

AGENDA

Development Control Committee

Friday, 09 February 2018 AT 10:00

In the Council Chamber, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meetings

5 - 38

To note that Council, at its meeting of 9 January 2018, received and adopted the following minutes of the Development Control Committee 20 October 2017 and 22 November (site visits meeting).

To approve the Minutes of the meetings held on 5 January 2018.

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

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Item 04 - 17/0873 - Unit A, 103-105 Kingstown Road, Carlisle, CA3 0AL	101 - 114
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Item 05 - 17/0979 - Madgwick, Green Lane, Crosby on Eden, Carlisle, CA6 4QN **115 - 122**

SCHEDULE B **123 - 134**

A.2 AFFORDABLE HOUSING CONTRIBUTION - REAR OF SCOTBY ROAD, SCOTBY **135 - 140**

The Corporate Director of Economic Development to submit a report setting out the position regarding contributions relating to affordable housing following an independent viability assessment of the site.

(Copy report ED.06/18 herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

B.1 AFFORDABLE HOUSING CONTRIBUTION - REAR OF SCOTBY ROAD, SCOTBY

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

B.2 QUARTERLY REPORT ON PLANNING ENFORCEMENT

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Members of the Development Control Committee

Conservative – Bloxham, Christian, Earp, Mrs Parsons (Vice-Chairman), Shepherd, Bowman S (sub), Collier (sub), Nedved (sub)

Labour – Mrs Bradley, Mrs Glendinning, McDevitt, McDonald, T Sidgwick, Mrs Warwick (Chairman), Bowditch (sub), Ms Patrick (sub), S Sidgwick (sub)

Independent - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk (01228) 817557 or
jacqui.issatt@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 5 JANUARY 2018 AT 10.00 AM

PRESENT: Councillors Mrs Warwick (Chairman), Bloxham, Mrs Bradley, Christian, Earp, Glendinning, McDevitt, McDonald, Mrs Parsons, Shepherd, Sidgwick T and Tinnion (as substitute for Councillor Paton).

OFFICERS: Corporate Director of Economic Development
Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 3
Assistant Planning Officer

ALSO

PRESENT: Mr Allan (Cumbria County Council)
Mr Innes (Cumbria County Council)

DC.003/18 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Paton.

DC.004/18 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Earp declared an interest in respect of the following applications:

- 17/0669 – Land to the South East of Durranhill Road, adjacent Barley Edge, Carlisle, CA1 2SZ. The interest related to objectors being known to him.
- 17/0896 – Land South of The A69, Scotby, Carlisle, CA4 8BJ. The interest related to objectors being known to him.
- 17/0907, 17/0905 and 17/0906 – Land west of Steele's Bank, Wetheral, Carlisle. The interest related to objectors being known to him.
- 17/0436 – Land adjacent How Croft, Cumwhinton, Carlisle, CA4 8DH. The interest related to objectors being known to him.

Councillor Christian declared an interest in respect of the following applications:

- 17/0907, 17/0905 and 17/0906 – Land west of Steele's Bank, Wetheral, Carlisle. The interest related to objectors being related to him.

Councillor Mrs Parsons declared an interest in respect of application – 17/0896 – Land South of The A69, Scotby, Carlisle, CA4 8BJ – The interest related to her being a former trustee of an organisation that formerly owned the land comprising the application site.

Councillor Tinnion declared an interest in respect of application – 17/0814 – Field No.7961, Land north of Town Foot Farm, Talkin, Brampton, CA8 1LE. The interest related to the applicant being known to him.

Councillor Mrs Warwick declared an interest in respect of application – 17/0896 – Land South of The A69, Scotby, Carlisle, CA4 8BJ. The interest related to objectors being known to her.

Councillor McDevitt declared an interest in respect of application – 17/0669 – Land to the South East of Durranhill Road, adjacent Barley Edge, Carlisle, CA1 2SZ. The interest related to his being a Member of Cumbria County Council.

DC.005/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.006/18 AGENDA

RESOLVED – That agenda items A.1(8) – application 17/0905 – Land west of Steele's Bank, Wetheral, Carlisle and A.1(9) – application 17/0906 – Land west of Steele's Bank, Wetheral, Carlisle be considered together.

DC.007/18 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 24 November 2017 and 3 January 2018 (site visits meeting) be approved.

DC.008/18 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Legal Services Manager outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.009/18 CONTROL OF DEVELOPMENT AND ADVERTISING

1) That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

(2) That the applications referred to under the Schedule of Applications under B be noted.

- 1) **Erection of 198no. Dwellings with Associated Infrastructure and Landscaping, Land to the South East of Durranhill Road, adjacent Barley Edge, Carlisle, CA1 2SZ (Application 17/0669).**

The Planning Officer submitted the report on the application which sought Full Planning Permission for the erection of 198 dwellings with vehicular access achieved via a priority junction on Durranhill Road. The development proposed was a mix of bungalows and two storey detached, semi-detached and terraced houses, over a net area of development of 7.45 hectares, equating to a density of approximately 26.5 dwellings per hectare. The yield for the site indicated in the Carlisle and District Local Plan 2015-30 (Local Plan) provided a figure of 220 houses over the site area of 13.32 hectare equalling 16.52 per hectare. The proposed scheme was for 198 over 9.51 hectare which equated 20.82 per hectare.

Slides were displayed on screen showing; Local Plan site allocation and application map; schedule of accommodation; development plan; soft landscaping plans; engineering layout; existing tree layout plans; arboriculturalist's method statement; artist's impression of proposed streetscenes and photographs of the site, an explanation of which was provided for the benefit of Members.

On the matter of design the Planning Officer considered that the proposal reinforced existing connections; provided a mix of dwelling types and tenures suitable to local requirements; had

sought to create a distinctive character with well-defined and legible streets/ spaces; had streets designed to encourage low vehicle speeds; provided sufficient and well integrated resident and visitor parking; had clearly defined public and private spaces; there was adequate external storage space for bins and recycling as well as cycles; and adequate/effective open space.

The Planning Officer informed Members that Cumbria County Council had provided a further response to the application details and raised no objection subject to the imposition of highway and drainage conditions. In addition, the Highway Authority recommended that the Section 106 agreement be amended to include:

- £110,000 (i.e. 11% of the actual published cost of £1 million) for the improvements towards Warwick Road;
- £15,000 to improve the cycle infrastructure (this is £15000 of the total cost of £25000. The remainder will be funded by another developer);
- £6,600 for travel plan monitoring.

The Planning Officer advised that, in order to achieve the required access arrangements, it was necessary for 2 existing trees to be removed. The Council had received the report from the Arboricultural consultant who had been asked to assess trees in the area, some of which were on the application site, and to indicate whether any of the trees merited a Tree Preservation Order (TPO). The report concluded that:

“In respect of the Taylor Wimpey site, the layout of the development ensures the trees are retained in public open space and on roadside verges, rather than in small private gardens. During development of the site, retention and management of the trees could be secured by planning conditions. Post development it is expected that the trees will be managed by either the County Council or a management company in accordance with best practice.”

The Planning Officer acknowledged that, having considered the objections raised by residents together with the assessment in the Arboriculturalist's report, and the recommendation of the report, Members may still have concerns about the trees along the frontage of the site with Durranhill Road. He advised that, should Members deem that a TPO was warranted, they had the option of instructing Officers to impose an Order on the trees.

During the Committee's site visit in November 2017, Members had questioned whether it was possible for the pavement from Scotby Bridge to be connected to the application site. The Planning Officer advised that he had discussed the matter with the applicant, who had stated that the land was highway land and not within their control, therefore the proposal was not feasible. It was noted that an alternative route did exist on the opposite side of the road.

The submitted Ecological Impact Assessment had indicated the following impact on habitats: loss of approximately 10ha of improved grassland of low habitat value; loss of hedgerows and trees of local value. The Assessment concluded that no further work was necessary but outlined an Avoidance and Mitigation Strategy including; the retention of boundary trees and hedgerows wherever possible; provision between garden boundaries to allow hedgehogs to move around the site; timing of works; protection of retained trees and provision of a means of escape in excavations left open overnight. A series of additional biodiversity enhancements were also recommended.

The submitted Bat Survey identified there were no buildings on site and the majority of trees present were considered to be of negligible or low suitability to support roosting bats. The exception to this was the mature trees along the northern boundary which were to be retained in current plans. The main body of the site was considered to be of low value to bats given the

dominance of grazed pasture, and similar or better quality habitats available in the surrounding area. The report stated that the direct development impacts would be:

- loss of approximately 9ha of low value bat foraging habitat;
- potential loss of boundary features providing foraging and commuting habitats of up to local value to bats;
- increased lighting post development, which had the potential to reduce bat use of retained boundary features on site and those adjacent to the peripheries.

The Planning Officer pointed out that a number of mitigation and compensation measures had been proposed by the survey which had formed the basis of conditions set out in the report. The Bat Survey concluded *“With the recommended mitigation and/or compensation ... proposals can proceed with no significant adverse effect on bats. [The] Proposals provide an opportunity for ecological benefit through the provision of roosting opportunities and improvement in foraging habitat and additional roosting opportunities, contributing to local and national conservation targets.”*

Natural England had not raised any objections to the application nor the accompanying Bat Survey, and on that basis the proposal was considered acceptable. However, the Planning Officer advised that concern had been raised by an adjacent Ward Councillor in respect of the validity of the Survey, who had requested that an independent Bat Survey be undertaken by the Council. In response, the ecologist responsible for preparing the report stated that the survey of the site had been carried out in line with current good practice guidelines produced by the Bat Conservation Trust.

The Planning Officer considered that the supporting documents accompanying the application adequately addressed those matters relating to contamination, trees and hedgerows, surface water and ecology, and that through the imposition of relevant conditions those matters were able to be managed effectively. It was his view that the proposal would neither be detrimental to the character of the area nor, the living conditions of neighbouring residents sufficient so as to merit the refusal of permission.

In conclusion the Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development to grant approval of the application, subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (16 social rented and 15 discounted sale), the management/maintenance of open space, including the provision of an acoustic fence; the payment of £68,403 towards off-site sport pitches; the payment of £15,000 to improve the cycle infrastructure and £110,000 to part fund the improvements to Warwick Road; and the payment of £6,600 for monitoring of the Travel Plan.

Mr Pratt (Objector) spoke against the application in the following terms: A TPO for trees at the south side of Durranhill Road had been requested by residents of Barley Edge in June 2017, but no decision as to whether the Order would be made had been received; the submitted Impact Statement did not make clear which trees and hedgerows were to be removed to enable the development; the trees at the site were possibly of high value habitat to bat and other wildlife populations in the area; the Council had been reluctant to address how the required visibility splays would be achieved without the removal of some trees; issue raised in relation to the Bat Survey had not been responded to by Officers; the size and scale of the development would have a negative impact on the surrounding area, and increase flood risk.

In response to Mr Pratt's concern's regarding the making of a TPO, the Development Manager advised Members that the Council had considered the matter but had determined an Order was not necessary, due to the siting of trees in public open space. Furthermore, protection of the

trees was achievable through the imposition of relevant conditions into any planning consent issued for the site. He further noted that TPO's afforded an additional level of protection to trees beyond those provided for in the conditions of consent, which in accordance with planning policy, was the Council's preferred method for protecting trees. He confirmed that Members were able to consider the issue of making a TPO, and if they determined it necessary instruct Officers to make a TPO.

Councillor Betton (City Councillor in an adjoining Ward) spoke against the application in the following terms:

- Members did not have all the information necessary to determine the application;
- The Bat Survey submitted with the application had been undertaken on behalf of the applicant and therefore was not independent or valid. The Survey had been too narrow and had not encompassed the flying heights of all bat species;
- The Council should have commissioned an independent Bat Survey;
- It was an offence to tamper with bat habitat, and the trees on the site were used by bats;
- The Arboriculturalist's evaluation of the trees at the site had not followed the principles set out in the Hamilton Assessment;
- The correct procedure for assessing whether the trees at the site merited a TPO had not been followed, and he questioned the need to commission a consultant to undertake the work;
- No Environmental Impact Assessment had been carried out in the application process
- The Officer had incorrectly stated that Natural England supported the application, when it had simply not put forward an objection;
- It was not clear which trees would need to be removed for the development to take place, and Officers had not responded to his or residents correspondence on the matter;
- The proposed highway arrangements, which did not incorporate traffic calming measures or pedestrian crossings would increase the level of traffic travelling through Botcherby Ward which would be detrimental to the safety of residents;
- Responses from Officers in relation to his queries regarding how the proposed visibility splays were to be achieved had not been forthcoming.

In conclusion, Councillor Betton asked that the Committee defer determination of the application until such time as the points he had raised were addressed.

The Corporate Director of Economic Development assured Members that all concerns in relation to the trees on the site were taken into account in the Officer's assessment of the proposal. She informed the Committee that she had offered to meet with concerned residents to discuss the matter, but the offer had not been taken up.

A Member noted that the application site was in Wetheral Ward, not Botcherby Ward, for which Councillors Betton and Paton were Ward Members, he asked on what basis they had been permitted to address the Committee regarding the application, and how much time were they afforded to speak beyond that allocated to Ward Members.

The Development Manager responded that the Council's Right to Speak policy did not distinguish between Ward and non-Ward Members, and that in terms of time limitation for speeches, ten minutes was advised for Members, but that there was no formal limit. The duration of a speech was a matter for Chairman to determine.

Councillor Paton (City Councillor in an adjoining Ward) was strongly opposed to the proposed scheme for the following reasons: the area had a long history of flooding which the proposed scheme would exacerbate, and which had not been addressed; the increased traffic generated by the development would be detrimental to road safety in the area; there was not sufficient

infrastructure in terms of schools and healthcare to service the development; the scale of the development was too large, with plot 35 backing on to an existing dwelling in Barley Edge.

Councillor Paton urged the Committee to consider imposing a TPO for the trees at the site to protect them, and further requested that Members consider the imposition of a 30mph speed limit between Durranhill Road and Scotby in lieu of the existing 40mph limit.

The Planning Officer reminded the Committee that the application site was an allocated site for residential development in the Carlisle and District Local Plan 2015-30 (Local Plan), and therefore the principle of developing the site had been established. The implications for traffic and ecology had been set out in the report for Members consideration, along with responses from statutory consultees, including the Highway Authority. Traffic calming measures were to be dealt with by condition, rather than as part of the Section 106 agreement, and had also been detailed in the report.

In respect of flood management systems, paragraph 6.74 of the report outlined the methods the developer proposed to use and those had been approved by the Lead Local Flood Authority. The Planning Officer further commented that the Council's commissioning of a consultant to evaluate the merit of the trees at the site in relation to a TPO demonstrated how seriously Officers had considered residents' concerns on the matter.

