✓		✓	✓	✓	✓			✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Roof Coverings:	Plain tile; Slate Grey; smooth finish with Grey Ridge and Dry-Verge Detail			✓	✓	✓	✓	✓	✓		✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Grey natural slate	✓	✓	✓	✓	✓	✓	✓	✓				✓										
Fences (rear):	Sawn Timber Boarded Fencing, 1800mm high	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
External Works																							
Drives:	Brindle block pavers; 60mm thick or bituminous macadam with Brindle block edging																						
Footpaths:	Pastel Buff paving slabs/golden stalk buff gravel																						
Patios:	Pastel Buff paving slabs																						
Roads																							
Kerbs:	PCC Half Battered; 250 x 125mm with Droppers and Bullnosed at crossings																						
Carriageway:	Bituminous macadam & Brindle block pavers; 80mm thick																						
Footways:	Bituminous macadam																						
Lighting Columns:	5m steel columns																						
Revision	Details	Date																					

217

Schedule of Finishes
SH068/90/12/-

Station Road, Brampton

Date: 14-Apr-10

Houses



Element	Description	Plot 23	Plot 24	Plot 25	Plot 26	Plot 27	Plot 28	Plot 29	Plot 30	Plot 31	Plot 32	Plot 33	Plot 34	Plot 35	Plot 36	Plot 37	Plot 38	Plot 39	Plot 40	Plot 41	Plot 42
Walls, below DPC:	Smooth Red Engineering Brick - Natural Mortar	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Walls, above DPC:	Desimpe Heritage Blend - Natural Mortar	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Terca Runswick Red Multi - Natural Mortar		✓			✓			✓				✓								
	Natural red sandstone; cement mortar (selected elevations only)								✓								✓				✓
Feature Panels:	Pre-Finished Wet-Dash Effect Textured Render - Colour: White														✓	✓	✓	✓		✓	
	Natural red sandstone; cement mortar (selected elevations only)																				
	Pre-Finished Wet-Dash Effect Textured Render - Colour: White		✓			✓							✓	✓							
	Natural red sandstone																				✓
Cills, Heads, Surrounds & Mullions	Through Coloured Concrete (Red)														✓	✓	✓	✓	✓	✓	
	Pre-cast concrete painted (Red)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Windows:	White PVCu, glazing bars as shown.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Front Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCu frames, colour as	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Rear Door/Frame:	Pre-finished composite woodgrain doors, part glazed, with PVCu frames, White Finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
French Door/Frame:	White PVCu, glazing bars as shown.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Garage Door/Frame:	Hormann Georgian no lights, colour to as front door, metal frame painted white	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Gutters/Downpipes, etc:	Ogee Section with PVCu Circular Downpipe. All in black finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fascia/Barge etc:	Black Ash / Dark Finish	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Paintwork to Front Door:	Gloss paint; Green BS 14C 40G (Conifer)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Gloss paint; Blue BS 20C 40B (Midnight)						✓	✓			✓				✓	✓					
	Gloss paint; Red BS 04D 45R (Monarch)						✓	✓		✓	✓			✓	✓	✓	✓	✓	✓	✓	✓
Roof Coverings:	Plain tile; Slate Grey; smooth finish with Grey Ridge and Dry-Verge Detail	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
	Grey natural slate																				✓
Fences (rear):	Sawn Timber Boarded Fencing, 1800mm high	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

External Works

Drives:	Brindle block pavers; 60mm thick or bituminous macadam with Brindle block edging
Footpaths:	Pastel Buff paving slabs/golden stalk buff gravel
Patios:	Pastel Buff paving slabs

Roads

Kerbs:	PCC Half Battered; 250 x 125mm with Droppers and Bullnosed at crossings
Carriageway:	Bituminous macadam & Brindle block pavers; 80mm thick
Footways:	Bituminous macadam
Lighting Columns:	5m steel columns

Revision

Details

Date

SCHEDULE B: Reports Requiring Further Information

10/0408

Item No: 09

Date of Committee 11/06/2010

Appn Ref No:
10/0408

Applicant:
Citadel Estates Ltd

Parish:
Carlisle

Date of Receipt:
13/05/2010

Agent:
Holt Planning Consultancy

Ward:
Denton Holme

Location:
Former Premises of Glenwarwick Shirt Co Ltd, Lime
Street, Carlisle

Grid Reference:
339970 555301

Proposal: Reconfiguration Of Lawfully Commenced Housing Development
(04/0785) Including 3 Additional Houses Together With The Construction
Of The Riverside Walk Link

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This is a Major application is of local interest that needs to be considered in
association with another application regarding Constable Street (ref. no. 10/0415).

1. Constraints and Planning Policies

Site Of Special Scientific Interest

The proposal relates to land or premises situated within or adjacent to a Site of
Special Scientific Interest.

Site Of Nature Conservation Significance Flood Risk Zone

Contaminated Land

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP5 - Design

Local Plan Pol CP7 - Use of Traditional Materials

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

Local Plan Pol CP11-Prot.Groundwaters &Surface Waters

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

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

Local Plan Pol H5 - Affordable Housing

Local Plan Pol LE2 - Sites of Special Scientific Interest

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LC8 - Rights of Way

2. Summary of Consultation Responses

Cumbria County Council - (Highway Authority): there are provisional concerns with regard to the private access drive because its limited width, lack of a turning head, service vehicles not being able to enter safely, and no refuse collection point off an adopted highway;

Environment Agency (N Area (+ Waste Disp)): comments awaited;

Local Environment (former Community Services) - Drainage Engineer: comments awaited;

Natural England - (SSSIs, SACs, SPAs, Ramsar Sites): comments awaited;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): disappointed to note that the Design and Access Statement makes no reference to an intention to implement any crime prevention measures within this development. There is no evidence that the SPDs 'Designing Out Crime' or 'Achieving Well Designed Housing' have been referred to in this respect. The applicant has not consulted with Cumbria Constabulary seeking crime prevention design advice. Consequently, it is difficult to establish how this proposal complies

with Policy CP17 of the Local Plan (Designing out crime).

Principally, the Constabulary is pleased to note that the Riverside link is separated from the development by a physical boundary treatment, thereby reinforcing the intended privacy for residents. Units 1 - 7 and 8 - 13 shall overlook parts of the intended route and the communal parking spaces, thereby providing some casual supervision. Unfortunately, the blank gable walls between Units 7 & 8 create a 'dead' space that lacks ownership and prevents surveillance of a car parking space and intimidated cycle stand. This arrangement may attract nuisance gathering or unwelcome ball games. Implied ownership could be reinforced by the introduction of a physical boundary treatment (hedging or line of planting) alongside the designated vehicle road, but the space should be overlooked. (Item 4.28 of the SPG 'Achieving Well Designed Housing' refers to the creation of 'defensible space' and Fig 58 refers to avoidance of blank gable walls)

The layout relies on rear access paths for 'wheelie' bin management, which conflicts with advice in the SPG 'Achieving Well Designed Housing' (Item 4.27). Consequently, the protection of all rear garden spaces needs to be addressed (the proposed heights of the boundary treatments are not stated).

Physical security of each dwelling (i.e. exterior door and window specifications) is not mentioned;

United Utilities - (for water & wastewater comment) see UUES for electricity dist.network matters: comments awaited;

Cumbria County Council - Ecology: comments awaited;

Cumbria County Council (Education Department): comments awaited;

Network Rail: comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
2 Lime Street	18/05/10	
4 Lime Street	18/05/10	
6 Conisburgh Court	18/05/10	
7 Conisburgh Court	18/05/10	
8 Conisburgh Court	18/05/10	
9 Conisburgh Court	18/05/10	
10 Conisburgh Court	18/05/10	
11 Conisburgh Court	18/05/10	
12 Conisburgh Court	18/05/10	
14 Conisburgh Court	18/05/10	
15 Conisburgh Court	18/05/10	
16 Conisburgh Court	18/05/10	
17 Conisburgh Court	18/05/10	
18 Conisburgh Court	18/05/10	
19 Conisburgh Court	18/05/10	

20 Conisburgh Court	18/05/10
21 Conisburgh Court	18/05/10
22 Conisburgh Court	18/05/10
23 Conisburgh Court	18/05/10
24 Conisburgh Court	18/05/10
25 Conisburgh Court	18/05/10
26 Conisburgh Court	18/05/10
14 Thomas Street	18/05/10
16 Thomas Street	18/05/10
18 Thomas Street	18/05/10
20 Thomas Street	18/05/10
22 Thomas Street	18/05/10
24 Thomas Street	18/05/10
26 Thomas Street	18/05/10
Denton Tyres	18/05/10
6 Lime Street	18/05/10
8 Lime Street	18/05/10
10 Lime Street	18/05/10
12 Lime Street	18/05/10
14 Lime Street	18/05/10
16 Lime Street	18/05/10
17 Lime Street	18/05/10
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25 Lime Street	18/05/10
27 Lime Street	18/05/10
29 Lime Street	18/05/10
31 Lime Street	18/05/10
33 Lime Street	18/05/10
1 Conisburgh Court	18/05/10
2 Conisburgh Court	18/05/10
3 Conisburgh Court	18/05/10
4 Conisburgh Court	18/05/10
5 Conisburgh Court	18/05/10

- 3.1 This application has been advertised in the form of press and site notices, and the direct notification of the occupiers of 46 neighbouring properties. In response the occupiers of two properties at Conisburgh Court have objected to the proposal because of the loss of the existing open space.
- 3.2 The occupier of a neighbouring property has also raised concerns over the need to retain access down the side of his property; the need to heighten an existing garage wall; and to avoid any windows on the gable end of the proposed house on plot 17.

4. Planning History

- 4.1 In 1980, planning permission was given for a new access and gateway to the existing industrial premises.
- 4.2 In 2004, Outline Planning Permission was granted for residential development

(application reference 04/0785).