Mr Hutchinson (On behalf of the applicant) responded to the objectors in the following terms:

- The proposed scheme was, potentially, the developer's second investment in the city. The applicant had sought to engage the local community and interested parties in both pre-application and post application submission discussions, responding to points and concerns raised therein with considered amendments to the proposal. Furthermore the applicant was happy to meet its responsibilities by contributing to the local infrastructure through its adherence to the terms of the Section 106 agreement and the conditions detailed in the report.
- The application site was on land allocated for residential development in the Local Plan and was of a lower level of density than the existing adjacent development;
- Following a request from the Parish Council for a second access point on Durranhill Road, the applicant had revised the scheme to accommodate this, and the Highway Authority had not raised any objection to the revision;
- The applicant was agreeable to the imposition of a condition requiring the traffic calming and footpath works to be implemented by the occupation of the 50th dwelling;
- The revised scheme had demonstrated that the satisfactory surface water storage/attenuation was able to be provided. The Lead Local Flood Authority considered that adequate information had been submitted in relation to surface water drainage proposals showing that the required non-statutory standards were able to be met such that surface water from the site would receive sufficient treatment prior to its discharge into an existing watercourse;
- The scheme had been design to retain the mature trees at the site within the proposed open space area, making their management and maintenance subject of the Section 106 agreement. The applicant had no objection to the relevant trees being made the subject of a TPO;
- Following the Committee's previous consideration of the application, attempts had been made to contact Councillor Betton to understand his concerns and identify solutions, if any, were available, no response had been received from the Member;
- In terms of ecology, the proposed scheme had been designed in accordance with the Bat Survey and Arboriculturalist's report, thereby necessitating the removal of only 1 tree and a small section of hedgerow from the centre of the site;

- The proposed development was compliant with the Council's required separation distances;
- The scheme would provide a range of homes which would contribute to the Council's housing targets, and was consistent with the policies of the Local Plan and the National Planning Policy Framework.

The Committee then gave consideration to the application

A Member drew the Committee's attention the Lead Local Flood Authority comments which had been reproduced on page 38 of the Main Schedule, and with reference to the first paragraph therein noted that it had stated "*...in the southern most area of the site the applicant is not proposing to discharge the surface water through the attenuation with a direct discharge into the watercourse. This is not acceptable.*" He sought clarification as to the suitability of the proposed drainage scheme, and the method of surface water discharge from the site.

In response, the Development Manager referred Members to the following paragraph in the report which stated that the applicant had undertaken further discussions with the Lead Local Flood Authority on the matter. He further explained the process for approving drainage proposals, and noted that the Lead Local Flood Authority was satisfied with the proposal subject to the impositions of conditions which were detailed in the report.

Mr Allan (Cumbria County Council) added that the proposed scheme contained a hierarchy of mechanisms for the management of surface water from the site, at a level in-keeping with greenfield run-off rates so as not to increase the risk of flooding. As per the process for approving drainage schemes, the system had been deemed acceptable, in principle, by the Lead Local Flood Authority, and in line with the conditions in the report, the submission of further drawings was required to secure the exact details of the system.

The Member requested that details of the final, approved drainage scheme be circulated to the Committee. The Corporate Director of Economic Development undertook to provide the information.

The Committee then considered highways issues, with the following concerns and questions being raised:

- A Member expressed concern that the Highway Authority had not objected to the proposal, given the Durranhill Road was narrow and locally known as "the back Scotby Road";
- Another Member noted that the footpath within the site terminated at the north east end without connecting to Montgomery Way, he felt that in the interests of pedestrian safety the paths ought to link up. He further considered that HGVs should be restricted from using Durranhill Road, and that pedestrian islands should be provided.

The Planning Officer responded that as part of the process for the site being allocated in the Local Plan extensive consultation had taken place, including with the Highway Authority, had that authority responded with significant concerns, the site may not have received the allocation. Whilst appreciating the Member's concerns, he noted that the Highway Authority had responded to the consultation on the application with comments and suggested mitigation measures which were comprised in the conditions set out in the report. Therefore, the Planning Officer considered that the relevant highway matters had been effectively addressed.

Regarding the footpath linkages, the Planning Officer reiterated that the land between the footpath in the site and Montgomery Way was not in the ownership of the applicant, therefore, it was not possible for the developer to provide the desired link. A footway was available for

pedestrian use on the other side of the highway, however he acknowledged that it had become overgrown with vegetation and soil, which restricted its usable space.

The Corporate Director of Economic Development undertook to raise the matter of the condition of the footway, on the Member's behalf with the County Council with a view to securing improvement works.

In relation to the Members' request for a pedestrian island to be included in the scheme, the Planning Officer explained that scheme would create a narrowing of the road and in conjunction with the two proposed traffic calming facilities would generate a betterment for pedestrians crossing the highway.

Regarding the request to restrict HGV use of Durranhill Road, the Planning Officer did not consider that the proposed scheme would cause an increase in such vehicles using the road, beyond the necessary construction traffic to service the development. He undertook to discuss the matter with the applicant and Highway Authority.

A Member observed that the scheme did not provide sustainable vehicle technology, for example, electric car charging points.

The Corporate Director of Economic Development commented that the Member had raised an interesting issue, she noted that Officers were aware of developing technologies, however, they could not require developers to make such provision.

A Member asked whether the Council consulted the Cumbria Biodiversity Data Centre in its consultations on planning applications.

The Development Manager advised that whilst the Centre was not a formal consultee, the Council did use publicly available data from that organisation as background information with a view to identifying potential issues in relation to individual schemes.

Another Member commented that, in her view, the Officers and applicant had done their best to address the concerns raised throughout the application process, and the documents submitted along with the application were comprehensive. She was supportive of making the trees on the site subject to a TPO, and sought clarification as to whether conditions imposed on the consent or a TPO could be enacted most quickly.

The Legal Services Manager advised that the Section 106 agreement would comprise a number of obligations and therefore would take time to complete, whereas a TPO was immediately applicable, even during the consultation phase of the Order.

A number of Members expressed support for the making of a TPO to protect the Trees at the site.

A Member moved the Officer's recommendation and that a Tree Preservation Order be made in relation to the trees at the site, which was seconded and it was:

RESOLVED: (1) That Authority to Issue be given to the Corporate Director of Economic Development to grant approval of the application, subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (16 social rented and 15 discounted sale), the management/maintenance of open space, including the provision of an acoustic fence; the payment of £68,403 towards off-site sport pitches; the payment of £15,000

to improve the cycle infrastructure and £110,000 to part fund the improvements to Warwick Road; and the payment of £6,600 for monitoring of the Travel Plan.

(2) That a Tree Preservation Order be made in respect of the trees on the south eastern side of Durranhill Road.

(3) That the Corporate Director of Economic Development provide Members with details of the final, approved drainage scheme.

The Committee adjourned at 11:30am and reconvened at 11:40am

2) Erection of Dwellings (Outline), Land adjacent to Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR (Application 17/0969).

The Development Manager informed the Committee that the application had been withdrawn from discussion by the applicant

RESOLVED: That the application be withdrawn from discussion.

3) Erection of 40no. Dwellings and Associated Infrastructure, Land adjacent, Beverley Rise, Carlisle (Application 17/0662).

The Principal Planning Officer submitted the report on the application which had been the subject of the site visit by the Committee on 3 January 2018.

Slides were displayed on screen showing; proposed block plan; proposed site plan; proposed site access plan; proposed road and sewer layout and; photographs of the site, an explanation of which was provided for the benefit of Members.

A further letter of objection had been received which the Principal Planning Officer summarised for the benefit of Members, and he further outlined the points of objection raised by the Ward Members during the processing of the application.

The Principal Planning Officer noted that United Utilities had responded to the proposal without objection, advising that the drainage system connected to the scheme would not be connected to the manhole which overflowed nearby.

Access arrangements had been agreed with Highway Authority comprising a 4.9m wide road with the provision of 2.4m wide parking bays on both sides, and a 1.2m wide footpath on western side of road, and confirmation from the Authority had been received that the proposal provided appropriate detail and widths in line with its Design Guide.

Following discussions between the applicant and the Lead Local Flood Authority the drainage system had been redesigned and deemed acceptable, therefore, the Principal Planning Officer advised, Cumbria County Council had no objections to the proposal in relation to highways or drainage.

In relation to bats a Preliminary Ecological Report had been submitted with the application which found that all tree and scrub within the site and along the boundaries were assessed as having negligible or zero bat roost potential. Consequently, the Principal Planning Officer determined that no further survey work was necessary, he added that a condition requiring wildlife enhancement measures be incorporated into the scheme had been included within the conditions detailed in the report.

The Principal Planning Officer acknowledged that there would be some disruption to residents of properties adjacent to the site during construction works, in order to provide a level of mitigation, conditions had been included in the permission requiring the submission of a Construction Method Statement and the limiting of hours in which construction works were permitted.

A Ward Member had suggested that to reduce disruption to nearby residents, construction traffic should be made to access/egress the site through Keenan Park. The Planning Officer considered that the proposal was not acceptable as the access on to Pennine Way which passed between the two dwellings was too narrow, and that construction vehicles would present a danger to park users. He further noted that the proposal was not supported by the Green Spaces Manager.

The Principal Planning Officer stated that condition 19 required updating to contain details of a newly submitted plan which would form part of the Approved Drawings in the consent. In conclusion he recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Mrs Murphy (Objector) spoke against the application in the following terms: it would cause unacceptable intrusion in the form of general disturbance, particularly related to increased traffic and public access to the site via Beverley Rise; the sloping nature of the site may cause vehicular traffic to travel at higher than normal speeds in approaching a sharp bend at the site's access point which would be detrimental to road safety; the scale of the scheme would have an oppressive impact on the surrounding area and houses; the sewage pumping station should be sited further away from 37 Beverley Rise to reduce the impact of maintenance works; drainage plans indicated that surface water from the site would drain into the sewer in the front garden of 37 Beverley Rise which was prone to overflowing during periods of heavy rainfall; little confidence in United Utilities view that the foul drainage manhole in Keenan Park would not overflow in periods of heavy rain thus polluting the surrounding area.

Councillor Betton (Ward Member) addressed the Committee raising concerns in relation to the following matters: whether the required visibility splay at the access point could be achieved; the width of the entrance; the loss of a footpath; difficulties in managing the surface water discharge from the site; his request for a second opinion on the Bat Survey had not been agreed to.

In response, the Principal Planning Officer advised that the road within the site would restrict vehicles to 20mph, and that the sharp bend at the bottom of the site would act as another mechanism to reduce vehicle speed. The foul drainage system would not be linked into the drain in Keenan Park, therefore the scheme would be exacerbate the existing problem related to the manhole.

The Ecological Survey had been carried out, and its finding submitted, given that the application site was essentially a ploughed field, the Principal Planning Officer, had not considered it reasonable to request that a second survey be undertaken.

Councillor Paton (Ward Member) expressed serious concerns regarding HGV's accessing and exiting the site during the construction phase, in his view, consideration needed to be given to the use of a circular system for such vehicles whereby entrance to the site would be gained from Beverley Rise and a rolling road used in the site before exiting via Keenan Park. He suggested that a banksman would be required to manage the vehicles on the site, and that without such system it was possible construction vehicles may cause damage to property or vehicles.

The Principal Planning Officer responded that he had discussed the suggested rolling road with the Highway Authority and the Green Spaces Manager, neither of which had considered the proposal to be viable. Condition 15 required the submission of a Construction Method Statement for approval by the Local Planning Authority, which would set out the types of vehicles using the site and their times of arrival and departure.

The Corporate Director of Economic Development added that if Officers considered that a banksman was required to manage vehicles movements at the site, it would be incorporated into condition 13.

Mr Dawson (Agent) responded in the following terms:

- He outlined the site's context in terms of its receiving its allocation for residential development in the Local Plan and the appointment of Riverside Housing Association as the Council's preferred partner for developing the site. An aspect of that arrangement was a commitment by the developer to provide apprentice training places for students at Carlisle College;
- The scheme's foul drainage system would connect into the mains sewer at the top of Beverley Rise, therefore it would not add to the discharge into the drain in Keenan Park;
- Neither the Lead Local Flood Authority, nor United Utilities had objected to the drainage proposals;
- The approach road from the site to Beverley Rise had been designed in conjunction with and approved by the Highway Authority;
- The findings of the submitted Bat Survey indicated no habitat for the animals at the site, therefore a second survey was unnecessary.

Mr Dawson added that the scheme was dependant on a funding grant from the Homes and Communities Agency, and deferral of the application may jeopardise that funding, thereby halting the construction of affordable homes.

The Committee then gave consideration to the application.

A Member noted that the issue of grant funding was a matter for the applicant and would therefore not impact on the Committee's decision making process.

A number of Members expressed their support for the scheme commending its provision of affordable homes and training for apprentices.

A Member noted that the adjacent roads were narrow, he asked if the schedule of works for the site was able to be programmed so that the planned highway works to Beverley Rise be carried out prior to the development of the site.

The Principal Planning Officer agreed the proposal and undertook to include an appropriate condition in the consent.

Another Member asked whether residents of adjacent properties were able to be provided with a contact telephone number that they may refer to in the event of a problem.

The Principal Planning Officer stated that he understood that it was standard practice for Site Managers to provide their contact details to residents of neighbouring properties.

A Member moved the Officer's recommendation, along with an amendment to Condition 19 to contain reference to the new plan, and that the agreed works to Beverley Rise, be carried out prior to the commencement of construction works. The proposal was seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

4) New Hardstanding to provide On-Site car parking and coach park facilities for use by the school Newman Catholic Scholl Temporary Site, Pennine Way, Carlisle, CA1 3RQ (Application 16/1000).

The Development Manger submitted the report on the application which sought to address the issues raised by parking generated by the school's use during its temporary relocation at the former Pennine Way school site following the floods from Storm Desmond. The car park would be accessed from Edgehill Road using a one-way entry and exit, new gates were also to be provided to improve security at the site's access/exit. Drainage would be filtered through aco drains to a soakaway to control water flow from the new surface.

Slides were displayed on screen showing; existing site plan; drainage layout; gate plan and; photographs of the site, an explanation of which was provided for the benefit of Members.

Local Councillors had raised a number of concerns which were outlined in the report. The Development Manager advised that further to the publication of the report additional correspondence had been received from the Ward Councillors particularly in relation to the costs of this temporary scheme and the materials to be used.