- 4.3 In 2005, an application for Reserved Matters was withdrawn (application reference 05/0865).
- 4.4 In 2006, an application for Reserved Matters was granted for erection of 14no. two bedroom dwellings (revised proposal) (application reference 06/0452).
- 4.5 In 2009, under application reference 09/0541, an application to discharge condition 4 imposed under 04/0785 was granted.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application relates to 0.2 ha of “brownfield” land located to the immediate north and east of the terraced houses at 17 to 33 Lime Street. The land was formerly occupied by a relatively small shirt factory, and the now demolished houses that had comprised 1 -15 Lime Street but now forms an open amenity area. The recently constructed flood defences form the eastern boundary with the River Caldew; to the north and south there is the Caldew cycletrack; and to the west terraced housing at Conisburgh Court. The “Goods Avoidance (railway) Line” passes the north eastern corner of the application site.
- 5.2 Under the Proposals Map of the Carlisle District Local Plan 2001-16 the site is identified as part of a Primary Residential Area. The River Caldew is an SSSI and SAC.

Background

- 5.3 In August 2004, under application 04/0785, outline planning permission was given for residential development of the former shirt factory. In 2006, under application 06/0452, Approval of Reserved Matters was obtained for the erection of 14 no. two bed dwellings with the subsequent discharge of a condition concerning the undertaking of a site investigation granted under 09/0541.
- 5.4 The current application seeks full permission for the re-configuration of the housing development lawfully commenced and originally approved under 04/0785, coupled with the erection of three additional dwellings, and the construction of the “missing link” of the Caldew cycletrack. The submitted plans show the proposed terraced houses to consist of a lounge, kitchen and w.c. on the ground floor with two bedrooms and a bathroom on the first floor. Proposed units 14-17 front Lime Street with plots 1-13 served by a separate access and drive. The intention is for the cycletrack to be separated from the access drive by a wall with railings, and each house to be served by a parking space. Externally the houses are to be constructed with brick walls, coloured concrete cills and heads, and blue/grey plain tiled roofs. The “public”

boundaries are shown to be delineated by brick walls.

- 5.5 The application is accompanied by a Planning Statement (inclusive of a Design and Access Statement), a revised Flood Risk Assessment, a Geo-Environmental Site Investigation Interpretative Report, and a letter from the agent.
- 5.6 The Planning Statement explains, amongst other things, that:
- Since the previously approved scheme, the layout now incorporates a riverside cycletrack that constitutes a critical strategic link in the wider cycle network;
 - The previously approved scheme has been lawfully commenced and represents a material fall-back position that narrows the consideration of this current application to chiefly matters of detailed design;
 - The current scheme offers a major public benefit as well as palpable improvements to the overall design approach and the efficient use of previously developed land in a sustainable location;
 - It is vitally important to appreciate that the entire layout and its design has been shaped fundamentally by the incorporation of the cycletrack along the riverside; and
 - The revised scheme acknowledges the Council's most recent draft SPDs "Achieving Well Designed Housing" and "Urban Design Guide and Public Realm Framework" as well as the "Denton Holme and Longsowerby Design Statement". The Geo-Environmental Site Investigation concludes that significant remedial measures would not be required to enable development of the site; the risk posed from ground gas is low; and that all development should take into account Environment Agency guidance, licences and requirements for works adjacent to a "main river".
- 5.7 The letter from the agent also explains that an application has been submitted for Constable Street (reference number 10/0415) that needs to be considered in parallel with this application; in practical terms the proposal at Lime Street comprises two elements, namely the housing for which there would be no requirement for affordable housing (based upon the net increase in numbers beyond the extant lawfully commenced scheme under 04/0785), and the riverside cycletrack. The aforementioned letter goes on to state that the provision of the cycletrack not only remains at the sole discretion of the applicant but also represents a considerable cost.

Assessment

- 5.8 It is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:
1. Whether the proposed residential development of the site is appropriate in the context of the consequent loss of an open area;

2. Whether proposed residential development on this site is compatible with the "Goods Avoidance (railway) Line";
 3. Whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing;
 4. Whether the proposal would be detrimental to the living conditions of neighbouring residential properties including security;
 5. Whether the proposal would be detrimental to the character of the area inclusive of any measures to take account of the risk from flooding;
 6. Whether the proposal safeguards the biodiversity and ecology of the area including the Caldew SSSI and SAC; and
 7. Whether the proposal would be detrimental to highway safety.
- 5.9 In relation to 1), the area of open space is restricted in size and shape, and therefore the effectiveness of any recreational use. In the context of the existing space available along the riverside, the loss of this area is not considered to be of any great significance.
- 5.10 The Goods Avoidance Line passes across the north eastern corner of the site but, when previously commenting on application 04/0785, the then Strategic Rail Authority did not raise any objection because the development does not encroach upon the Line itself. Updated comments from Network Rail on the Line are awaited.
- 5.11 The third key issue centres on whether the proposal meets the objectives of the Development Plan with regard to the provision of affordable housing. Policy H5 of the Local Plan 2001-16 states that on allocated housing and windfall sites of 10 or more dwellings it will be expected that 30% of units will be affordable. In this case the applicant has highlighted that the fall-back position is the development already commenced for the 14 houses approved under 04/0785, that this scheme has been submitted as a means to achieve the missing link in the Caldew cycletrack, and that the three additional dwellings do not in themselves require the provision of any affordable units. At the time of preparing the report the views of the Council's Housing Development Officer are awaited.
- 5.12 The fourth key issue is to consider whether the proposal would be detrimental to the living conditions of neighbouring residents. The draft SPD on "Achieving Well Designed Housing" (February 2009) indicates that there needs to be a minimum distance of 21 metres between primary facing windows between dwellings and 12/14 metres from a gable end to primary facing windows, in the interests of preserving the privacy of existing and prospective residents. In the case of this application the separation distance between proposed plots 1-7 and the existing terraced houses at 17-33 Lime Street varies from 15.2 metres to 22.5 metres. In addition, the proposed dwelling on plots 9 and 10 are at right angles to 17 – 33 Lime Street.

Furthermore, the proposed units on plots 14-17 continue the existing frontage along Lime Street, and are of a similar height and disposition. On this basis it is considered that the proposal will not lead to losses in privacy or light for the occupiers of the existing residential units to merit the refusal of permission. In the case of the proposed dwellings there is a potential concern over the close proximity of the gable end of plot 10 with the facing wall of plot 15. In mitigation there are no windows in the gable end of plot 10 and the terraced houses on plots 14-17 are likely to receive sunlight during the majority of the day during Spring and Summer months. In effect the limited outlook from plot 15 and the separation distances between plots 1-7 and the houses at 17-33 Lime Street are deficiencies in the scheme, but are a reflection of the constrained nature of the site. This is in the context of the relatively high density development within the locality such as Randall Street and Lorne Street. The applicant's response to the comments made by Cumbria Constabulary is awaited.

- 5.13 The fifth key issue to consider is whether the proposal would be detrimental to the character of the area. This scale, layout and overall design of the development are considered to be acceptable in terms of urban design and its relationship with existing neighbouring developments. The proposal is considered to be consistent with the objectives of the Denton Holme and Long Sowerby Design Statement (2007). Revised plans, taking account of the updated views of the Environment Agency are awaited.
- 5.14 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favorable conservation of the protected species and their habitat. In this case, the proposal relates to a cleared site the majority of which was used as a compound by the Environment Agency for the construction of the City's flood defences. The site is also physically separated from the River by the resultant wall. On this basis it is considered that there should be no significant effects from the proposal, and that there will be no harm the favourable conservation of any protected species or their habitats. The formal views of Natural England are awaited.
- 5.15 The final key consideration is whether the proposal would be detrimental to highway safety. The Highway Engineer has informally raised concerns with regard to the proposed private access drive because of its limited width, the lack of a turning head, restricted access by service vehicles, and the need for refuse collection points. Discussions are on-going to clarify and resolve matters.

Other Matters

- 5.16 A neighbouring resident has raised concerns over the need to retain a strip of

land for the maintenance of his property and the need to heighten a garage wall. In response the applicant has agreed to meet these requirements and for them to be shown on revised plans.

Conclusion

- 5.17 On the one hand the current application does not involve the direct provision of any affordable housing and there is a concern over the outlook for the future occupiers of plot 15, and the separation distances between plots 1-7 and the houses at 17-33 Lime Street. In mitigation it is necessary to recognise the fall-back position of the applicant and that any tenant of plot 15 would be readily aware of the situation prior to entering any tenancy and thus represents a recognised risk to the developer. The strengths of the current proposal stem from the effective re-use of a brownfield site in a sustainable location, that represents an enhanced scheme to that already approved, and enables the missing link along the Caldew cycletrack to be completed with all the social, recreational and environmental benefits that would accrue.
- 5.18 It is intended that an updated verbal report will be presented to Members but on the basis that satisfactory revised plans are received, issues regarding security, highway safety, energy efficiency, access and surface water drainage are clarified, and there are no further objections from interested parties, the proposal will be recommended for approval.

6. Human Rights Act 1998

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

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

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

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

- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation

Reason For Including Report In Schedule B

The comments of interested parties and revised details from the applicant are awaited at the time of preparing the report.