Early in the application the process one of the Ward Councillors had raised concerns about having a Tarmac car park and questioned whether a cell based surface should be used. As the application was for a temporary facility, the Development Manager indicated that there could be scope to reuse the materials afterwards. In seeking to keep costs low the applicant had revised the proposal down in scale removing the coach parking and employing a cell based construction system.

The Development Manager advised that whilst it would not be appropriate to impose a condition requiring the reuse of the materials, as to do so would be unreasonable, especially as local Members were seeking to use them in the local area to address damage caused elsewhere. However, he noted that when the site was vacated it was allocated for redevelopment for housing, therefore, Cumbria County Council as landowner had been made aware of the Councillors' request and may be able to assist at that time. Whereas the costs of schemes were not generally taken into account in planning, the temporary nature of the scheme and the unusual nature of the circumstances relating to the site's use had resulted in a proposed scheme which was considered acceptable during the school's occupation of the site.

The Ward Councillors had also raised concerns about the condition of the site boundaries where vegetation had been left to overgrow, the matter had been brought to the attention of the agent and landowner and was being addressed separately to this application.

A Ward Member in an adjacent ward had raised a further local concern that due to weekend activities taking place at the Harraby Campus, parking concerns would remain, he had asked whether access may also be allowed to the proposed car park at such times. The Development Manager stated that the proposed scheme aimed to address parking concerns generated by the school and it would be unreasonable to expect a temporary relocation to address other concerns in the area. However, the Development Manager had spoken to the agent on the

matter and had been advised that, the school was community minded and had a similar system in place to allow controlled access to parking at their central site, therefore, the proposal was able to be explored, subject to the site remaining secure.

The Development Manager informed Members that one local resident had contacted him following the publication of the report welcoming the proposed improvements and expressing hopes that the school would police the use of the proposed facility, as the residents had tolerated inconsiderate parking and attitude of some visitors to the school. The resident hoped that the provision of a specific car parking facility for the school would prevent any future conflicts.

In conclusion the Development Manager recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Councillor Betton (Ward Member) addressed the Committee commenting that on the whole he supported the application. He sought assurance with respect to two concerns; that the contractors would address the outside appearance of the site and; that the hardcore underneath the car park surface would not increase the likelihood of flash flooding in the area.

In response the Development Manager repeated that he had raised the matter of tidying up the site with the County Council, as landowner, and he understood that Officers had been instructed to arrange for the necessary works to take place.

Regarding the drainage issue, the Development Manager drew Members' attention to the drawing reproduced on page 244 of the Main Schedule which illustrated the drains to be installed under the car park surface. Additionally, he noted that condition 6 required the development to prevent surface water run-off on to the highway.

A Member asked where coaches servicing the school would park.

The Development Manager advised that coaches would continue to park on Edgehill Road.

A Member moved the Officer's recommendation, which was seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

5) Erection of Dwellings (Outline), Land at New House Farm, Newby West, Carlisle, CA2 6QZ (Application 17/0883).

The Principal Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018.

Slides were displayed on screen showing; proposed layout, block plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

Members' attention was drawn to the pages 1 and 2 of the Supplementary Schedule where a response from the Council's Environmental Health Services had been reproduced which stated that consideration needed to be given to methods of reducing noise vibration, and dust from the site during the construction phase of the development. A condition had been included which required the submission of a Construction Management Plan which would address those issues. The Principal Planning Officer advised that the requested condition relating to contamination of the site had been included in the proposed permission.

United Utilities had submitted a late response to the application consultation which had requested additional conditions in respect of foul and surface drainage, with a view to ensuring that arrangements were in accordance with the site wide drainage strategy. Given the strategic nature of the development, United Utilities had indicated that it intended to recommend a significant strengthening of the drainage conditions, and that it would provide the requisite detail to Officers during the course of the following week. Members were assured that those conditions would be incorporated prior to the issuing of any consent.

A number of objectors had raised concerns about the impact of traffic from the proposal. The Principal Planning Officer noted that the applicant had commissioned a transport assessment which had comprised a full review of the local highway network, included modelling exercises of nearby roads and junctions and it was recognised that the development would have an impact on the Wigton Road / Orton Road junction, and therefore improvements would be required as part of the development.

Whilst undertaking a site visit, Members had raised concerns in relation to drainage, particularly, regarding the size of the site attenuation ponds and the impact of surface water drainage discharging into Dow Beck. The Principal Planning Officer advised that the provision of an appropriate Sustainable Urban Drainage System (SUDS) and restrictions on the level of surface water run-off rates would prevent downstream areas from flooding. He noted that further calculations were required to be submitted for approval detailing the size of the SUDS ponds.

In addition, the Principal Planning Officer indicated that the culverted section of Dow Beck would be opened up to reduce the risk of flooding, and Dow Beck was to be adjoined by open space to ensure that it was able to be maintained with a management company being responsible for future maintenance.

In relation to education provision, the Principal Planning Officer informed Members that there was capacity within existing primary schools to accommodate children from the development. However, Cumbria County Council as Local Education Authority had stated that there was no capacity for secondary school pupils at Caldew School which was the catchment school, and on that basis, the authority had requested a £1.25M contribution for those places and a secondary school transport contribution of £247,000

The Principal Planning Officer noted that conditions 28 and 29 which related to the provision of an access and drainage to the 2 existing dwellings within the site required amendment to include reference to Strawberry Cottage which was the name of one of the dwellings.

In conclusion the Principal Planning Officer recommended that the application be approved and Authority to Issue approval be given to the Corporate Director of Economic Development subject to a legal agreement to secure:

- a) the provision of 30% of the units as affordable;
- b) a financial contribution of £141,520 (£90,720 for provision and £50,800 for ten years maintenance) to support the off-site improvement of existing sports pitches;
- c) the maintenance of informal open space within the site by the developer;
- d) a financial contribution of £1,254,972 to be paid to Cumbria County Council towards the provision of secondary school places;
- e) a financial contribution of £247,000 to be paid to Cumbria County Council towards the provision of secondary school transport;
- f) a financial contribution of £281,000 to be paid to Cumbria County Council for improvements to the Wigton Road / Orton Road junction;
- g) a financial contribution to improve bus service provision direct to the site;
- h) a financial contribution of £6,600 to monitor the Travel Plan;

and the amendment of conditions 28 and 29 to include reference to Strawberry Cottage.

The Committee then gave consideration to the application.

A number of Members expressed concerns with regards to the phasing of the development and sought clarification on the following matters:

- How would infrastructure such as drainage systems and roads be integrated through the different phases of development;
- How would affordable housing / education contributions be calculated for each phase of the development?

The Principal Planning Officer noted that condition 4 of the proposed permission required the submission of a phasing plan / programme for the overall scheme setting out how development was to proceed in relation to a number of matters including; the provision of pedestrian, cyclist and vehicular connectivity; the construction to base course standard of the roads and footways including those up to the common boundary with adjoining land; the provision of foul and surface water drainage infrastructure. He further advised that the Council's Housing Officer would be consulted on all future Reserved Matters applications with respect to affordable housing provision.

In relation to education contribution Mr Innes, (Cumbria County Council) informed Members that a formula was used to indicate the number of children a development would yield, that figure would be used in the Section 106 agreement process and split equally between each phase of development and used as the basis for negotiating the level of contribution required therein.

The Development Manager added that Members were being asked to consider an application for Outline Permission without details pertaining to highways and drainage etc, however, an indicative layout had been submitted. The phasing plan would assist in the masterplanning of the whole development by setting out the method of delivery of the overall scheme, which could be worked up by a "master" developer. The master developer could also undertake the construction of the major infrastructure relating to road and drainage networks for the entire site, with each subsequent phase of the scheme connecting into that infrastructure as it was developed.

A Member asked whether it was possible to limit the number of dwellings provided at the site to 480.

The Corporate Director of Economic Development responded that the Committee had imposed such restrictions on developments in the past, therefore, were Members minded to do so, Officers would include that limitation. She added that, as a result of its scale, the development would take a long time to realise in its entirety. The Committee indicated that it wished for the development to be limited to 480 dwellings

Another Member noted that each phase of the scheme may be delivered by a different developer, he asked in the event of a problem with the drainage system in a latter phase of the development, where would responsibility for its rectification lie.

Mr Allan (Cumbria County Council) advised that during the development of the site, responsibility for such matters would reside with the developer, and upon completion of the development would transfer to a management company. In response to a further question from a Member Mr Allan advised that, should the management company cease to operate, responsibility would fall to the future residents of the dwellings.

A Member expressed concern that points (c) and (g) of the Officer's recommendation were loosely worded.

The Principal Planning Officer advised that with regards to point (c) it was not possible to include a figure as actual costs were not known, but that the developer would be responsible for maintaining any open space that was provided within the site. In relation to point (g), the Principal Planning Officer understood that the County Council was undertaking discussions with bus service providers, he reassured Members that the Section 106 Agreement would be furnished with the appropriate details prior to its completion.

A Member requested that the Section 106 agreement seek, so far as was possible, to require that affordable housing units be evenly distributed across the phases.

In response to a question from a Member, the Corporate Director of Economic Development confirmed that the roads constructed within the scheme would be adopted.

A Member moved the Officer's recommendation, along with: an additional condition to limit the number of dwellings at the site to 480; the updating of conditions 28 and 29 to include reference to "Strawberry Cottage" and; the inclusion of additional conditions in respect of drainage following receipt of further detail from United Utilities. The proposal was seconded, and it was:

RESOLVED: That the application be approved, and Authority to Issue approval be given to the Corporate Director of Economic Development subject to a legal agreement to secure:

- a) the provision of 30% of the units as affordable;
 - b) a financial contribution of £141,520 (£90,720 for provision and £50,800 for ten years maintenance) to support the off-site improvement of existing sports pitches;
 - c) the maintenance of informal open space within the site by the developer;
 - d) a financial contribution of £1,254,972 to be paid to Cumbria County Council towards the provision of secondary school places;
 - e) a financial contribution of £247,000 to be paid to Cumbria County Council towards the provision of secondary school transport;
 - f) a financial contribution of £281,000 to be paid to Cumbria County Council for improvements to the Wigton Road / Orton Road junction;
 - g) a financial contribution to improve bus service provision direct to the site;
 - h) a financial contribution of £6,600 to monitor the Travel Plan and;
- an additional condition to limit the number of dwellings at the site to 480; the updating of conditions 28 and 29 to include reference to "Strawberry Cottage" and; the inclusion of additional conditions in respect of drainage following receipt of further detail from United Utilities.

DC.010/18 STANDING ORDERS

It was noted that the meeting had been in progress for 3 hours and it was moved, seconded and RESOLVED that Council Procedure Rule 9, in relation to the duration of meetings be suspended in order that the meeting could continue over the time limit of 3 hours.

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The Committee adjourned at 1:10pm and reconvened at 1:45pm

6) Erection of 81no. Dwellings with Associated Open Space, Infrastructure, Landscaping and Ancillary Works including temporary construction access off Scotby Road, Land South of the A69, Scotby, Carlisle, CA4 8BJ (Application 17/0896)

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018. He noted that the net area for development was 4.84 hectares at a density of approximately 16.7 dwellings per hectare comprising 18 two bedroom houses, 14 three bedroom houses, 42 four bedroom houses and 7 five bedroom houses.

Slides were displayed on screen showing; location plan; site layout plan; drainage layout plans; boundary treatment plan; traffic management plan; proposed TRO relocation plan and, photographs of the site, an explanation of which was provided for the benefit of Members.

A number of the representations received during the application process had queried why the negative response by the Highway Authority to the originally proposed allocation in the Local Plan had been reversed and the application drew no objection. The Planning Officer explained that, as part of the Local Plan examination process a Statement of Common Ground for the site had been produced in order to clarify the positions of the all the involved parties, including the Highways Authority. The Scot 1 allocation site had been earmarked for the development of 44 houses in the Preferred Options Stage 2 of the Local Plan adoption process. As part of that consultation undertaken in spring 2014, Cumbria County Council was consulted in its capacity as Highways Authority, and raised significant concerns about the spacing between the proposed site access and the junction with the A69.

The Planning Officer informed Members that in responding to these concerns, the Council took the decision to remove the proposed allocation of this site, and the adjacent site, R15, which was within the same ownership, was substituted. In October 2014 an Access Assessment prepared by iTransport LLP on behalf of Story Homes concluded that satisfactory access (for up to 90 units) was achievable to both sites from both Hill Head and Scotby Road. Cumbria County Council reviewed the assessment and subsequently confirmed that the proposed Scotby Road access was acceptable in terms of junction spacing.

Land was allocated in the area in response to land availability and recognition that Scotby had a good level of services and facilities and was close to Carlisle, and with regard to the Rural Masterplanning exercise for Scotby which indicated that a small area could be infilled in the north east, exercising care to minimise impact onto the A69 and encroachment into the shallow valley.

The Planning Officer reminded the Committee that Planning Inspectorate statements were material planning considerations and noted that in paragraph 97 of the Report on the Examination into Carlisle District Local Plan, the Planning Inspector commented that:

“Additional land is proposed to be incorporated within allocation R15 (Land north of Hill Head, Scotby) to provide an alternative access. The additional land has been included at previous stages of the plan preparation and consultation. However, due to highway concerns about safe access onto Scotby Road, the site area was reduced in the submitted plan with access to be provided off Hill Head only. A highways assessment has since been carried out which demonstrates that the additional traffic can be safely accommodated on Scotby Road. Its exclusion from the plan on highways grounds is therefore no longer justified. Notwithstanding

objections from local residents, there are no overriding amenity issues that would indicate that a satisfactory relationship could not be achieved between the existing and proposed housing. A requirement to secure appropriate distances between existing and proposed dwellings is justified to ensure no adverse effect on residential amenity. A modification is necessary to Policy HO 1 to reflect the suitability of the additional area of land to be brought forward as part of allocation R15 following the presentation of new highway evidence (MM39)."

In its response to the consultation on the application before Members, Highway Authority had recommend that the current 30mph signs be moved closer to the A69, as well as moving the current on road signs/village gateway and that the applicant should enter into a suitable legal agreement to secure those elements. Slides of the proposed relocation were shown on screen for the benefit of Members.

The Highway Authority had further indicated its preference for a vehicular connection between plot 65 and 66 for the avoidance of unnecessary manoeuvres in the turning head by refuse vehicles. In response to these comments, the layout had been amended such that the scheme now provided a bin collection point in the open space opposite plot 70, which would serve plots 66 -70. In addition, a bin collection point opposite plot 33 to serve plots 34-37 was to be provided.

Objections from residents had challenged the proximity of the development to neighbouring properties citing them as being only 10 metres from the boundary. The Planning Officer explained that the Council's Supplementary Planning Document (SPD) did not contain reference to boundary distances but, moreover, exclusively referred to distances between buildings, and in that respect, the development was considered compliant.