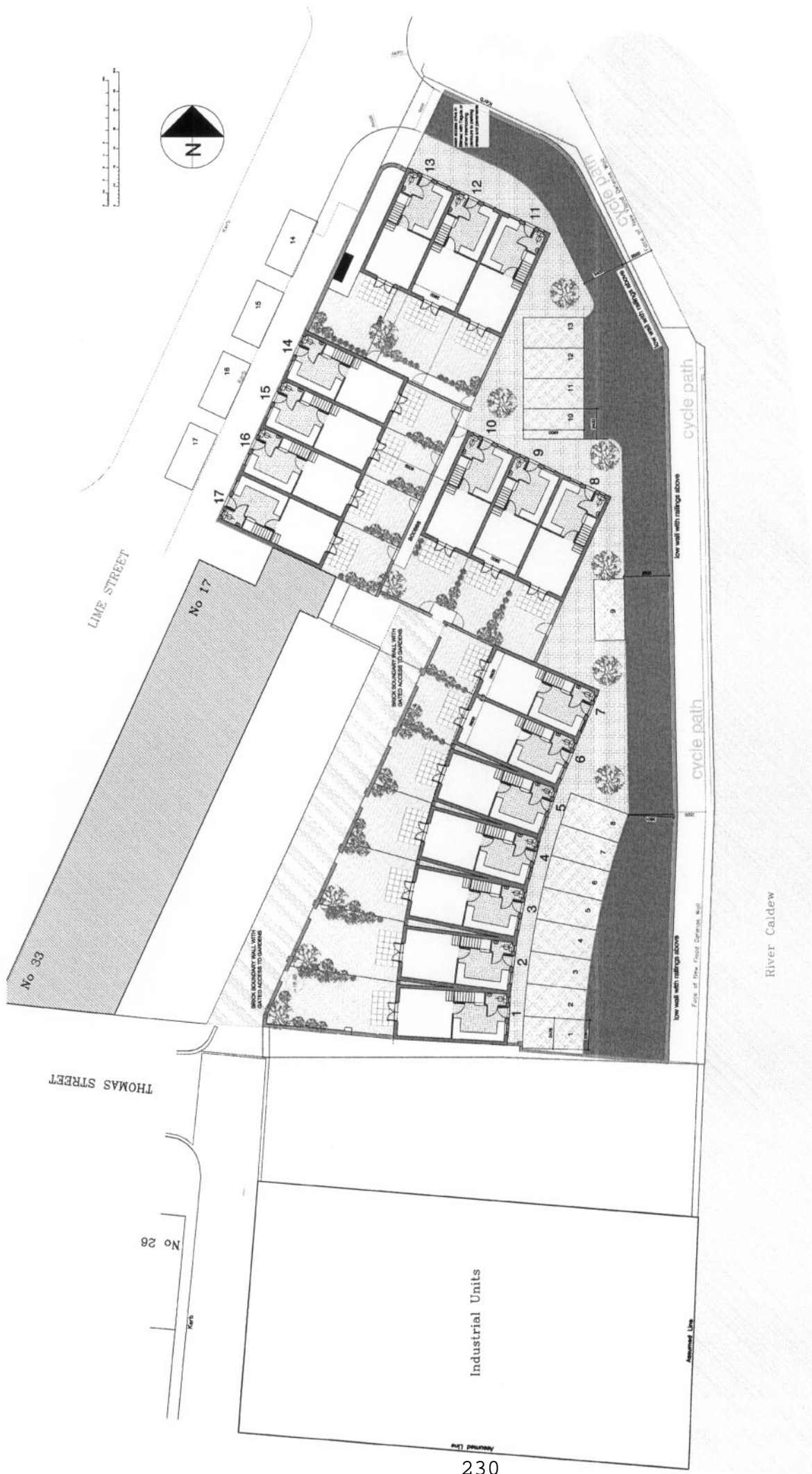


SANDY JOHNSTON
ARCHITECT
ARB RIBA

SITE LOCATION PLAN

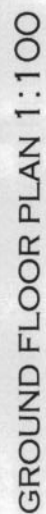
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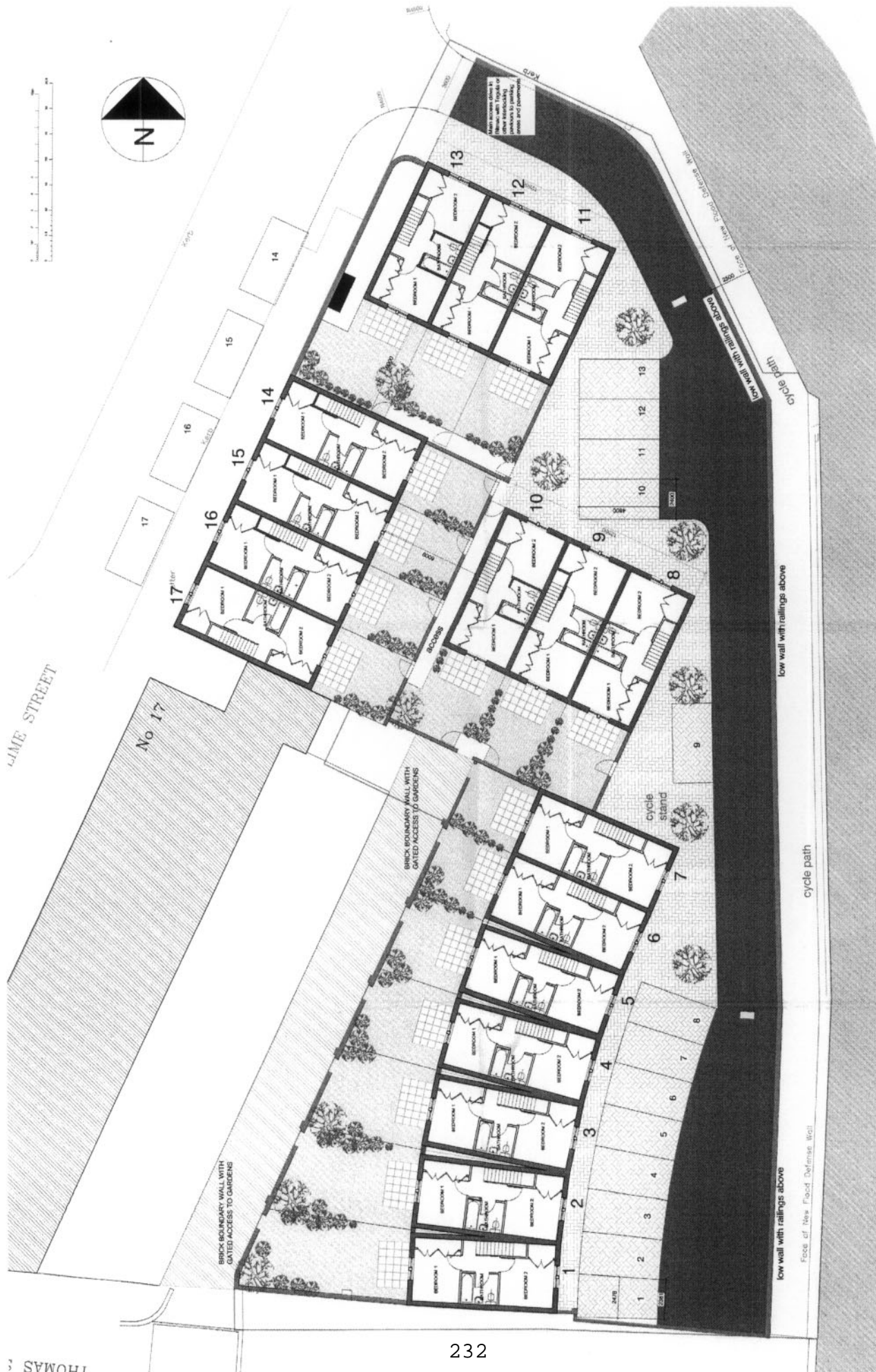
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GROUND FLOOR PLAN 1:200

GROUND FLOOR PLAN
NEW TERRACED HOUSING AT LIME STREET, CALDW
01/01/2013
1:200

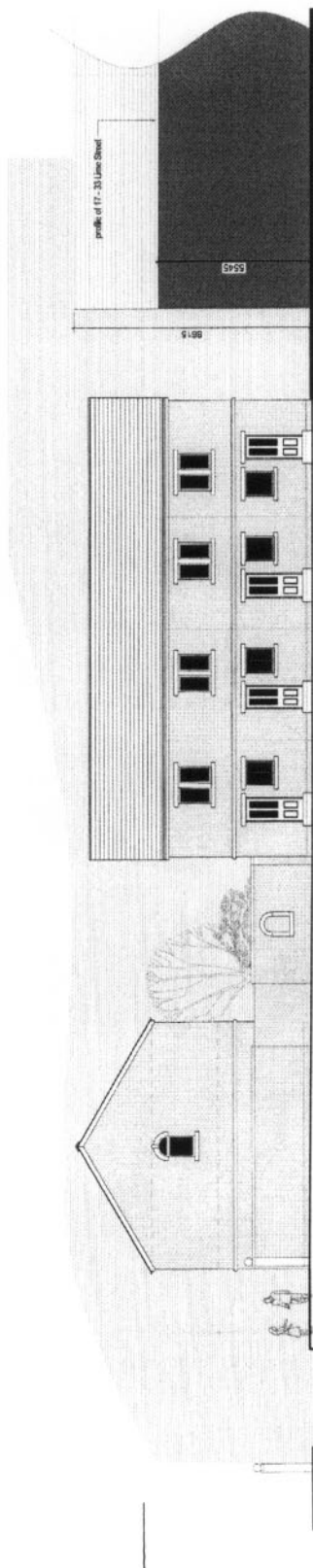




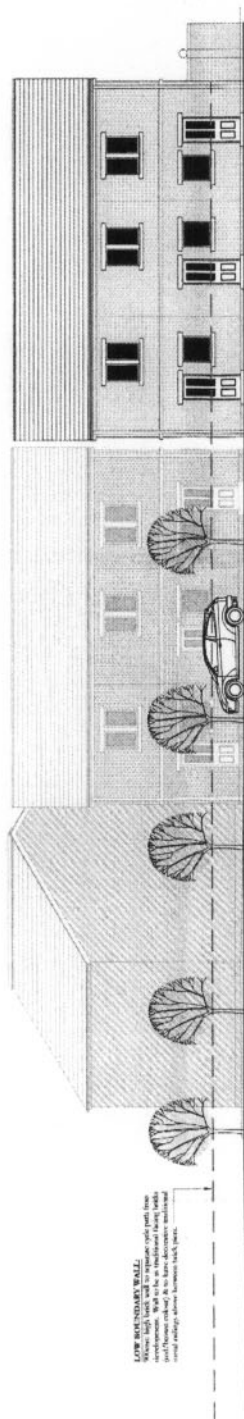
FIRST FLOOR PLAN 1:100

PROPOSED FIRST FLOOR PLAN
NEW TERRACED HOUSES AT LIME ST, CANAL ETON
ETON, WILTSHIRE
11 MAY 2010
1:100

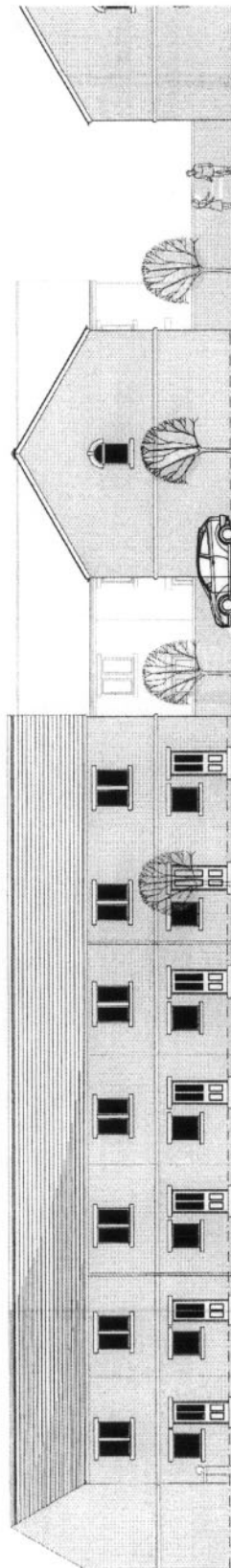
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2010/04/09



NORTH-WEST ELEVATION 1:100



NORTH-EAST ELEVATION 1:100

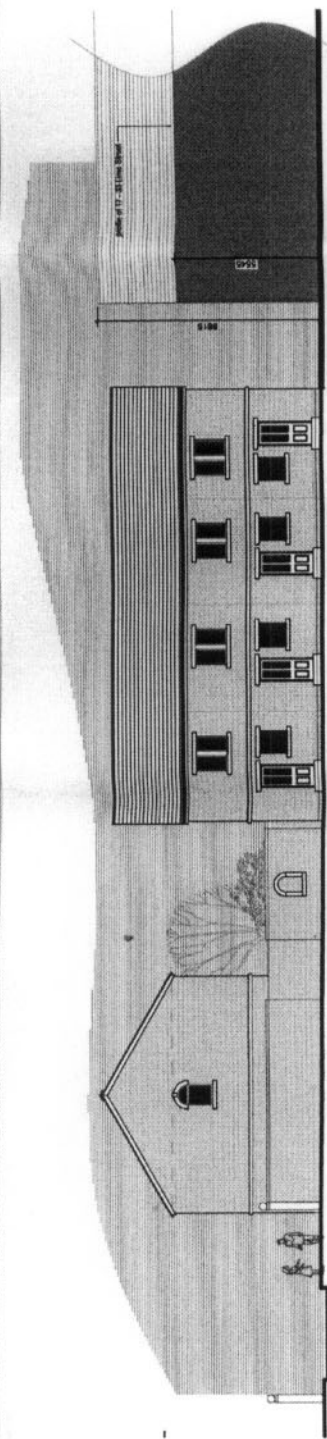


EAST ELEVATION 1:100

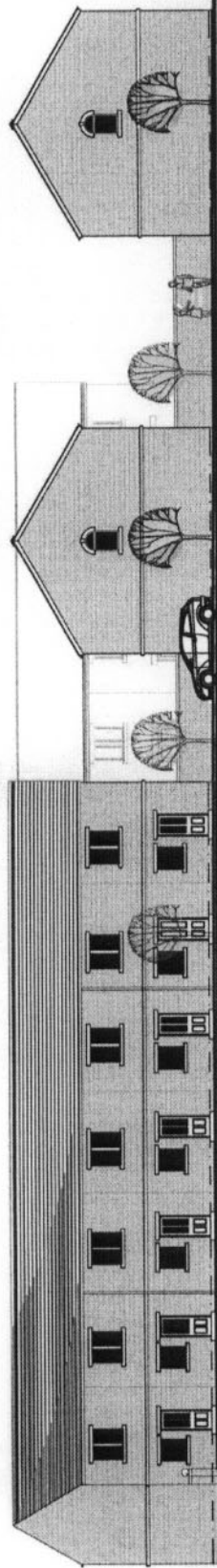
MATERIALS
 Walls: Blue/gray Clay Tiles
 Windows & Doors: White
 Shutters & Trim: White
 Roof: Terra
 Porch & Terrace: Black pavers



PROPOSED ELEVATIONS	
1. NORTH-WEST ELEVATION	1:100
2. NORTH-EAST ELEVATION	1:100
3. EAST ELEVATION	1:100

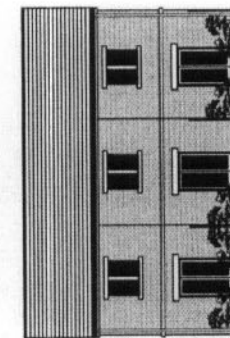
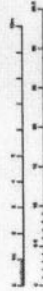


NORTH-WEST ELEVATION 1:200

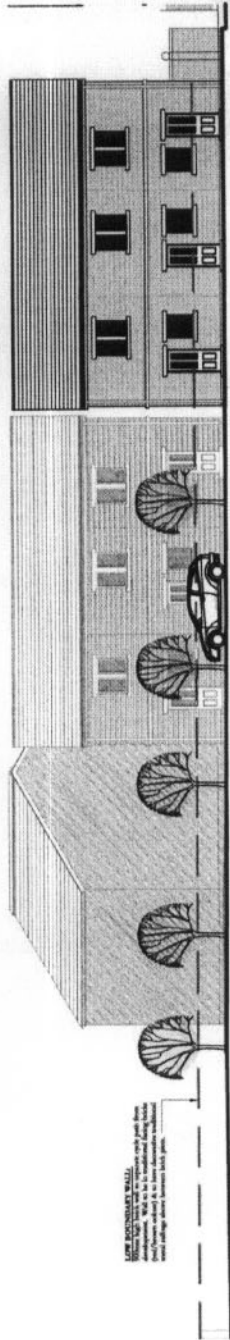


EAST ELEVATION 1:200

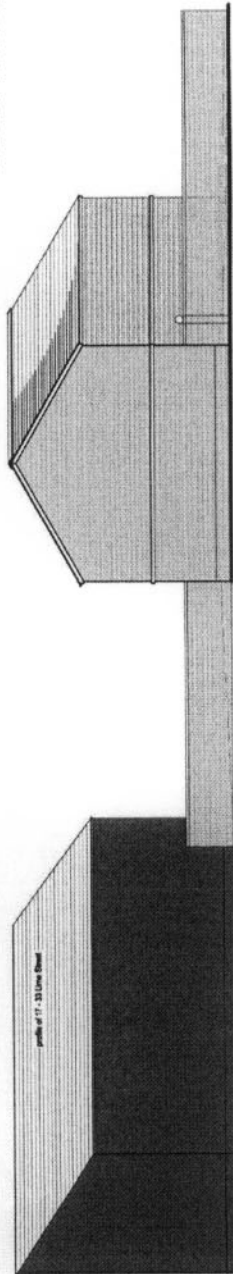
MATERIALS
 Clay Tiles
 Walls: Traditional facing bricks (red/brown color) &
 colored concrete tiles & bands
 Roof: Tiles & Down: White spelt
 Fencing & Tinting: same block pattern



TYPICAL REAR ELEVATION 1:200



NORTH-EAST ELEVATION 1:200



SOUTH ELEVATION 1:200

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PROPOSED ELEVATIONS		
NEW TERRACED HOUSING AT LIME ST, CARLEBUR FOR OTHAEL ESTATES		
MAY 2010	1220008048	1:200

SCHEDULE B: Reports Requiring Further Information

10/0415

Item No: 10

Date of Committee 11/06/2010

Appn Ref No:
10/0415

Applicant:
Citadel Estates Ltd

Parish:
Carlisle

Date of Receipt:
13/05/2010

Agent:
Holt Planning Consultancy

Ward:
Denton Holme

Location:
Land off Constable Street, Denton Holme, Carlisle

Grid Reference:
339524 554709

Proposal: Erection Of 19 Two-Bed Terraced Dwellings With On-Site Parking And Cycle Store

Amendment:

REPORT

Case Officer: Angus Hutchinson

Reason for Determination by Committee:

This is a Major application of local interest that needs to be considered in association with another application regarding Lime Street (ref. no. 10/0408).

1. Constraints and Planning Policies

Gas Pipeline Safeguarding Area

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

Flood Risk Zone

Local Plan Pol DP1 - Sustainable Development Location

Local Plan Pol H1 - Location of New Housing Develop.

Local Plan Pol H2 - Primary Residential Area

Local Plan Pol H3 - Residential Density

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

Local Plan Pol H5 - Affordable Housing

Local Plan Pol CP2 - Biodiversity

Local Plan Pol CP5 - Design

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

Local Plan CP15 - Access, Mobility and Inclusion

Local Plan Pol CP16 -Public Trans.Pedestrians & Cyclists

Local Plan Pol CP17 - Planning Out Crime

Local Plan Pol LE27- Developed Land in Floodplains

Local Plan Pol LE29 - Land Affected by Contamination

Local Plan Pol T1- Parking Guidelines for Development

Local Plan Pol LC8 - Rights of Way

Local Plan Pol IM1 - Planning Obligations

2. Summary of Consultation Responses

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

Environment Agency (N Area (+ Waste Disp)): comments awaited;

Local Environment (former Community Services) - Drainage Engineer:
comments awaited;

United Utilities: comments awaited;

Local Environment - Environmental Protection (former Comm Env Services-Env Quality): comments awaited;

Planning & Housing Services - Housing Strategy: comments awaited;

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): the Design and Access Statement makes no reference to an intention to implement any crime prevention measures within this development. There is no evidence that the SPDs 'Designing Out Crime' or 'Achieving Well Designed Housing' have been referred to. The applicant has not consulted with Cumbria Constabulary seeking crime prevention design advice. Consequently, it is difficult to establish how this proposal complies with Policy CP17 of the Local Plan (Designing out crime).

The development reflects some positive attributes in minimising the opportunities for crime. The dwellings overlook each other, providing natural surveillance opportunities, without compromising privacy. The Constabulary would have preferred car parking provision to be in-curtilage. However, the communal car parking area is centrally located and well overlooked from each terrace.