Given the orientation of the application site with adjacent properties, the Planning Officer judged that the living conditions of the occupiers would not suffer from loss of privacy or unacceptable levels of noise or disturbance. Likewise, the development was not expected to result in an overall loss of daylight or sunlight to the existing dwellings due to the distances involved between the application site and the existing residential properties.

Another matter raised by objectors had been the desirability of providing bungalows on the site, however, the Planning Officer stated that there was no policy support for such provision. The Council's Affordable Specialist Housing Supplementary Planning Documents had not been adopted and therefore had limited weight in the assessment of the application.

The Planning Officer advised that the Open Spaces Manager remained of the opinion that the site was poor in public open space provision and felt that there was inadequate surveillance of the area. The Planning Officer indicated that a reasonable area would be provided within the site with an area further to the north-east which would have a good level of surveillance for the central area with more limited opportunities over the remaining area, he further noted that the degree of acceptability of the proposal remained an issue for Members to consider.

In conclusion the Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (12 affordable rent and 12 low cost home ownership); the payment of £228,962 and £236,444 towards primary and secondary education respectively; £25,430 to improve the cycle infrastructure; the payment of £6,600 for monitoring of the Travel Plan; and the details of the formation of a Management Company for the maintenance of the public open space.

Mr Burns (Objector) addressed the Committee stating that, in his view, a number of key questions relating to the application remained unanswered which he outlined:

- How had the Highway Authority, which had objected to initial plans to site 48 dwellings on the site not submitted objections to an application which proposed double the amount of dwellings?;
- How was the current drainage infrastructure deemed adequate to cope with the additional discharge from the proposed scheme, when, 5 years previously United Utilities had acknowledged a capacity issue within the system which meant that it struggled to process the discharge from the existing dwellings?;
- Why had the initially proposed buffer zone between the development and adjacent existing properties been reduced by the developer?;
- Why had the request of the Council's Housing Development Officer for the provision of more single storey dwellings been ignored by the applicant?

Mr Burns was further concerned that the Officer when assessing the application had not taken into account the cumulative impact of the proposed scheme in conjunction with a number of other developments within the area which had latterly been granted planning permission. In conclusion, Mr Burns requested that the Committee defer its determination of the application until such time as the legitimate concerns raised by objectors had been addressed.

Mrs Burns (Objector) spoke against the application in the following terms:

- The lack of provision of a buffer zone between the proposed development and the adjacent existing properties would hamper owner efforts to maintain their boundaries. She suggested that consideration be given to creating a 10m wide buffer zone with soft planting of trees and shrubs to create sufficient space between the two developments;
- In conjunction with other recently issued Planning Consents for the area, approving the application would cause a significant and potentially dangerous increase in traffic in the village and the junction with the A69;
- The gardens of the properties adjacent to the development site were prone to flooding, the development of the site would increase the likelihood of such events in the future though the replacement of a greenfield with tarmac and paving. She questioned how the current drainage infrastructure deemed adequate to cope with the additional discharge from the proposed scheme, when, 5 years previously United Utilities had acknowledged a capacity issue within the system which meant that it struggled to process the discharge from the existing dwellings.

Mrs Burns acknowledged that residents did not have a right to open views, wildlife and a quiet environment, but such elements had been key to a number of residents buying their properties and the removal of them, through permitting the development would have a detrimental impact on individuals and the wider communities. In conclusion she requested that if the Committee were not minded to refuse the application that Members give serious consideration to the points raised by objectors.

Mr Ingham (Objector) spoke against the application in the following term: the application and Officer report were of poor quality; the proposal was not compliant with the Local Plan Inspector's recommendations for minimisation of impact on existing occupiers through ensuring that appropriate distance between the two developments was retained; the layout was not in-keeping with that of the existing settlement and therefore the application did not comply with criteria 1, 2 and 3 of the Local Plan policy SP 6 (Securing Good Design); concerns had been raised by Council's Urban Design Officer in relation to the standard design and layout of the scheme; the proposal did not provide bungalows which had been identified as a priority in the Council's Strategic Housing Market Assessment.

Mr Ingham reiterated previous concerns, outlined above, regarding the lack of objection to the scheme from the highway authority and the capacity of the existing drainage network to cope with the additional discharge. He urged the Committee to reject the application to allow for a reworking of the layout and design.

Councillor Higgs read out a statement on behalf of Mr McNeil, (Objector), which raised the following points: the scheme only provided one access point which was situated on a hazardous part of the highway; the Highway Authority had not objected to the proposal when it had done so in relation to the site's proposed allocation in the Local Plan; were all the applications on the Committee's agenda, in the Wetheral Parish to be approved, 310 homes would be provided in the area without sufficient school places; the proposal did not provide adequate boundaries between the development and existing properties; approving the scheme would lead to a loss of green-belt land and contribute to flooding problems in the district.

Mrs Ingham (Objector) spoke against the proposal in the following terms; the proposed layout was not compatible with existing settlement; the density of the dwellings was too great; no provision had been made for affordable or housing for the elderly; 700 new homes in the district had already been approved by the Committee in its meeting.

Councillor Higgs (Ward Member) addressed the Committee, stating that in his view, the development lacked imagination and failed to provide a distinctive townscape specific to the area. The proposed layout was not satisfactory as it squashed all the dwellings on the western side of the site to enable the location of an attenuation pond at north-eastern side of the site. The proposed house types and styles were of non-descript, standard design and did not include bungalow style accommodation which was much needed, nor was it appropriate to expect future occupiers to have to present their bin at a road end for collection. He asked Members to reflect on the comments made by the Parish Council and the Council's Open Spaces Manager. Councillor Higgs hoped the Committee would take the opportunity of making a clear statement to developers about the standards required for development in villages in the District.

Mr Hayward (Applicant) responded to the issues raised in the following terms:

- The proposal would provide 11 different house types at the site;
- There was no Local Plan or Supplementary Planning Document policy requirement to provide a buffer zone between proposed and existing developments;
- The separation distances required by the Supplementary Planning Document were met across the site;
- A 1.8metre fence was to be erected between the scheme and the existing properties, with the exception of the eastern boundary where existing hedgerow would be maintained to protect wildlife;
- The Highway Authority were satisfied with the proposal and considered that it would generate a minimal impact on the local highway network;
- An exercise had been undertaken to assess the ability of refuse wagons to manoeuvre in the development, and where vehicle turning was not achievable, bin storage areas had been provided;
- No objections had been received from the Lead Local Flood Authority, United Utilities and Environment Agency as statutory consultees;
- There was no policy requirement to provide bungalows, and, Mr Hayward noted that they were not the only house type available for the elderly, Story Homes constructed dwellings that were able to incorporate adaptations such as stair lifts;
- The open space area had been sited in the proposed location to allow for the retention of a number of mature trees at the site.

In conclusion, My Hayward stated that the proposed scheme would help the Council to meet its housing targets through the provision of a variety of accommodation styles and costs on a sustainable, well connected site. Approving the application would increase the Council's revenues by delivering a New Homes Bonus payment and a wider Council Tax base.

With regards to access and Highway Authority comments on the allocation site and proposed scheme, the Planning Officer reiterated the Planning Inspectorate's comments with regard to the allocation of the site.

The Committee then gave in-depth and detailed consideration to the application.

In relation to education provision, a Member expressed strong concerns that there was not sufficient space in nearby schools and that the capacity of the overall network had been reduced as a result of a number of schools being closed down. He had been surprised by the comments in paragraph 6.58 of the report, which stated that it was possible for children to walk from Scotby to attend the Richard Rose Central Academy, in his view the distance was too great and presented a safety issue. He asked when the Committee was to be advised that a new school facility was to be built in the District as, in his view, it was not feasible to continue to permit new development without adequate school provision. Against this background the Member moved that the application be refused permission on the grounds that it was not compliant with Local Plan policy CM2.

The Development Manager responded that Cumbria County Council as Local Education Authority was the body responsible for managing education provision in the city, and it sought contributions from developers based on its judgement of need. It was not unusual for the Local Education Authority to accept contributions from developers to rectify positions or provide for extensions to existing schools, which was in accordance with policy. Therefore, the Development Manager advised that policy CM2 was not reasonable grounds on which to base refusal of the application. He further advised that no application had been received by the Council for the construction of a new school in the District.

Mr Innes (Cumbria County Council) added that there were a number of education issues in the District and that the Local Education Authority was seeking a suitable site for a school in the north of the city. Cumbria County Council considered applications on a case by case basis, and in relation to school provision in the rural areas was looking to identify solutions which would be incorporated into a strategic programme.

With regard to the reference in the Officer's report that Richard Rose Central Academy was walking distance away from Scotby, Mr Innes explained that 3 miles was a national standard distance for walking to school which the authority had to abide to.

In light of objectors' concerns regarding United Utilities comments on the capacity of the current drainage network, a Member asked how the consultee had not submitted an objection to the proposal.

The Planning Officer responded that the application proposed the attenuation of surface water at the site which would discharge into an existing watercourse, with foul drainage connecting to the mains sewer network. In responding to the consultation on the application, United Utilities had requested the imposition of a number of conditions in any consent issued, which the Officer had been guided by and had incorporated in the conditions in the proposed permission.

A Member was concerned that the Highway Authority had not made any recommendation or proposed any condition requiring improvements to be made the junction between Scotby Village

and the A69. He noted that page 298 of the Main Schedule made reference to an operational assessment having been carried out by the Highway Authority on that junction, and sought further detail from the Officer on how it had been conducted.

The Planning Officer explained that the additional information had been submitted as part of the Local Plan Examination, therefore he did not have the details of the assessment. However, the Highway Authority was the Statutory Consultee for such matters and it had considered the current application in accordance with its policies determining that the proposals were acceptable.

Another Member reminded the Committee that, as the Local Planning Authority, it was required to adhere to the National Planning Policy Framework, where in Paragraph 14 referred to the golden thread of sustainable development, which placed a duty on authorities to approve applications that were compliant with its Local Plan. On the basis that no Statutory Consultee had put forward any objection to the proposal, she found it difficult to identify justifiable reasons upon which to base refusal of the proposal before the Committee. She outlined the procedure of adoption for the Local Plan, emphasising that a number of consultation activities had been carried out as a part of the process, and following a Public Examination and assessment by the Planning Inspectorate, had been approved.

The Member further noted that during the Committee's site visit she had observed that the properties surrounding the proposed scheme comprised a mixture of styles without an overarching theme. In relation to the provision of affordable housing in the form of bungalows, there was no requirement in Council policy that they should be delivered, as affordable homes were constructed in a variety of styles.

Concerns were raised by a number of Members regarding the design of the proposal, particularly in relation to: the inclusion of bin storage areas, rather than the provision of turning heads allowing Council vehicles the required turning manoeuvre to be able to access all properties within the development; the layout and appearance of the scheme was akin to an urban housing estate and not in-keeping with the village setting of the site; and the lack of buffer zone between the scheme and the adjacent properties.

The Corporate Director of Economic Development advised that it was unlikely that a buffer zone would be provided as part of the scheme and there was no policy requirement to request such a facility.

A Member moved that consideration of the proposal be deferred in order to allow negotiations with the applicant to explore revisions to the scheme to address issues regarding the layout and appearance of the development together with provision for refuse collection and to await a further report on the application at a future meeting of the Committee. The proposal was seconded, and it was:

RESOLVED: That the application in order to allow negotiations with the applicant to explore revisions to the scheme to address issues regarding the layout and appearance of the development together with provision for refuse collection and to await a further report on the application at a future meeting of the Committee.

7) Variation of Condition 22 (Visibility Splay Requirements) of Outline Planning Permission 15/0886 To Permit the Visibility splays to be amended from 2.4metres by 60 metres to 2.4 metres by 45 metres, Land west, Steele's Bank, Wetheral, Carlisle (Application 17/0907).

Councillor Christian having declared an interest in the item of business, removed himself from his chair and took no part in the discussion or determination of the application.

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018. It was noted that the proposal was the first of three consecutive applications within the Schedule in relation to the same site.

The Planning Officer stated that it was appropriate that Members consider the application first, given that it sought to vary condition 22 attached to Outline Planning Permission 15/0886 to permit the visibility splays serving the proposed development be amended from 2.4 metres by 60 metres to 2.4 metres by 45 metres.

The application to vary the visibility splay of condition 22 was submitted following data resulting from a speed survey which has been undertaken by the Applicant. Cumbria County Council, as Highway Authority, had been consulted on the application and had raised no objections to the proposal.

Slides were displayed on screen showing; aerial photograph of the site; proposed site access design with speed restriction scheme plan; highway plans, and photographs of the site, an explanation of which was provided for the benefit of Members

The Planning Officer informed Members that as the Outline Planning Permission continued to exist conditions, with the exception of condition 22 were extant, and for the benefit of Members had been reproduced on page 379 of the Main Schedule. Were the Committee minded to approve the application, the Deed of Variation would contain reference to application 17/0907.

In conclusion the Planning Officer recommended that the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement. The Planning Officer further recommended that, should the Deed of Variation not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

A Member sought clarification on the term "reasonable time" stated in the Officer's recommendation.

The Legal Services Manager responded that on occasion in negotiation with developers, responses were not forthcoming for extended time periods; the recommendation was worded so as to give Officers authority to refuse permission were the agreement not to proceed.

A Member moved the Officer's recommendation, which was seconded, and it was:

RESOLVED: (1) That the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement.

(2) That, should the Deed of Variation not be completed within a reasonable time, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

- 8) **Erection of 41no. Dwellings, including Open Space, Landscaping, Drainage and Road Infrastructure (Reserved Matters Application, Pursuant to Outline Approval 15/0886), Land west, Steele's Bank, Wetheral, Carlisle (Application 17/0905)**
&
9) **Change in Use of Agricultural Land to Public Open Space, Formation of SUDS Pond and Installation of Pumping Station (In Association with Story Homes Proposed Development for 41no. Dwellings), Land west of Steele's Bank, Wetheral, Carlisle (Application 17/0906).**

Councillor Christian having declared an interest in the items of business, remained out his chair and took no part in the discussion or determination of the applications.

The Planning Officer submitted the report on the applications which had been the subject of a site visit by the Committee on 3 January 2018.

The applications sought permission for the residential development of the same site as the previous item of business, together with its associated drainage infrastructure on adjoining land, therefore, the Planning Officer considered it appropriate that Members determine the applications simultaneously.

Slides were displayed on screen showing; site layout plan; landscape plan; street scenes plan; section through infiltration basin, and photographs of the site, an explanation of which was provided for the benefit of Members.