However, the proposed site/garden boundary heights at 1.8m are considered to be not sufficient (bordering public space) and the provision of a narrow ginnel behind Units 1-9 may compromise security of these rear garden spaces. (The drawing suggests landscaping elements along the entire length, which may impede natural surveillance opportunities). There is no indication how the rear garden access gates shall be secured and protected to prevent intrusion.

The Constabulary is also concerned regarding the apparent lack of security measures for the proposed Bike Shelter. Its situation lacks ownership and is likely to become a gathering place for youngsters, generating anti-social activity. Also, if the building does not exhibit robust security measures, cycle owners will not be confident in using it. Its value to the development is queried, when perhaps cycle owners would prefer to store their cycles more securely at home. Consideration should be given to providing dedicated cycle storage for each dwelling - but if this is external (e.g. garden shed), rear garden spaces require better protection. (Presently, the majority of domestic related burglaries across North Area involve garden sheds, garages and outbuildings. Cycle theft remains a persistent issue);

Northern Gas Networks: comments awaited;

Cumbria County Council (Education Department): comments awaited.

3. Summary of Representations

Representations Received

Initial:	Consulted:	Reply Type:
1 Constable Street	19/05/10	
3 Constable Street	19/05/10	
32 Wadsworth Road	19/05/10	
34 Wadsworth Road	19/05/10	
36 Wadsworth Road	19/05/10	
38 Wadsworth Road	19/05/10	
40 Wadsworth Road	19/05/10	
1 Frederick Street	19/05/10	
73 Richardson Street	21/05/10	
75 Richardson Street	21/05/10	
77 Richardson Street	21/05/10	
79 Richardson Street	21/05/10	
81 Richardson Street	21/05/10	
83 Richardson Street	21/05/10	
85 Richardson Street	21/05/10	
87 Richardson Street	21/05/10	
5 Constable Street	19/05/10	
7 Constable Street	19/05/10	
9 Constable Street	19/05/10	
11 Constable Street	19/05/10	

13 Constable Street	19/05/10
15 Constable Street	19/05/10
17 Constable Street	19/05/10
19 Constable Street	19/05/10
21 Constable Street	19/05/10
23 Constable Street	19/05/10
25 Constable Street	19/05/10
27 Constable Street	19/05/10
Key Safety Systems UK Ltd	19/05/10
2 Constable street	19/05/10
12 Wadsworth Road	19/05/10
14 Wadsworth Road	19/05/10
16 Wadsworth Road	19/05/10
18 Wadsworth Road	19/05/10
20 Wadsworth Road	19/05/10
22 Wadsworth Road	19/05/10
24 Wadsworth Road	19/05/10
26 Wadsworth Road	19/05/10
28 Wadsworth Road	19/05/10
30 Wadsworth Road	19/05/10

- 3.1 This application has been advertised in the form of press and site notices and the direct notification of the occupiers of 40 neighbouring properties. At the time of preparing the report no formal objections have been received although staff have fielded enquiries about the proposal from local residents in the Civic Centre and on the phone.

4. Planning History

- 4.1 In 2008, under application 07/1207, permission was given for engineering works in association with site remediation and to facilitate future development.

5. Details of Proposal/Officer Appraisal

Introduction

- 5.1 This application relates to the car park serving the former Key Safety Systems Factory located on the southern side of Constable Street to the east of 75-87 Richardson Street, 2 Constable Street and 1 Frederick Street. To the south there are residential properties accessed via Wadsworth Road; to the immediate east there is a millrace (the "Little Caldew") that runs south to north and the factory site. The site extends to approximately 0.3 ha in area with the ground level varying between 17.3M and 17.6m AOD.
- 5.2 Under the Proposals Map of the Carlisle District Local Plan 2001-16 the site is identified as being within a Primary Residential Area.

Background

- 5.3 In 2008, under application 07/1207, permission was given for engineering

works in association with the remediation of the site to facilitate future development.

- 5.4 The current application seeks full permission for the erection of 19 two bed terraced houses. The submitted plans show the erection of the terraced houses in two blocks with a centralised access, off-street parking, and a bike shelter. The proposed houses consist of a lounge, kitchen and w.c. on the ground floor with two bedrooms and a bathroom on the first floor. Externally the houses are to be constructed with brick walls, coloured concrete cills and heads, and blue/grey plain tiled roofs. The “public” boundaries are shown to be delineated by brick walls.
- 5.5 The application is accompanied by a Planning Statement (inclusive of a Design and Access Statement), a Flood Risk Assessment, a Geotechnical and Ground Contamination Desk Top Review, and a letter from the agent.
- 5.6 The Planning Statement explains that:
- the development focus is on modest and compact two storey houses to meet a strong local rental market;
 - the houses are based upon existing development found within Denton Holme offering relatively affordable, accessible, secure, low maintenance housing;
 - the site is previously developed ("brownfield") land surrounded by residential development within a Primary Residential Area; and
 - in the context of Policy H2 of the Local Plan 2001-016 the design, scale and layout respects the amenities of neighbours, parking is on site, the dwellings are sympathetic in terms of scale, layout, materials and detailing.
- 5.7 The aforementioned Statement also goes on to explain that normally, under Policy H5 of the Local Plan 2001-016 the incorporation of 30% affordable housing would be expected i.e. 6 units. However, it is proposed that the gain in this instance is derived instead from the creation of the "missing link" cycletrack at Lime Street. Nevertheless, it is the applicant's intention to provide modest, affordable houses for rent.
- 5.8 The Geotechnical Review concludes that no sources of contamination are anticipated at the site as it appears to have remained undeveloped prior to the construction of the car park. However the site is in a coal measures area and the potential exists for methane and carbon dioxide to be present within the underlying coal measures strata to migrate to the surface.
- 5.9 The Flood Risk Assessment recommends that floor levels should be at a minimum of 17.9m AOD; surface water to be discharged to the river with any necessary traps to intercept pollution; foul sewer discharges to be checked to ensure that no back flow can take place; whilst there is virtually no risk of flooding above the occupied floor levels, there is a risk of flooding in the adjacent roads and therefore desirable for occupiers to register with the EA to receive telephone warnings.

- 5.10 The agent's letter states that the proposal at Constable Street may reasonably be regarded as a displacement of the Lime Street scheme insofar as it provides the investment vehicle for the applicant to voluntarily provide the missing link in the Caldew cycletrack. The cycletrack should be regarded as an extraordinary cost in the context of Policy H5. Cost being calculated both in direct terms as a factor of economic viability as well as a unique one-off opportunity to the long term public interest.

Assessment

- 5.11 It is considered that the main planning issues in the case of this application are whether the advantages outweigh the disadvantages with regard to:
1. Whether the proposal complies with Policy H5 of the Local Plan 2001-16 with regard to the provision of affordable housing;
 2. Whether the proposal would be detrimental to the living conditions of neighbouring residential properties including security;
 3. Whether the proposal would be detrimental to the character of the area inclusive of any measures to take account of the risk from flooding;
 4. Whether the proposal safeguards the biodiversity and ecology of the area; and
 5. Whether the proposal would be detrimental to highway safety.
- 5.12 In relation to 1), Policy H5 of the Local Plan 2001-16 states that on allocated housing and windfall sites of 10 or more dwellings it will be expected that 30% of units will be affordable. The Policy also states that *"Only in exceptional circumstances will the Council consider off-site contributions or a financial contribution in lieu of on-site provision."* Paragraph 5.33 of the associated explanatory text highlights that this needs to be interpreted as relating to the payment of a financial contribution towards the provision of affordable housing on another site as opposed to any gain being in another form.
- 5.13 When considering this matter Members will be aware that an important distinction needs to be made between planning gain which arises as the normal consequence of the implementation of an approved development, and a planning gain which is a benefit that the developer of land is prepared to concede to gain a favourable permission. Ministerial advice on the subject of extraneous gains is found in Circular 05/2005. Paragraphs B6 & B7 advise that the use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.
- 5.14 Circular 05/2005 sets out five tests, all of which a planning obligation is expected to meet. These are that an obligation must be (i) relevant to planning, (ii) necessary to make the proposed development acceptable in planning terms,

(iii) directly related to the proposed development; (iv) fairly and reasonably related in scale and kind to the proposed development; (v) reasonable in all other respects. In amplification of these rules, paragraphs B8, B9 and B10 state that planning obligations should not be used solely to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives that are not necessary to allow consent to be given for a particular development. This is reinforced by Policy IM1 of the Local Plan that explains the Council will consider the use of Planning Obligations/Section 106 Agreements only when relevant to the proposed development.

- 5.15 In the case of the current application an argument can be advanced that the provision of the missing link in the cycletrack will be of benefit to the residents of the proposed dwellings as well as the wider community in Denton Holme and the City. Members will also appreciate that there are a finite number of costs that be taken on board by a developer without the scheme becoming uneconomic. As such Members are having to weigh up the "loss" of six affordable units (in the context that the applicant intends to provide modest, affordable houses for rent) compared to the benefits of providing the missing link in the cycletrack along the River Caldw. Members may also be aware that as part of the permission granted for residential development in Graham Street in 2005 (application 05/0786) the developer agreed to upgrade another section of the Caldw cycletrack.
- 5.16 When considering the living conditions of the neighbouring residents the draft SPD on "Achieving Well Designed Housing" (February 2009) indicates that there needs to be a minimum distance of 21 metres between primary facing windows between dwellings and 12/14 metres from a gable end to primary facing windows, in the interests of preserving the privacy of existing and prospective residents. In the case of this application the separation distance between the facing windows of the proposed dwellings on plots 10-19 and 2 Constable Street/75-87 Richardson Street/1 Frederick Street is shown on drawing number 01/2010/06 to be approximately 21.6 metres although the distance between facing walls ranges from 15 to 17 metres. Furthermore, the proposed units are of a similar height and scale. On this basis it is considered that the proposal will not lead to losses in privacy or light for the occupiers of the existing residential units to merit the refusal of permission.
- 5.17 The third key issue to consider is whether the proposal would be detrimental to the character of the area. The scale, layout and overall design of the development are considered to be acceptable in terms of urban design and its relationship with existing neighbouring developments. The proposal is considered to be consistent with the objectives of the Denton Holme and Long Sowerby Design Statement (2007) although revised plans, taking account of the updated views of the Environment Agency are awaited.
- 5.18 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the

Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favorable conservation of the protected species and their habitat. In this case, the proposal relates to a former car park the development of which, using appropriate safeguards, should not lead to contamination of the Little Caldew. On this basis it is considered that there should be no significant effects from the proposal, and that there will be no harm the favourable conservation of any protected species or their habitats.

- 5.19 Finally, with regard to highway safety the views of the Highway Authority are awaited.

Conclusion

- 5.20 When assessing this application Members are having to weigh up the "loss" of six affordable units (in the context that the applicant intends to provide modest, affordable houses for rent) compared to the social, recreational, leisure and environmental benefits of providing the missing link in the cycletrack along the River Caldew. This is in the context that improvements to existing cycletracks have been requested in the past, the closest example being the permission granted for residential development in Graham Street in 2005 (application 05/0786); and the development will enable sourced funding from Sustrans to be utilised. The strengths of the current proposal also stem from the effective re-use of a brownfield site in a sustainable location.
- 5.21 It is intended that an updated verbal report will be presented to Members but on the basis that satisfactory revised plans are received, issues regarding security, energy efficiency and access are clarified, and there are no further objections from interested parties, the proposal will be recommended for approval.

6. Human Rights Act 1998

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

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

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

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

- 6.2 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;
- 6.3 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

7. Recommendation

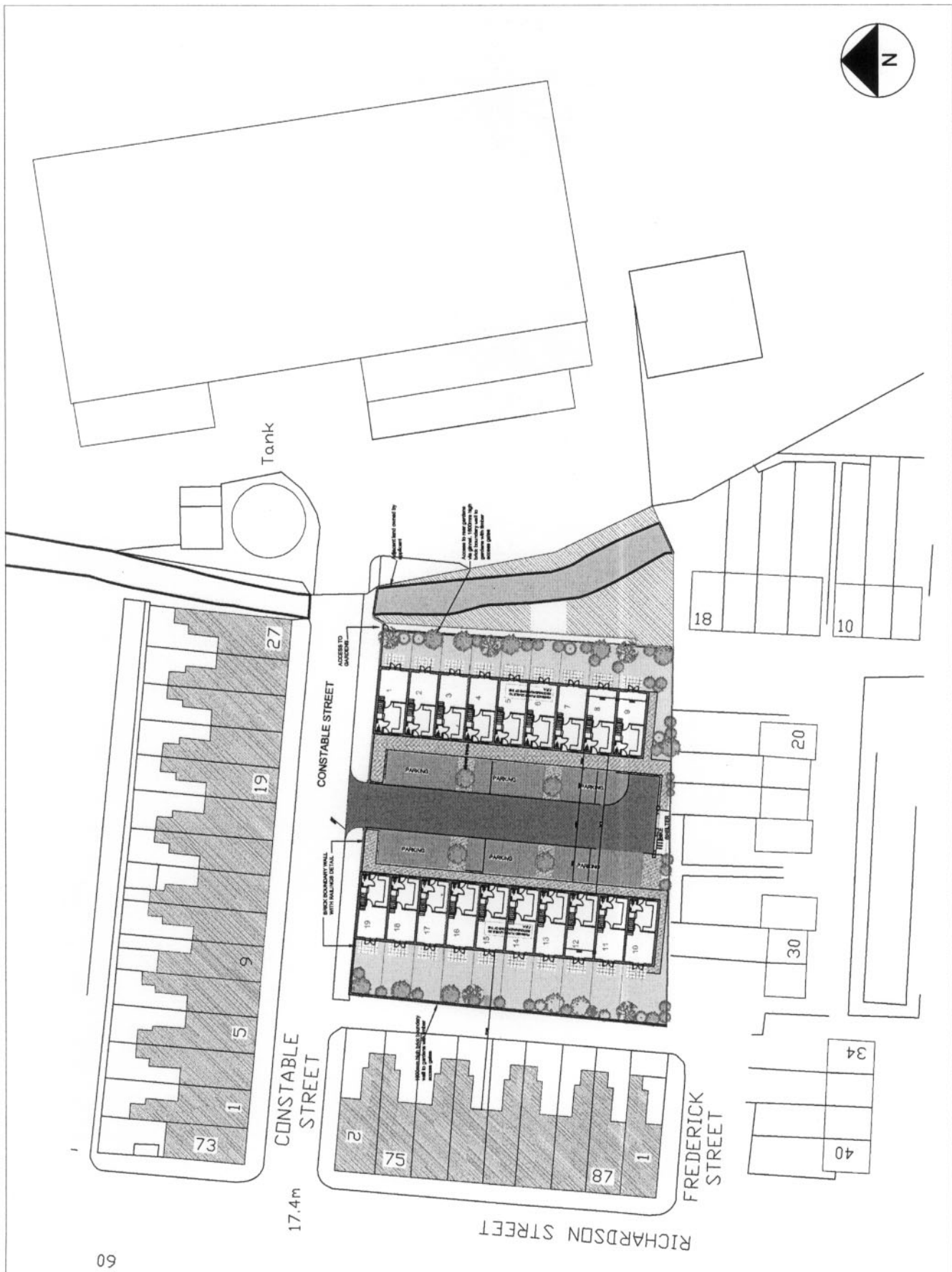
Reason For Including Report In Schedule B

At the time of preparing the Report revised plans and the comments of interested parties are awaited.



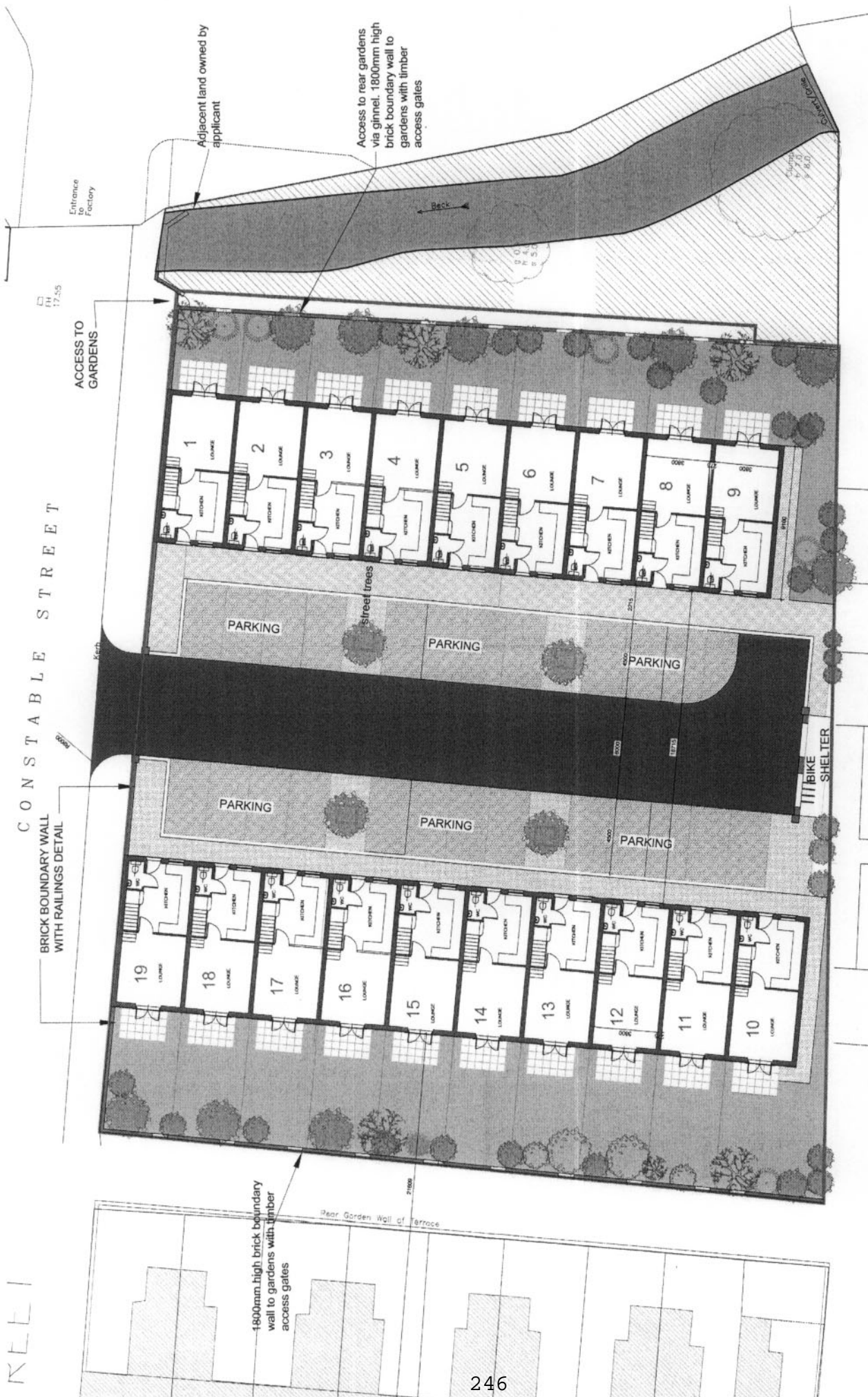
Location Plan: 1:1250

LOCATION PLAN		
19 TERRACED HOUSING UNITS AT CONSTABLE ST, CARLISLE for Citadel Estates		
28/01/2010	01/2010/00	1:1250



BLOCK PLAN		
19 TERRACED HOUSING UNITS AT CONSTABLE ST., CARLISLE for Check Estates		
04/05/2010	01/2010/01A	1:500

Block Plan: 1:500



RECEIVED
11 MAY 2006
23104HS

PROPOSED GROUND FLOOR PLAN		
19 TERRACED HOUSES AT CONSTABLE ST, CARLISLE NW		
CITADEL ESTATES		
04/05/2010	01/2010/06	1:100

PROPOSED GROUND FLOOR PLAN 1:100

NOTES:
1. All dimensions are in metres.
2. All dimensions are to the centre of the wall unless otherwise stated.
3. All dimensions are to the centre of the wall unless otherwise stated.
4. All dimensions are to the centre of the wall unless otherwise stated.