The site had been identified under Policy HO1 of the Local Plan as an allocated housing site R20. In November 2015, the Committee had granted Outline Planning Permission for 50 dwellings with associated amenity space, subject to the completion of a Section 106 Agreement. The Planning Officer informed Members that the agreement was secured and the Decision Notice issued on the 1st September 2016.

The applications sought Reserved Matters approval for the erection of 41 dwellings, including open space, landscaping, drainage and road infrastructure and full planning permission for the change of use of agricultural land to public open space, formation of Suds pond and installation of a pumping station. The Planning Officer advised that a maintenance company would be appointed for the maintenance of the infiltration pond and drainage infrastructure.

In conclusion the Planning Officer recommended that the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement containing: reference to the applications 17/0905 & 17/0906 and; the inclusion of additional land, subject of this application, within the red line drawing of the Section 106 agreement. The Planning Officer further recommended that, should the Deed of Variation not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the applications.

A Member noted that part of the site backed on to the cemetery at Scotby which contained a number of mature trees along its adjoining boundary with the site, he was concerned that future occupiers may remove any branches overhanging their gardens, and that it doing so may cause the death of tree(s). He requested that a Tree Preservation Order be imposed on those trees.

The Corporate Director of Economic Development undertook to make the trees at Scotby cemetery the subject of a Tree Preservation Order.

The Member was further concerned that SUDS pond would overflow on to the highway and thereby adding to an existing standing water problem in the area of the Methodist Church.

The Planning Officer replied that ground investigations had taken place and that the proposed drainage system had been designed to accommodate a 1 in 100 year flood event, plus 40% additional capacity to allow for climate change. Therefore standing water would only be present in the detention basin in the event of extreme weather conditions.

Another Member noted that adjacent to the SUDS pond, a hammerhead turning point was indicated, but a bin store was not provided.

The Planning Officer responded that the Council's Waste Services had been consulted on the application, but had not objected to the proposal.

The Corporate Director of Economic Development added that as a result of not having submitted an objection, the Council's Waste Services must have considered the necessary access to the proposed dwellings achievable.

A Member moved the Officer's recommendations, along with the making of a Tree Preservation Order in respect of the trees along the boundary of Scotby cemetery, which was seconded, and it was:

RESOLVED: (1) That the application be approved, subject to the completion of a Deed of Variation to the Section 106 Agreement containing: reference to the application and; the inclusion of additional land, subject of this application, within the red line drawing of the Section 106 agreement.

(2) That should the Deed of Variation not be completed within a reasonable time, delegated authority be given to the Corporate Director of Economic Development to refuse the application.

(3) That a Tree Preservation Order be made in respect of trees along the boundary with Scotby cemetery.

Councillor Christian resumed his seat.

10) Erection of 91no. Dwellings and Associated Infrastructure, Land at Carlisle Road, Brampton (Application 17/0896).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018. The application site formed part of the housing allocation R1 known as Land south of Carlisle Road, Brampton. The wider allocated site was anticipated to deliver 250 units within the first 5 years of the Local Plan i.e. by 2020. The allocation required land to be set aside for the provision of a medical centre to accommodate the relocation of the Brampton Medical Practice and the applicant stated that it was the intention that the required land would be set aside in the future second phase.

A Grade II Listed Building in the form of Green Lane House that was located approximately 60 metres to the south-east and St. Martin's Church which was Grade I listed and approximately 325 metres to the north-east of the application site. The Planning Officer explained that the

application site was not within a designated Conservation Area but, at its closest point was circa 90 metres south-west west of the Brampton Conservation Area.

Slides were displayed on screen showing; site location plan; site plan; boundary treatment plan; parking plan; proposed management plan; proposed sections; drainage strategy plans; proposed site access and pedestrian facilities plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The application sought permission for 2 storey buildings and following guidance in the Local Plan, the character and appearance did not mimic the style of the existing properties in the locality. The Planning Officer judged that the proposal would maximise the use of the site and would constitute a dense form of development; however, the character and nature of the building in the vicinity of the site was that of densely constructed modern housing.

Furthermore, the proposal was able to achieve adequate amenity space and off-street parking. The character and appearance of the development would not be obtrusive within the street scene, accordingly, the Planning Officer deemed there was no conflict with planning policies. The Planning Officer advised that the impact on heritage assets was a material consideration in the determination of the application, therefore he directed Members to consider the weight to be afforded to the potential impact on the Listed Buildings and the Conservation Area. He referred Members to the Council's Urban Design/Conservation Officer comments that *"... given its location, just outside of the western edge of Brampton Conservation Area, development of the site has the potential to affect the setting of this asset, and other designated and undesignated assets within it, including designed and incidental views to the Grade I Church of St Martin."*

The Planning Officer judged that, given the distance, the topography of the land, together with the intervening buildings between the site and the Conservation Area, the compensation of those factors meant that the proposal would not affect the character or appearance of the Conservation Area. Therefore, there was no conflict with planning policy and thus a Heritage Statement was not considered necessary in this instance.

The Highway Authority had initially identified that a pedestrian link to Elmfield was able to be improved to serve the function of accessibility, and a revised drawing had subsequently been received from the applicant which showed the required detail of the additional pedestrian link through the cut to Elmfield together with 2 dropped kerb pedestrian crossings to link from the southern to northern side of Carlisle Road east of the proposed access, and to link from the western to eastern side of Elmfield. The Highway Authority had deemed the provision acceptable, subject to the imposition of condition 21, as detailed in the report.

Cumbria County Council as the Highway Authority had raised no objection to the application, subject to the imposition of conditions together with the completion of a legal agreement to secure financial contributions to highway and transport improvements.

During the site visit, Members had raised the following issues; whether an additional entrance could be formed onto Elmfield to provide an emergency entrance/ egress and; concerns about the relationship with the properties on Carlisle Road to the proposed dwellings. The Planning Officer had followed those matters up and reported the following:

- The applicant was satisfied that the proposed entrance was sufficient and there was no requirement for an additional access at present.
- The distance between Plot 2 in the north-east corner and the property opposite 2 Townfoot Orchard was 57 metres and therefore in excess of the minimum separation distances.

The Planning Officer had held discussion with the Open Spaces Manager who confirmed that in instances where on-site provision of public open space was sufficient to meet the stipulations of the Local Plan, there would be no requirement for off-site contributions.

The Open Spaces Manager remained of the opinion the site was poor in public open space provision and that during the first phase, the applicant should be pressed for better on-site provision. The Planning Officer noted that a reasonable area existed to the south-west of the site and the proposals relating to Phase 1 of the development of the overall site and it is considered that a larger integrated area could be provided adjacent to the western boundary that would serve both the occupiers of Phase 1 and Phase 2.

On the basis that Members were satisfied with the position regarding the public open space, the Planning Officer recommended that Authority to Issue be given to the Corporate Director of Economic Development to issue approval of the application, subject to the completion of an appropriate Section 106 Agreement regarding the provision of affordable housing (13 affordable rent and 14 low cost home ownership), the management/maintenance of open space; the payment of £272,820 towards education; and the payment of £6,600 for monitoring of the Travel Plan.

The Committee then gave consideration to the application.

A Member expressed concerns with regard to the layout of the scheme with regards to:

- The provision of bin storage areas rather than sufficient space for the effective manoeuvring of refuse collection vehicles;
- The different level of the site in relation to adjacent properties would impact on the level of light they received;
- Why had no playing field been provided at the site?

The Planning Officer responded that the site's physical characteristics were unique, he referred Members to condition 4 of the proposed consent which required the applicant to submit information relating to finished ground floor levels for approval by the Local Planning Authority. As part of that approval process the Planning Officer undertook to raise the Member's concerns with the applicant, he cautioned Members that ground works had the potential to be costly and the Council had to be reasonable in what requirements it placed on developers.

In relation to the open space provision at the site, the Planning Officer reminded Members that the scheme before them was the initial phase of a more widespread development of the site, and that open space provision may be provided in a later stage of the development.

With reference to the proposed highway arrangements, a Member stated that the Elmfield Road was very busy and that the lack of provision of an island meant that children and elderly people would have difficulty in crossing the road safely, he asked whether a traffic island may be included in proposed scheme.

The Planning Officer informed Members that the suggested road layout had been put forward by the Highway Authority which had recognised that the road did not have a controlled crossing point, however, as that section of the highway had a 30mph speed restriction and good visibility, a traffic island had not been considered necessary.

A Member asked whether it was known if discussion had been held between the developer and Parish Council regarding the retention of the drying green adjacent to the site.

The Planning Officer advised that the matter was able to be addressed through the Section 106 agreement process, he stressed that it was necessary to be mindful of the proximity of the drying green to other existing dwellings which may have concerns in relation to noise and disturbance.

A Member moved the Officer's recommendation, which was seconded, and it was:

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval, subject to the completion of an appropriate Section 106 affordable housing (13 affordable rent and 14 low cost homeownership), the management/maintenance of open space; the payment of £272,820 towards education; the payment of £192,132 towards off-site sports pitches and equipped play area and; the payment of £6,600 for the monitoring of the Travel Plan.

11) Installation of Electricity Generation Equipment and underground connections to substation, Land adjacent Brampton Fell Farm, Brampton, CA8 1HN (Application 17/0745).

The Planning Officer submitted the report on the application which sought to provide a short term operating reserve plant (known as a STOR) site at land adjacent to Brampton Fell Farm, approximately 1.1km south of Brampton along the road leading from Tarn Road to the junction south of Milton. The proposed STOR was to be diesel powered and would produce electricity for export into the National Grid during periods of high demand.

The proposed plant would consist of 4no.acoustic boxes, transformers, substation and a concrete bund, and be surrounded by a 5.6 metre high, landscaped, earth bund with additional tree planting to the north and west of the bund. Due to the varying topography of the application site, the Planning Officer noted that only 2 – 2.5 metres of the flues would be visible from outside the site.

Slides were displayed on screen showing; application site map; existing site plan; landscape and materials plan; sections plan; aerial view and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer advised Members that the application further proposed the widening of the access road to the site and the re-surfacing of the road.

In conclusion the Planning Officer recommended that the application be approved, subject to the imposition of conditions detailed in the report.

The Committee then gave consideration to the application.

A Member noted that the report referred to the "low carbon economy", he understood that such electricity generation sites were only considered as such if they operated with advanced bio-diesel, he sought confirmation that the proposed scheme intended to use such fuel.

The Planning Officer responded that the site was not a low carbon site but energy from low carbon schemes such as wind power could not be stored, therefore, proposal such as STOR sites contributed to achieving the government objective of moving to a low carbon economy as they contributed towards the security of electricity supply to the National Grid in times of high demand.

The Development Manager added that there had been a number of issues relating to the security of electricity supply in Cumbria, he reiterated that the electricity produced at the site would be stored for use in periods of high demand.

The Member further noted that the government was carrying out consultations with regard to the emissions produced by the types of machine proposed by the application. He observed that the report detailed a number of differing heights for the proposed flue, he sought clarification that the height of the flue would be sufficient to allow for the diffusion of emissions, in line with those indicated in the consultants' dispersion model.

The Planning Officer advised that as part of the consultation on the application, the Council's Environmental Health Services had requested that the height of the flue be raised, the applicant had made the necessary amendments and a new dispersal model had been submitted, which the revised flue was expected to achieve.

Another Member asked sought clarification on the extent of the works to be carried out on the access track to the site.

The Planning Officer drew Members' attention to condition 9 in the report which detailed the re-surfacing works that would be required, should planning permission be granted.

Regarding the storage of diesel on site, a Member noted that the tank had a capacity of 20,000 litres, he asked whether a condition was to be imposed requiring the tank to be bunded to reduce the likelihood of land contamination in the event of a leak?

The Planning Officer advised that such a condition had not been included.

The Corporate Director of Economic Development suggested that, were Members minded to approve the application, she would liaise with the Council's Environmental Health Services on the matter, and, if necessary, impose an appropriate condition. On that basis, she recommended that Authority to Issue approval be given to her to issue approval of the application, subject to discussions with the Council's Environmental Health services regarding the provision of bunding at the diesel store at the site.

The Member moved that Authority to Issue be given to the Corporate Director of Economic Development to issue approval, subject to discussions with the Council's Environmental Health services regarding the provision of bunding at the diesel store at the site. The proposal was seconded, and it was:

RESOLVED: That Authority to Issue be given to the Corporate Director of Economic Development to issue approval, subject to discussions with the Council's Environmental Health services regarding the provision of bunding at the diesel store at the site.

12) Relocation of Foul Drainage Septic Tank with new Packaged Treatment Plant/Soakaway System, Highfield, Capon Tree Road, Brampton, CA8 1QL (Application 17/0919).

The Assistant Planning Officer submitted the report on the application and reminded the Committee that at its October 2017 meeting, Members had resolved to issue an approval for the erection of a detached dwelling and a detached garage, subject to the installation of a replacement means of foul drainage (application 17/0688) to serve Highfield.

The application before Members, therefore sought planning permission to replace the existing septic tank with a new packaged treatment plant, and was presented to the Committee for consideration to provide Members with an overview of the situation prior to the determination of both applications.

The proposed treatment plant would be located behind the boundary hedge behind plot 1 with the outflow discharging to land by soakaway, which was located 5m behind the hedge adjacent to plot 2.

Slides were displayed on screen showing; location plan, proposed packaged treatment plan, and a photograph of the site, an explanation of which was provided for the benefit of Members.

Both the Council's Building Control Services and the Highway Authority had been consulted on the proposal, with neither party raising any objections. On that basis, the Assistant Planning Officer recommended the application for approval, subject to the conditions detailed in the report.

A Member moved the Officer's recommendation, which was seconded, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

13) Residential Development (Outline Application), Land adjacent How Croft, Cumwhinton, Carlisle, CA4 8DH (Application 17/0436).

The Planning Officer submitted the report on the application which had been the subject of a site visit by the Committee on 3 January 2018.

Slides were displayed on screen showing; site plan and proposed site plan, visibility splay plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer informed Members that, as part of the application, a Bat Survey had been submitted which had indicated that the eastern and southern boundaries of the site afforded high quality bat commuting and foraging habitat. Consequently, a wildlife buffer zone had been recommended by the consultant, and that recommendation had formed the basis of condition 15.

The application site was had been allocated for housing the Local Plan (Housing Site R9), and Members were reminded that the proposal sought Outline Planning Permission, with all matters reserved, excepting access. Cumbria County Council, as Highway Authority had been consulted in the application and had raised no objections to the proposal, subject to the imposition of conditions 4 – 7. The Planning Officer explained that the required works to the highway involving traffic calming at the entrance to the village would also be subject to a Section 278 Agreement under the Highways Act 1980.