CONSTABLE STREET

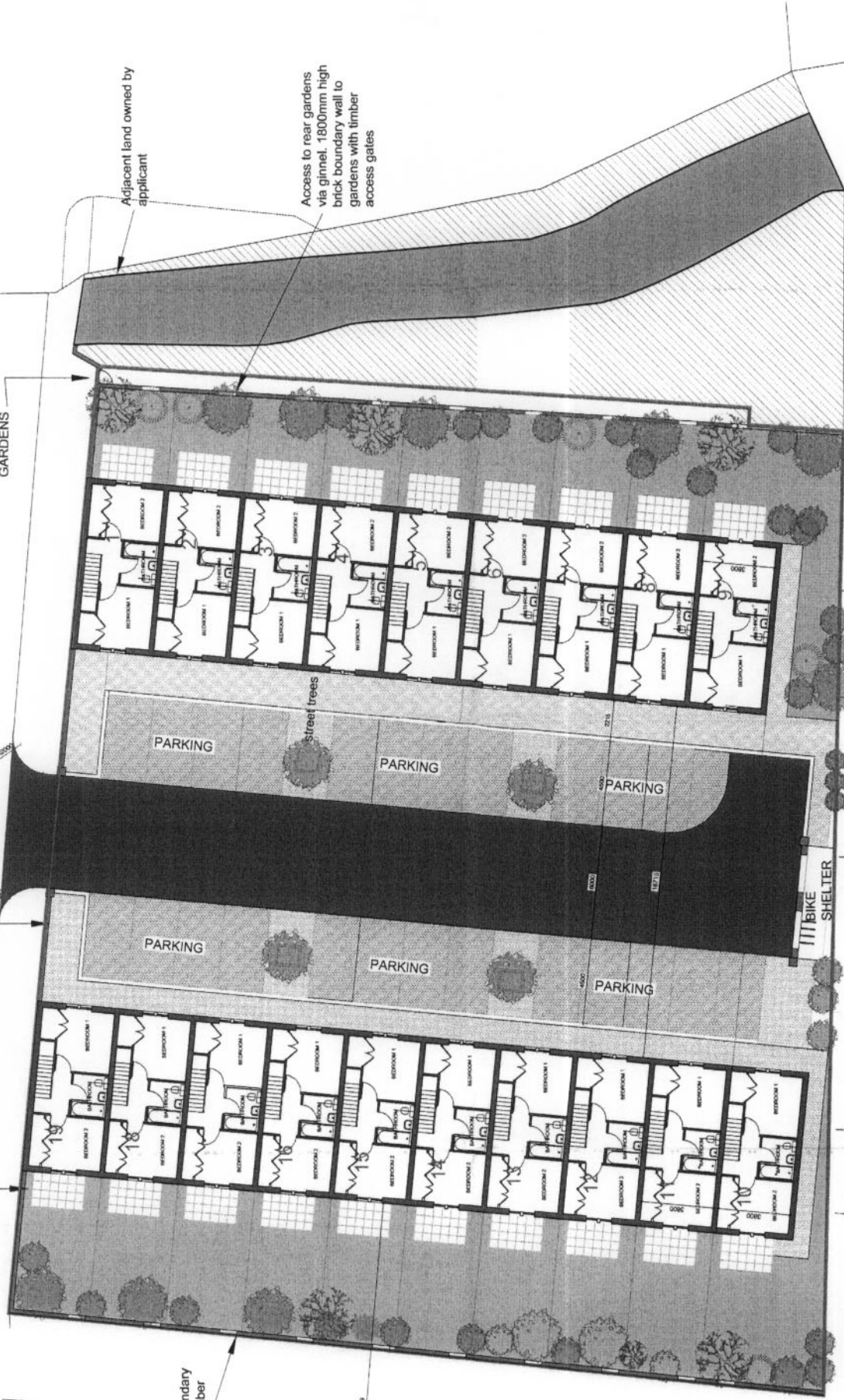
BRICK BOUNDARY WALL
WITH RAILINGS DETAIL

ACCESS TO
GARDENS

Adjacent land owned by
applicant

Access to rear gardens
via ginnel, 1800mm high
brick boundary wall to
gardens with timber
access gates

1800mm high brick boundary
wall to gardens with timber
access gates



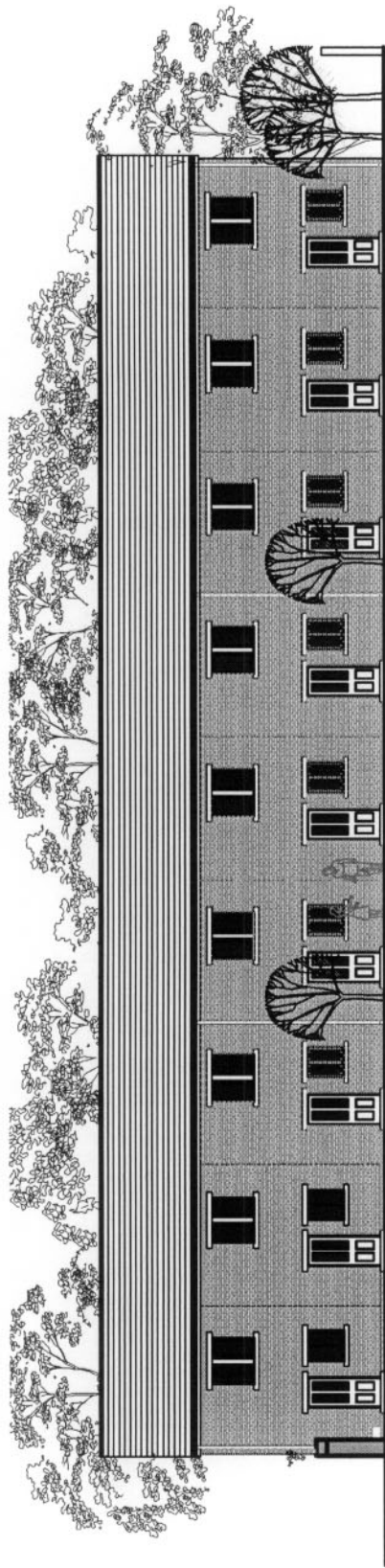
18

RECEIVED
13 May 2010
20/06/15

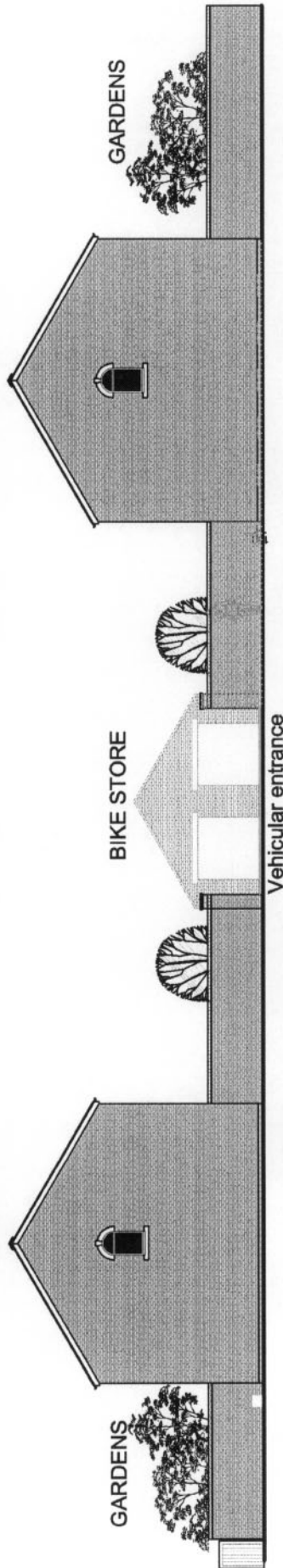
FIRST FLOOR PLAN
18 TERRACED HOUSES AT CONSTABLE ST, CAMBRIDGE for
CITABUL ESTATES
04/06/2010 01/2010/06 1:100