In conclusion the Planning Officer recommended that the application be approved subject to a legal agreement consisting of the following obligations: a) 30% on-site affordable housing contribution provided as 50% social/affordable rent (usually through a Housing Association) and a 50% immediate low cost home ownership (usually a 30% discount through the Council's low Cost Home Ownership Scheme) and b) a financial contribution of £13,393 for the maintenance of existing open space/play space within Cumwhinton. The Planning Officer further recommended that should the legal agreement not be completed within a reasonable time that

Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

The Committee then gave consideration to the application.

A Member sought clarification on the scheme's proposed methods for surface water drainage.

The Planning Officer responded that drainage matters had not been included in the current proposal. However, she understood that preliminary tests at the site had indicated that only a low level of ground infiltration was achievable, therefore, the applicant was considering methods to drain the water to the north of the site using a number of sustainable solutions. Details of the drainage scheme would be required to be submitted as part of a future Reserved Matters application, in the event that the current scheme was approved.

With reference to paragraph 6.34 of the report, a Member noted that the inclusion of references to affordable bungalows in the Draft Heads of Terms for a Section 106 agreement, she asked how likely it was that such a provision would be realised in a future Reserved Matters application.

The Legal Services Manager responded that were Members to make it clear that they required such a provision, it would be included in the Heads of Terms. In the event that the Heads of Terms was not agreed with the developer, the scheme would be brought back before the Committee. Members indicated their preference for the provision of bungalows at the site

A Member moved the Officer's recommendation, which was seconded, and it was:

RESOLVED: (1) That the application be approved subject to a legal agreement consisting of the following obligations: a) 30% on-site affordable housing contribution provided as 50% social/affordable rent (usually through a Housing Association) and a 50% immediate low cost home ownership (usually a 30% discount through the Council's low Cost Home Ownership Scheme) and b) a financial contribution of £13,393 for the maintenance of existing open space/play space within Cumwhinton.

(2) That should the legal agreement not be completed within a reasonable time, delegated authority be granted to the Corporate Director of Economic Development to refuse the application.

Councillor Tinnion left the meeting 4:05pm.

14) The Erection of 5No. Dwellings with Associated Works Including the Erection of a drystone boundary wall and construction of a pavement (Revised application), Field No. 7961, Land north of Town Foot farm, Talkin, Brampton, CA8 1LE (Application 17/0814).

The Planning Officer submitted the report on the application and reminded Members that an application for residential development at the site had been refused by the Committee at its August 2017 meeting, the reasons for that refusal were outlined on page 622 of the Main Schedule.

The current proposal comprised a reconfigured stone wall along the western boundary of the site, thereby allowing a new vehicular access point, visibility splays, and a new pedestrian footpath link along the front of the site. An access road would be formed within the site

comprising of a farmhouse with 3 further dwellings sited in a courtyard arrangement, and a detached barn adjacent to the southern boundary.

The layout had been revised such that the courtyard would be set further within the site with the bank barn brought to the southern boundary. Additionally, the garage serving this property would form part of the boundary along the frontage of the site.

Slides were displayed on screen showing; proposed site location plan; proposed site plan; block plan; elevation plans; floor plans; sketch view, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Planning Officer informed Members that the applicant had also submitted an additional drawing illustrating the site in context with the building currently under development on the opposite side of the road. The additional submissions from the applicant in the form of the revised layout and the cross-section, demonstrated an improved physical relationship with the built form of the existing village, sufficient to overcome the previous reason for refusal. On that basis, the Planning Officer considered the proposal acceptable, therefore, he recommended that the application be approved, subject to the imposition of conditions detailed in the report.

Mr Kitchen (Objector) addressed the Committee stating that, generally, he supported the proposal which he considered an attractive scheme which would increase the long term viability of the village. He noted that recently another development had been undertaken in the village from which problems had arisen related to the management of construction traffic at that site. Mr Kitchen requested that, should the Committee approve the application, consideration be given to the imposition of a strong condition restricting construction vehicles to off-road parking at the site.

Mr Hutchinson (Agent) addressed the Committee, noting that of the 41 sites allocated in the District for housing development in the Local Plan, only 5 were had an indicative yield of 15 dwellings or less and; that the combined indicative yield of those 5 sites was 59 units in the period up to 2030. He asserted that the predominance of large sites within the Local Plan disadvantaged smaller house builders, and that recognition of the situation was particularly important in the context of the Garden Village allocation.

As a consequence of the site allocations, smaller builders had to consider development on unallocated sites, generally on the edge of settlements. Mr Hutchinson considered that given the build rate of larger developer was 30 units per year, per site, the Council was dependent on smaller builders developing windfall sites in meeting its housing delivery targets.

Mr Hutchinson stated that the Cumbria Strategic Economic Plan 2104 – 2024 had identified, as a weakness in the economy, a housing mix that was unable to retain and attract staff, expertise and investment; he contended that the proposed scheme sought to directly address this housing need.

With reference to the site, Mr Hutchinson considered that it was well contained as a result of being bounded by existing development, sewage works and existing planting. In addition, the design of the scheme had sought to provide a connection to the existing settlement, without affecting the visual amenity of existing dwellings therein.

Regarding Mr Kitchen's address to the Committee, Mr Hutchinson referred Members to condition 14 which stipulated a requirement for a plan "*...reserving adequate land for the parking of construction vehicles associated with the development...*" the details of which were to be submitted to the Local Planning Authority, prior to development taking place. Furthermore,

condition 15 required the submission of a detailed Construction Environment Management Plan, comprising a Code of Practice indicating “(a) *the proposed hours of operation of construction activities including the arrangements for the delivery of construction vehicles...*”

In conclusion, Mr Hutchinson stated that the scheme afforded the provision of high quality homes in a well contained site, with a view to improving the existing ecology. In his view, the proposal represented sustainable development consistent with Council policy, and which fulfilled the economic, social and environmental roles as identified in the National Planning Policy Framework.

The Corporate Director of Economic Development responded that the Council was well aware of the need for and contribution made by smaller house builders, she noted that it was becoming increasingly difficult to identify smaller site for allocation for housing development. She further noted that in addition to seeking further smaller allocation site, the Council was making efforts to look for sites that may be allocated for self-builds.

The Committee then gave consideration to the application.

A Member commented that she was aware of the needs of house builders, both small and large in the District, and she was confident that the Council would look to incorporate small house builders in its development of St. Cuthbert's Garden Village. She further noted that in being granted Planning Permission, it was incumbent upon all developers to abide by the conditions of the consent and deliver a development that was in accordance with the permission given.

The Member noted that a Higher Level Stewardship Scheme operated on the land on the opposing side of the highway to the application site, given that the scheme was European Union funded, she asked how long it was expected that scheme would continue for.

The Corporate Director of Economic Development replied that the government had stated it would honour the funding of such schemes for 5 years, following the departure of the United Kingdom from the European Union.

A Member moved the Officer's recommendation, which was seconded.

Another Member considered that the revised scheme, as with the initial application was outwith the existing settlement, he asked what changes had occurred in the scheme following the Committee's refusal of the previous application to develop the site?

The Planning Officer responded that the revisions to the application had been detailed in the report, the issue of whether the proposed scheme was to be considered as part of the existing settlement was a matter for Members to determine.

The Development Manager added that, further to revisions detailed in the Planning Officer's report, he considered that the site's relationship to the existing settlement had changed as a result of other development having occurred in the village. When viewed in conjunction with the amended design and layout of the current proposal, the context of the scheme differed from the previous application, resultantly, he considered that the revised application had sought to address the issue of relation to the existing settlement.

A Member commented that she was concerned about the increased amount of traffic the proposed development would generate, its proximity to a gas pipeline, and the scheme's intrusion into open countryside when there were other plots in the village that were able to be

developed. It was her view that the concerns set out by the Committee in its refusal of the previous had not been addressed in the revised application.

The Chairman commented that she considered the revised proposals to be an improvement on the previous application, noting that the changed access point was sited in a better position, and overall, the scheme was more connected to the village.

Another Member stated that he was minded to approve the application, subject to the concerns regarding construction traffic being addressed, and that the finishing materials, including those used on the stone wall were the same as the existing settlement.

A Member proposed that the application be refused on the grounds that it was not connected to the existing village and therefore was not compliant with: Paragraph 55 of the National Planning Policy Framework, criterion 3 Local Plan policy HO2 (Windfall Housing Development), and policy HO6 (Other Housing in the Open Countryside). The proposal was seconded.

The Chairman noted that Officer's recommendation for approval had been moved and seconded, and that a proposal to refuse the application had also been moved and seconded. The proposal to refuse the application was put to the vote, but was not carried. Whereupon the Officer's recommendation was put to the vote, and it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

[The meeting closed at 4:35pm]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

9th February 2018

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
- Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
- Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030>
- Conservation Principles, Policies and Guidance - <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
- Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

- Consultee responses and representations to each application;
<http://publicaccess.carlisle.gov.uk/online-applications/>
- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981
<http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- Manual For Streets 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf

Condition 2 of each application details the relevant application documents; except the following where the associated documents are located at –

17/1104 - <http://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do;jsessionid=C2D3D700613318B3A36A4FDFFBA663DB?action=firstPage>

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

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

planning issue when formulating their decision or observations on a proposal.

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 26/01/2018 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 09/02/2018.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	<u>17/0969</u> A	Land adjacent to Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR	<u>BP</u>
02.	<u>17/1104</u> A	Land North of Thornedge, Station Road, Cumwhinton, Carlisle	<u>SD</u>
03.	<u>17/1000</u> A	Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle CA3 0LG	<u>SO</u>
04.	<u>17/0873</u> A	Unit A, 103-105 Kingstown Road, Carlisle, CA3 0AL	<u>JMT</u>
05.	<u>17/0979</u> A	Madgwick, Green Lane, Crosby on Eden, Carlisle, CA6 4QN	<u>SO</u>
06.	<u>17/0094</u> B	Green Meadows (former Dandy Dinmont Caravan Park), Blackford, Carlisle, CA6 4EA	<u>BP</u>
07.	<u>17/9016</u> B	Inglewood Infant School, School Road, Carlisle, CA1 3LX	<u>SO</u>

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

17/0969

Item No: 01

Date of Committee: 09/02/2018

Appn Ref No:
17/0969

Applicant:
Magnus Homes Ltd

Parish:
Wetheral

Agent:
Hyde Harrington

Ward:
Wetheral

Location: Land adjacent to Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR

Proposal: Erection Of Dwellings (Outline)

Date of Receipt:
14/11/2017

Statutory Expiry Date
13/02/2018

26 Week Determination
15/05/2018

REPORT

Case Officer: Barbara Percival

ADDENDUM

The application was withdrawn from discussion at the meeting of the Development Control Committee on the 5th January 2018 in order to await the receipt of revised drawings and undertake further consultations. The revised drawings now illustrate the proposed landscaping copse to the south of the application site edged blue. Although this land is outwith the application site, the incorporation of the land within the blue line outline of the application would facilitate the land to be included within the obligations to the Section 106 Agreement.

A bats and breeding birds survey has subsequently been received. The objective of which was to ascertain whether there were any signs of use of the trees by bats, barn owls and other breeding birds; however, this survey was prepared on the basis of the removal of two of the Oak trees which are now protected under TPO 291. The survey found no signs of barn owls or bat activity, other bird activity was observed around the trees and hedges. Notwithstanding the requirements of the applicant to comply with the Wildlife & Countryside Act 1981 (as amended) and given that the survey was undertaken outwith the bat activity period a condition has been included within the decision notice requiring the submission of a further bat and breeding bird survey.

An issue expanded on by a third party questions the requirement for new homes within the District and the potential negative impact on the housing market. The concerns of the third party are noted; however, as Members are aware, the delivery of housing is a key thrust of the spatial strategy necessary in order to respond to changes in local demographics and equally in accommodating in-migration

necessary to support economic growth through helping to sustain an economically active workforce.

1. Recommendation

- 1.1 It is recommended that this application is approved subject to the completion of a legal agreement. If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The Section 106 Agreement to consist of the following obligations:
- a) a financial contribution of £3500 toward a Traffic Regulation Order and signage of a new speed restriction; and
 - b) the planting of a woodland copse to the immediate south of the application site.

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character of the area
- 2.3 Whether the scale and design of the dwellings are acceptable
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Proposed methods for the disposal of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal and the existing trees and hedgerows
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application site forms part of a field located on the western side of the C1038 county highway leading to Armathwaite. To the north of the application site is Garth Cottage with further residential properties located immediately opposite on the eastern side of the county highway. The eastern (roadside) boundary of the application site is delineated by a mature hedgerow with four Oak trees. A hedgerow also runs along the southern boundary with a stock proof fence and a combination of walls and wooden fences beyond along its northern boundary. The western boundary is devoid of boundary treatment. The application site, equates to approximately 0.89ha and slopes down on a south-north axis with an ridge along the western side of the site. Electricity cables cross the northernmost section of the site.

The Proposal

- 3.2 The application seeks outline planning permission with all matters reserved for residential development. Accordingly, the application seeks to establish

the principle of development only. Access, appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application and would have to be considered at the reserved matters application stage, should Members approve the application.

- 3.3 The proposed indicative documents and drawings illustrate five detached dwellings arranged in a linear form.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of sixteen neighbouring properties and the posting of Site and Press Notices. In response, nine representations of objection have been received to the originally submitted scheme.

- 4.2 The representations identify the following issues:

1. queries if the settlement is sustainable as there is only public transport which runs along the Wetheral to Cumwhinton road;
2. footpaths should be provided linking Wetheral Pastures to Wetheral and Cumwhinton;
3. incremental increase of new dwellings would spoil the nature and history of Wetheral Pastures;
4. potential over-dominance of existing dwellings;
5. contrary to Policies, SP2, SP6, HO2, CC5;
6. the existing trees and hedgerows should be retained;
7. questions if the watercourse adjacent to the B6263 has capacity for the additional dwellings;
8. potential impact on foraging bats should the trees be removed;
9. inaccuracy of submitted drawings;
10. impact on highway safety;
11. questions the contents of the submitted landscape statement;
12. disappointed the loss of a view is not a material planning consideration;
13. potential impact on biodiversity;
14. an independent tree survey should be undertaken;
15. questions the need for more housing;
16. the dwellings should be single storey to mirror those dwellings opposite;
17. questions maintenance of 'buffer' area to north of application site.