FIRST FLOOR PLAN 1:100

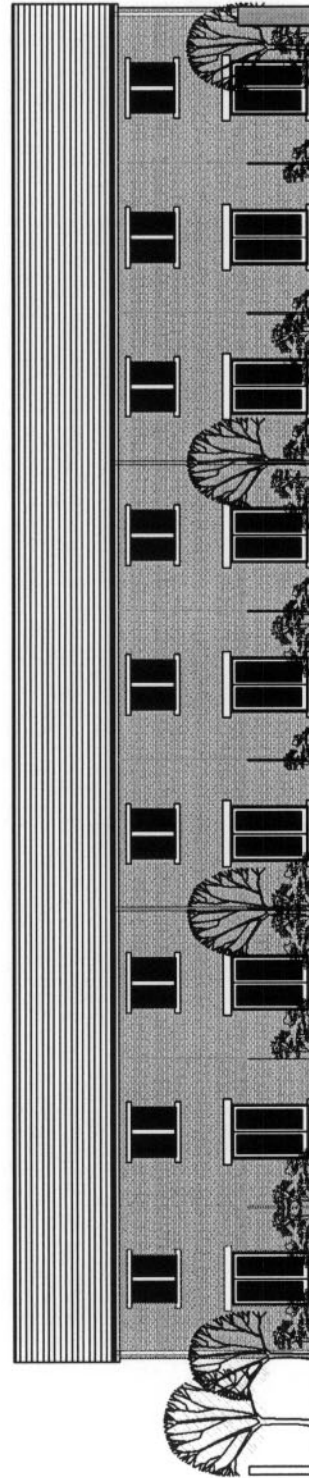




EAST AND WEST COURTYARD ELEVATIONS 1:200



NORTH AND SOUTH ELEVATIONS 1:200



EAST AND WEST ELEVATIONS 1:200

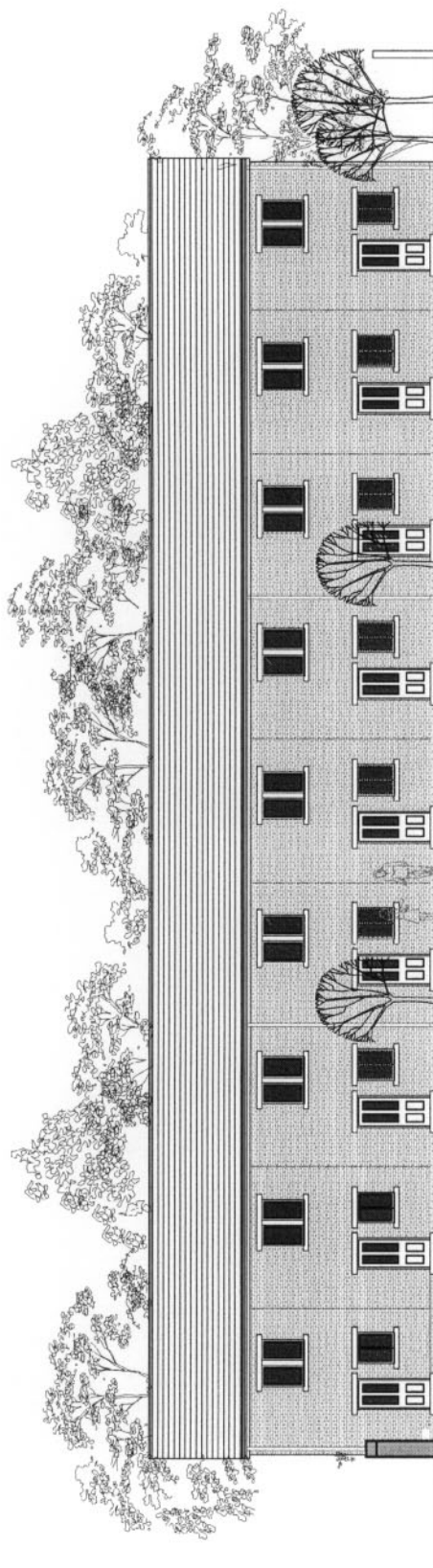
MATERIALS:

Roofs: Blue/grey Clay Plain Tiles
 Walls: Traditional facing bricks (red/brown colour) & coloured concrete cills & heads
 Windows & Doors: White upvc
 Road: Tarmac
 Parking & Turning areas: block paviors

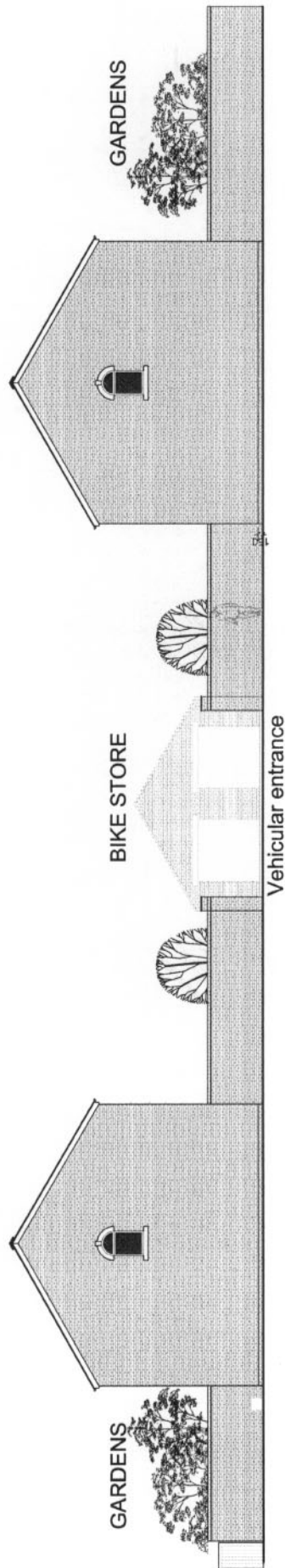
PROPOSED ELEVATIONS

19 TERRACED HOUSES AT CONSTABLE ST, CARLISLE for
 CITADEL ESTATES

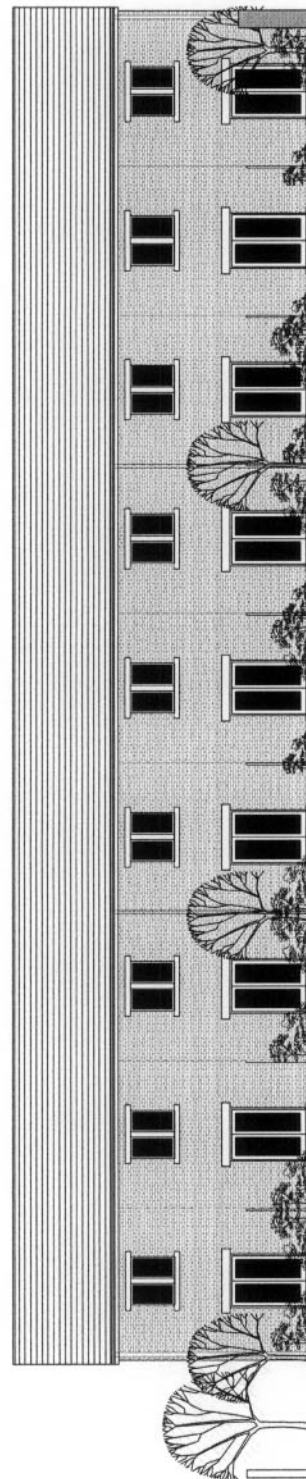
04/06/2010 01/2010/04A 1:200



EAST AND WEST COURTYARD ELEVATIONS 1:200



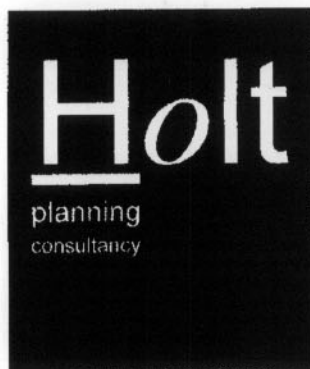
NORTH AND SOUTH ELEVATIONS 1:200



EAST AND WEST ELEVATIONS 1:200

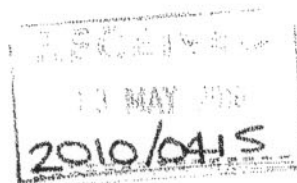
MATERIALS:
 Roofs: Blue/gray Clay Plain Tiles
 Walls: Traditional facing bricks (red/brown color) &
 concrete blocks (white) & stone
 Windows & Doors: White spruce
 Road: Tarroad
 Parking & Turning areas: black paviers

PROPOSED ELEVATIONS
 18 TERRACED HOUSES AT CONSERVATION ET CARRELE DU
 QUARTIER DE LA VILLE DE MONTRÉAL
 04/05/2019 01/07/2020A 1:200



My ref: 09/002

Your ref:



10th May 2010

Angus Hutchinson
Principal Planning Officer
Carlisle City Council
Civic Centre – Floor 6
CARLISLE
CA3 8QG

Dear Mr Hutchinson,

Re: Proposed Residential Development (19 dwellings) – Constable Street, Denton Holme, Carlisle

Pursuant the recently submitted Full Planning Application on the above matter, I am pleased to offer as part of the application the following further clarification in respect of the matter of affordable housing provision.

1. To re-cap; the application for Constable Street has been submitted, and should be considered in parallel with the current application for housing on land off Lime Street, Denton Holme that incorporates the provision of the "Riverside Walk element.
2. In practical terms, one could regard the matter at Lime Street as on the basis of two applications; one for housing for which there would be no requirement for any affordable housing (based upon the net increase in numbers beyond the extant lawfully commenced



approved scheme under 04/0785), and one for the Riverside Walk element with a view that both jig-saw together.

3. The Riverside Walk element represents a crucial consolidation of a wider strategic public investment of significant public-community benefit. In addition however it coincides with 04/0785 and its provision remains at the sole discretion of the landowner/current common applicant. As such it represents a cost to the applicant at the formulation, construction as well as ongoing operational/re-sale phases.

4. In view of the above, the proposal at Constable Street may reasonably be regarded as a displacement of a Lime Street scheme insofar as it provides the investment vehicle for the applicant to provide **voluntarily** the Riverside Walk element and as such should be regarded as an extraordinary "cost" in the context of Policy H5. Looked at another way; whilst the Riverside Walk element (for the sake of a comprehensive integrated presentation and assessment) is proposed as part of the Lime Street scheme, it could just as well have been proposed as "off-site" works in relation to the Constable Street scheme.

5. In view of the above, any consideration of the Constable Street scheme in respect of Policy H5 must accept this "reality"; where the "cost" is calculated both in direct terms as a factor of "economic viability", as well as a unique one-off opportunity cost/benefit to the long term public interest. This effectively underscores the assessment of the proposal at Constable Street against Policy H5.

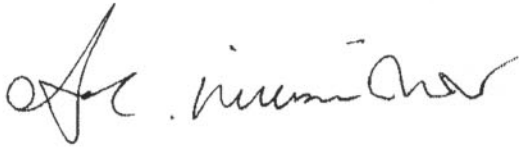
Further Points

6. The Constable Street scheme will by default provide relatively modest affordable housing within a tight-knit residential area to be delivered on a rental basis by the applicant with a proven track record for such in the Denton Holme area. It is a fact that the applicant's existing rental stock enjoys relatively high occupancy, and relatively low turnover rates with the vast majority taken up by local people. As such it evidentially meets a local housing market need for (ostensibly "intermediate") relatively cheap family and retired/small household housing.

7. Recent surveys reveal a shortfall in the (affordable) rental supply sector within Carlisle.

To conclude; the Riverside Walk element represents a considerable "cost" to the applicant. Its delivery may be regarded equally as "off-site" works in relation to the Constable Street proposal by reason that it's provision remains voluntary at the sole discretion of the applicant/landowner. As such it is an exceptional cost to the applicant, to be assessed alongside the opportunity cost to the public interest from failure to provide .

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'A. Willison-Holt', written in a cursive style.

Andrew Willison-Holt MRTPI DipTP BSc (hons)