- 4.3 A petition against the originally submitted proposal containing 22 signatories has also been received. The issues raised are:

1. too much development for this small hamlet;
2. greenfield site;
3. destruction of mature oak trees, a valued contribution to the local landscape;
4. problems of drainage in system already prone to cause flooding of main road;
5. doubt the sustainability of proposed development;

6. preserve the countryside and boundaries.
- 4.4 Revised plans have been submitted and third parties notified. In response one representation of objection has been received which outlines the following issues:
1. questions if Wetheral Pastures is a sustainable location;
 2. developer should provide footpath linking settlement to Wetheral and Cumwhinton;
 3. concerned about proposed overall housing figures within the District.

5. Summary of Consultation Responses

Local Environment, Waste Services: - no objections;

Natural England - relating to protected species, biodiversity & landscape: - no objections;

Cumbria County Council - (Highways & Lead Local Flood Authority): - visibility is generally good, though there is a sign which is obstructing the visibility splay, this may need relocated at the applicants expense. The Highway Authority would ask for a voluntary contribution of £3500 towards a Traffic Regulation Order and signage of a new speed restriction. Accordingly, subject to the imposition of conditions, raise no objections to the proposal on highway grounds.

In respect of surface water. The Lead Local Flood Authority (LLFA) have no records of surface water flooding to the site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk. The developer should demonstrate how they will deal with surface water discharge from the potential development site and measures taken to prevent surface water discharging onto the highway public highway or onto existing neighbouring developments. The applicant would need to undertake detail invasive ground investigation such as Trial pits which would need to be carried out to BRE 365 standards. The applicant would need to provide Calculations to determine if the site is suitable to undertake infiltration techniques and details showing that any proposed attenuation structure etc has the adequate capacity to deal with the volume of water running off the additional impermeable areas, if infiltration is not suitable for the proposed development then the applicant would need to provide detailed assessment, to account for a 1 in 100 year plus 40% storm event, a discharge equivalent to greenfield runoff for the site, discharge location and exceedance routes for the drainage. The developer needs to show that they will not increase the volume of water leaving the site which could potential have a negative impact on existing developments downstream. Accordingly, recommend the imposition of conditions;

National Grid UK Transmission - Plant Protection: - no response received;

Wetheral Parish Council: - observations – there is already a danger of overdevelopment in this area, and housing needs have been more than met by recent development in Cumwhinton. Suggest that if approved, the housing should be single storey, in keeping with nearby dwellings. Members have concerns re: drainage. The Wetheral to Cumwhinton road is one of the first to flood in heavy rain and was closed as recently as last week. Additional buildings could adversely affect this. Suggest the surface water drainage be

re-routed to the Pow Maughan Beck. Suggest that any buildings are built in individualised styles rather than uniform 'estate' style, to be in keeping with existing dwellings. Hedges should be used at perimeter rather than walls, and the hedging should be of the same type as is already used in the area. A bat survey is recommended;

United Utilities: - no objections subject to the imposition of a condition.

6. Officer's Report

Assessment

6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO2, IP3, IP4, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'.

1. Principle of Development

6.3 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are small groups of smaller settlements, development in one village may support services in a village nearby.

6.4 The aims of the NPPF is reiterated in Policy HO2 of the Local Plan which allows new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown, and village within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria.

6.5 When assessing the application against the foregoing policy advice, the application site is well related to the settlement of Wetheral Pastures due to its location adjacent to and opposite other dwellings within the settlement. Wetheral Pastures itself is in close proximity to both Wetheral and Cumwhinton, both of which provide a high level of service provision including a school, public houses, village/community halls, church and shops. Accordingly, the site is considered to be a sustainable location, therefore, the principle for the development of the site for housing is consistent with the objectives of the NPPF.

2. Impact Of The Proposal On The Character Of The Area

- 6.6 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5c 'Rolling Lowland'. The toolkit advises that key characteristics of this landscape are: open undulating and rolling topography; lowland agricultural landscape dominated by pasture; hedges and hedgerows trees are common on lower ground and sparse on higher ground; and some scrub woodland.
- 6.7 The application site forms part of an agricultural field located on the western side of the C1038 county highway leading to Armathwaite. It is inevitable that the erection of new dwellings on an otherwise undeveloped agricultural field would have some visual impact on the landscape character of the area. In mitigation, however; the application site is located immediately adjacent to and opposite other residential properties within the settlement.
- 6.8 The submitted indicative documents and drawings illustrate the removal of two of the four Oak trees along the eastern (roadside) boundary of the application site. These trees; however, are now protected under Tree Preservation Order 291. The majority of the roadside hedgerow would also be retained, with the exception of the access points, with further planting proposed along the western, southern and northern boundaries of the application site. Furthermore, the submitted Design and Access Statement outlines that the proposed dwellings would be sited so that they would avoid the higher ground in the western section of the field. Accordingly, there would not be such a significant detrimental impact on the character of the area to warrant a refusal of the application.

3. Whether The Scale And Design Of The Dwellings Are Acceptable

- 6.9 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing. Development of this frontage site within the village may have the potential to have a significant impact on the character of the area unless it is sympathetically designed.
- 6.10 As highlighted earlier in the report, the application seeks outline planning permission with all matters reserved. Accordingly, access, appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application and would have to be considered at the reserved matters stage, should Members approve the application. The submitted details however; indicate the siting of five detached dwellings arranged in a linear form served by individual accesses. The Planning

Statement outlining that the scale and design of the proposed development would be appropriate to the scale, form, function and character of the settlement.

- 6.11 In order to ensure that the scale and design and would not form a discordant feature within Wetheral Pasture, conditions are recommended which would require the submission of:

- existing and proposed ground levels and the height of the proposed finished floor levels and ridge height of the proposed dwellings
- details in respect of materials
- boundary treatments
- external hard surface finishes
- landscaping scheme

Furthermore, any subsequent application would have to demonstrate that the development would achieve adequate amenity space and off-street parking to serve each dwelling.

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

- 6.12 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.13 The occupiers of several neighbouring residential properties have made representations which have been made available to Members prior to this meeting; however, in respect of the potential to impact on the living conditions of neighbouring properties the objections appear to centre on: loss of privacy, over dominance of existing of dwellings; intensification of use and loss of a view.
- 6.14 As outlined earlier in the report, the layout and scale of the proposed development, amongst other matters, is reserved for subsequent approval. Accordingly, any application for reserved matters approval would have to satisfy the objectives of the relevant policies within the local plan and SPD.
- 6.15 The objections of the occupiers of neighbouring properties are respected; however, as the application seeks only to establish the principle of development, the issue of loss of privacy, over dominance and intensification of use can not be addressed at this stage. In order to ensure that the development does not result in a cramped form of development and respect the scale and character of the area, a further condition is recommended which would restrict to number of dwellings within the application site to a

maximum of five. In respect of loss of a view, as Members are aware, the loss of a view is not a material planning consideration. Nevertheless, to further protect the living conditions of the occupiers of neighbouring properties from unacceptable noise disturbance during construction works, should Members approve the application, a condition is recommended that would restrict construction hours.

5. Proposed Method For The Disposal Of Foul And Surface Water Drainage

- 6.16 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development.
- 6.17 As highlighted earlier in the report, the application seeks only to establish the principle of development. The application was however; accompanied by a Drainage Strategy Statement and Drainage Strategy Schematic Plan which illustrates that the surface water would be attenuated, at a rate not exceeding 5 litres per second, prior to entering an existing 225mm surface water drain which discharges into an open watercourse to the north east of the application site. Foul water drainage would be via an existing foul sewer which runs parallel to the application site.
- 6.18 Objections from third parties have raised concerns about the likelihood of the development exacerbating existing surface water flooding. The Parish Council, in its consultation response, also raise concerns about surface water drainage from the site as the B6263 currently floods at the proposed discharge point. The Parish Council, therefore, suggests that surface water from the site be re-routed to the Pow Maughan beck.
- 6.19 Cumbria County Council, as Lead Local Flood Authority (LLFA), has been consulted and confirm that it has no records of surface water flooding at the site and that the Environment Agency surface water maps do not indicate that the application site is in an area of risk. The consultation response goes on to outline that the developer should demonstrate how they will deal with surface water discharge from the potential development site and measures taken to prevent surface water discharging onto the public highway or onto existing neighbouring developments. The applicant would need to undertake detailed invasive ground investigation such as trial pits which would need to be carried out to BRE 365 standards. The applicant would then need to provide calculations to determine if the site is suitable to undertake infiltration techniques and details showing that any proposed attenuation structure etc has adequate capacity to deal with the volume of water running off the additional impermeable areas. If infiltration is not suitable for the proposed development then the applicant would need to provide detailed assessment, to account for a 1 in 100 year plus 40% storm event, a discharge equivalent to greenfield runoff for the site, discharge location and exceedance routes for the drainage.
- 6.20 The LLFA concludes by highlighting that the developer needs to demonstrate that the development would not increase the volume of water leaving the

application site which could potentially have a negative impact on existing developments downstream. Accordingly, requests the imposition of two conditions which would require: the submission of a surface water drainage scheme (inclusive of how the scheme would be managed after completion); and a construction surface water management plan.

- 6.21 United Utilities (UU) in its consultation response raise no objections to the proposal, subject to the imposition of conditions. The first condition refers to the adequate disposal of surface water, the requirement of a detailed surface water has also been requested by the LLFA. A further condition which UU suggests is that foul and surface waters drain to separate systems. The suggested conditions of the LLFA and UU are recommended to be included within the decision notice, should Members approve the application.

6. Impact Of The Proposal On Highway Safety

- 6.22 The illustrative drawings indicate that each of the proposed dwellings would be served by individual accesses onto the C1038 county highway.
- 6.23 Several objections have been received in respect of the impact of the application on highway safety. The objections of the third parties have been reproduced in full for Members; however, in summary, the objections appear to centre on: the adequacy of the visibility splays from the site; traffic speed; and provision of a footpath links to Cumwhinton and Wetheral.
- 6.24 Cumbria County Council, as Highway Authority, has been consulted and considers that visibility is generally good, though there is an existing traffic sign which currently obstructs the proposed visibility splays, this may need to be relocated at the applicants expense. The Highway Authority has also requested a voluntary contribution of £3500 from the applicants towards a Traffic Regulation Order (TRO) and signage for a proposed speed restriction. The Highway Authority recommends that the speed limit along this stretch of the C1038 be reduced from the national speed limit to 30mph. Should Members approve the application then the contribution to the TRO would be included within the Section 106 agreement.
- 6.25 In overall terms, the Highway Authority has no objections to the application subject to the imposition of conditions and an informative. The recommended conditions include: the provision of adequate visibility splays; construction and drainage of the proposed accesses; parking for construction traffic; and provision of access and turning requirements prior to occupation of any dwelling. The Highway Authority originally requested a further condition for the provision of a footway linking the development site to the nearest existing footpath. The Highway Authority has now rescinded its request for a footpath in light of the proposed contribution towards a TRO. Third parties have also requested the provision of footways that links the development site to Cumwhinton and Wetheral; however, the Highway Authority has not requested the provision of such footways, it would be unreasonable to impose a condition requiring the suggested footways in respect of this development.

- 6.26 The views of third parties are respected; however, in light of the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

7. Impact Of The Proposal On The Existing Trees and Hedgerows

- 6.27 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute to a locality, and/or are of specific natural or historic value. In respect of new development, proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges will be resisted.
- 6.28 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing trees and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting, it is important that these issues are considered at the very start of the planning process.
- 6.29 The application was accompanied by a Tree Survey and Landscape Statement both of which identified the loss of two of the roadside Oak trees, identified as Trees 1 and 4. The loss of the two Oak trees, the Landscape Statement outlines: *"would be offset by a substantial amount of new tree planting and the creation of a new hedgerow"*. The submitted documents and drawings, although illustrative only, illustrate the retention together with supplementary planting within the roadside hedge, with the exception of the individual access driveways and maintenance access point into the attenuation tank area. The proposal also includes the planting of an off-site woodland copse, to the immediate south of the proposed application site. This, the statement outlines, would form part of a Section 106 agreement. The illustrative landscaping scheme also proposes planting along the western boundary of the site and within the site itself.
- 6.30 The four Oak trees within the eastern boundary are large prominent trees clearly visible to the public along Wetheral Pastures. They contribute to the pleasant rural character of the area. Furthermore, due to their size, prominent location and public visibility, the trees make a substantial positive contribution and visual amenity of the location. Accordingly, since the receipt of the application and in order to protect the visual amenity of the area, Tree Preservation Order 291 (TPO) has been made in respect of all of the Oak trees.
- 6.31 As the application seeks only to establish the principle of development, it is impossible to determine how much of the roadside hedge would be lost to facilitate vehicular access provision to the application site. The existing Oak

trees; however, are now protected by TPO 291. Should Members approve the application, conditions are recommended which would require the: submission of a landscaping scheme; the installation of tree/hedge protection barriers for the trees, subject of the TPO, together with those sections of the hedgerows to be retained; and, that any works with the root protection areas of the protected trees and retained hedgerows are undertaken by non-mechanical means. The proposed woodland copse to the immediate south of the application site is out with the application site; however, it has now been included within the blue line of the application. Accordingly, it is recommended that the planting of the woodland copse is included within the obligations of the proposed Section 106 agreement.

8. Impact Of The Proposal On Biodiversity

- 6.32 The Council's GIS Layer has identified that there is the potential for several key species to be present within the vicinity. Using the guidance issued by Natural England, the development it is unlikely that the proposed development would not harm protected species or their habitat. Furthermore, Natural England do not wish to comment on the application. To further protect biodiversity and breeding birds, informative's are recommended within the decision notice drawing the applicants attention to the requirement under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010 etc.

9. Other Matters

- 6.33 Third parties has questioned the need for further housing within the village as there are other dwellings for sale within the parish. This issue is noted; however, this is not a material planning issue as Members are aware, every application must be dealt with on its own merits and assessed against policies within the Development Plan.
- 6.34 A further issue raised is the accuracy of the drawings as some of the drawings indicate Fernbank Cottages, properties to the north-east of the application site, in the incorrect location. This error is acknowledged; however, given the distance from the application site and that the surrounding properties have been correctly annotated, this error is not intrinsic to the overall assessment of the application.

Conclusion

- 6.35 The application seeks outline planning permission with all matters reserved, therefore, the application seeks only to establish the principle of development of the site. In overall terms, the principle of development accords with the objectives of the NPPF, PPG, the Carlisle District Local Plan 2015-2030 and SPDs.
- 6.36 Access, appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application; however, are subject to appropriate planning conditions and would be given careful consideration at the time of any subsequent application to ensure that the

scheme would comply with the NPPF, PPG, relevant local plan policies and SPDs. The proposal is, therefore, recommended for approval subject to the completion of a Section 106 agreement.

- 6.37 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a Section 106 agreement to secure:

- a) a financial contribution of £3500 toward a Traffic Regulation Order and signage of a new speed restriction; and.
- b) the planting of a woodland copse to the immediate south of the application site and its retention in perpetuity.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) the expiration of 3 years from the date of the grant of this permission, or
 - ii) the expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the access, appearance, landscaping, layout and scale of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development shall be undertaken in strict accordance with the approved documents for this Outline Planning Permission which comprise:
 1. the submitted planning application form received 10th November 2017;
 2. the Tree Survey received 10th November 2017;
 3. the Landscape Statement received 10th November 2017;

4. the landscape context received 10th November 2017 (Drawing No. 06);
5. the block plan received 10th November 2017 (Drawing No. 17-C-14592/03 B);
6. the site location plan received 11th January 2018 (Drawing No. 17-C-14592/07 B);
7. the field access received 10th November 2017 (Drawing No. 17-C-14592/08);
8. the topographical survey (contours @ 0.5m) received 10th November 2017 (Drawing No. MAG-010-001 Revision B);
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. Not more than 5no. residential units/dwellings shall be erected on the site pursuant to this permission.

Reason: To ensure that the development does not result in a cramped form of development and respects the scale and character of the area in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

5. The development shall not commence until visibility splays providing clear visibility of 2.4 metres by 45 metres measured down the centre of the access drive(s) and the nearside channel line of the major road have been provided at the junction of the access drive(s) with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 grown 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.

6. The whole of the access area bounded by the carriageway edge, entrance gates and the splays shall be constructed and drained to the specification of the local planning authority in consultation with the highway authority.

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

7. The dwellings shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved plan and has been brought into use. The vehicular access and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the local planning authority.

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

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

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

9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

10. No development shall commence until a construction surface water management plan has been agreed in writing by the local planning authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of watercourses downstream of the site.

11. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

12. Foul and surface waters from the development, hereby approved, shall be drained on separate systems with foul water draining to the public sewer and

surface water draining in the most sustainable way.

Reason: To ensure that adequate drainage facilities are available and to ensure compliance with Policies IP6 and CC5 of the Carlisle District Local Plan 2015-2030.

13. No dwelling shall be occupied until the respective foul and surface water drainage works, submitted under the above conditions 9 and 11, have been completed in accordance with the details approved by the local planning authority.

Reason: To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accordance with Policies IP6 and CC5 of the Carlisle District Local Plan 2015-2030.

14. Prior to the commencement of development details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor and ridge heights of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority.

Reason: In order that the approved development overcomes any problems associated with the topography of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

15. No development shall be commenced until samples or full details of materials to be used externally on the dwellings have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

16. Before development commences, particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted to and approved in writing by the local planning authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

17. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the local planning authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure the materials used are acceptable and to ensure compliance with Policy SP6 of the Carlisle District Local Plan

18. No development shall take place until full details of the proposed soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. The proposed landscaping scheme shall include the retention (where practical) of the existing hedgerows along the eastern and southern boundaries. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

19. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around the Oak trees subject of TPO 291 and the hedges to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy GI6 of the Carlisle District Local Plan 2015-2030.

20. No development shall be commenced until a detailed Bat and Breeding Bird Survey has been submitted to and approved in writing by the local planning authority. Any requirements/recommendations/mitigation measures contained within the approved Bat and Bird Survey shall thereafter be undertaken in strict accordance with the requirements/recommendations/mitigation measures unless otherwise agreed in writing by the local planning authority.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

21. As part of the development hereby approved, adequate underground ducts shall be installed in accordance with details approved in writing beforehand by the local planning authority to enable telephone services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and

overhead lines. The development shall then be undertaken in accordance with the approved details.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

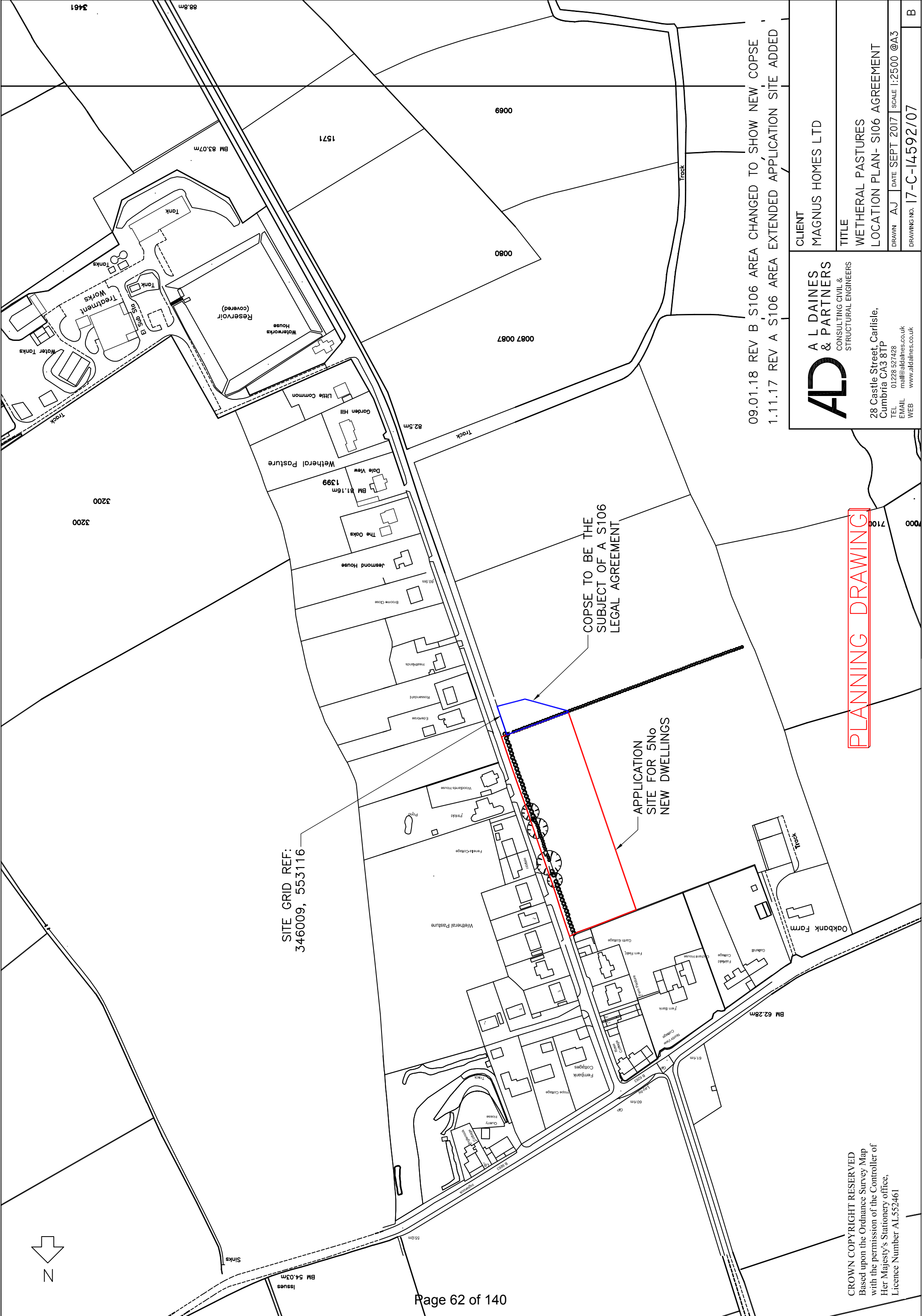
22. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

23. 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.

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

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



3461

88.8m

BM 83.07m

1571

0069

0080

0087 0087

82.5m

Track

7100

0000

3200

3200

SITE GRID REF:
346009, 553116

COPSE TO BE THE
SUBJECT OF A S106
LEGAL AGREEMENT

APPLICATION
SITE FOR 5NO
NEW DWELLINGS

Track

Oakbank Farm

BM 62.28m

61.7m

60.4m

60.1m

60.1m

60.1m

60.1m

60.1m

60.1m

60.1m

60.1m

60.1m

60.1m

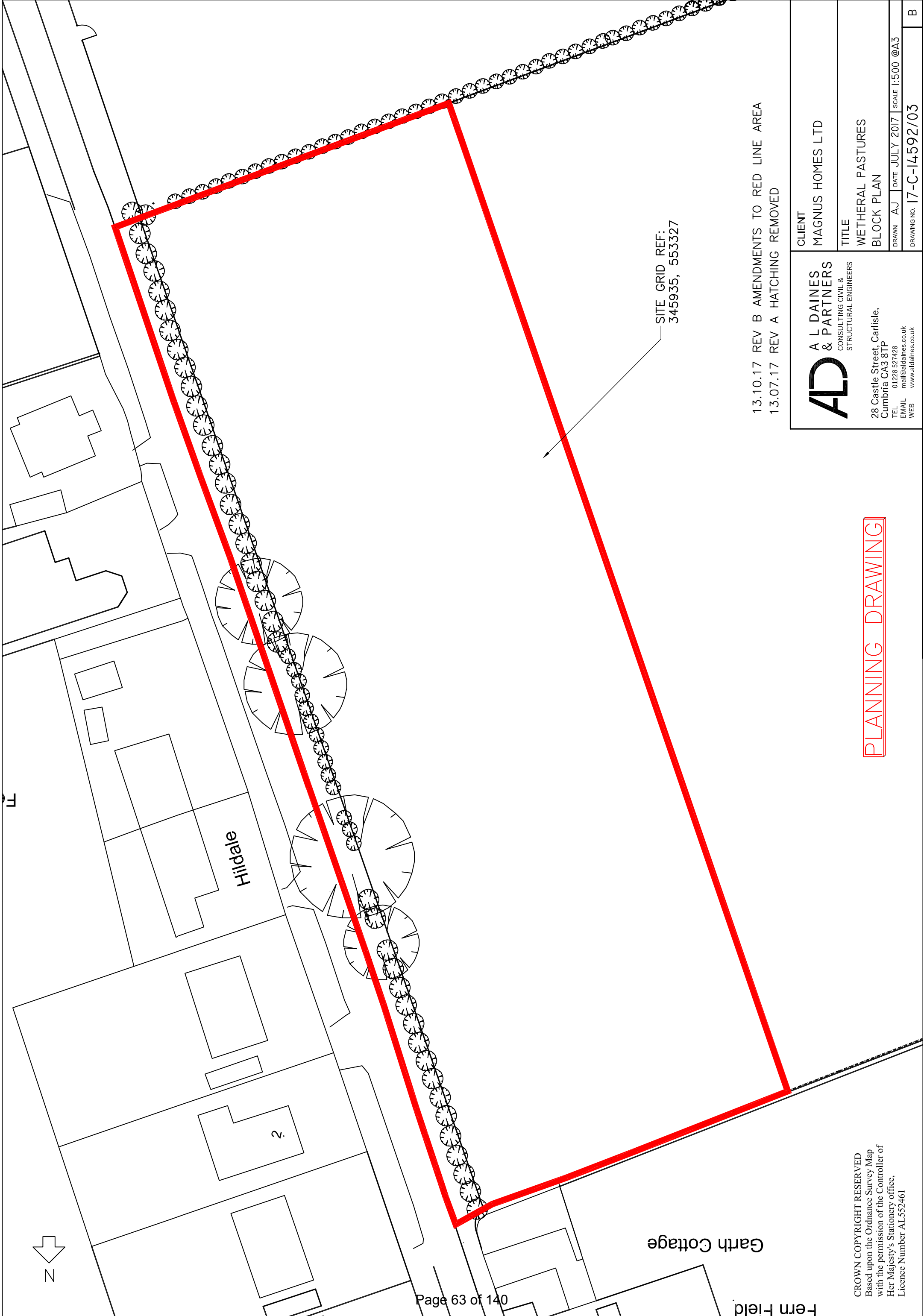
60.1m

CLIENT MAGNUS HOMES LTD		TITLE WETHERAL PASTURES LOCATION PLAN- S106 AGREEMENT	
DRAWN AJ		DATE SEPT 2017	SCALE 1:2500 @A3
DRAWING NO. 17-C-14592/07		B	

AD
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PLANNING DRAWING



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PLANNING DRAWING

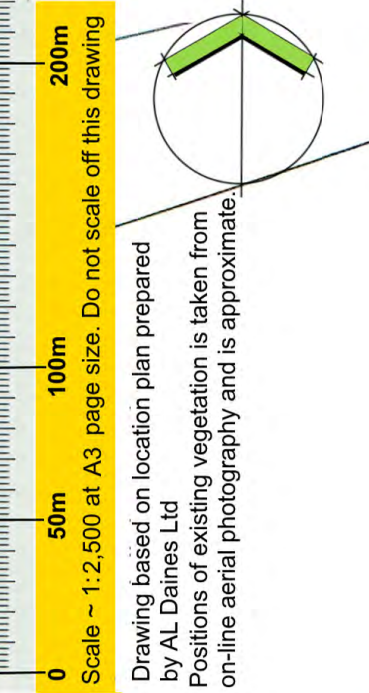
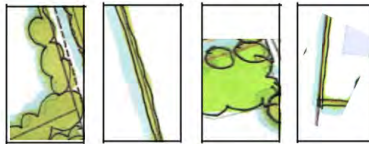
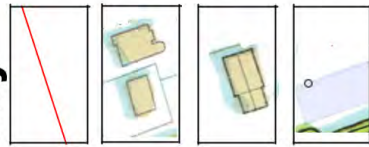
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TITLE		WETHERAL PASTURES BLOCK PLAN	
DRAWN	AJ	DATE	JULY 2017
SCALE	1:500	@A3	
DRAWING NO.		17-C-14592/03	
		B	

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13.10.17 REV B AMENDMENTS TO RED LINE AREA
13.07.17 REV A HATCHING REMOVED

SITE GRID REF:
345935, 553327



R 00	21.09.2017	original drawing
revision	date	notes

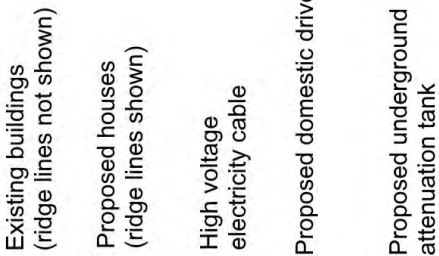
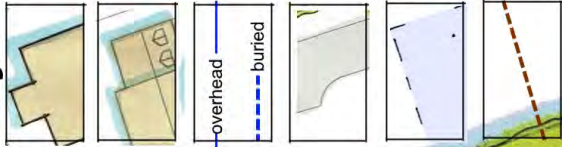
drawing number 06

drawing name Landscape context

project Wetheral Pastures

client Magnus Homes

Key



Plot depth is measured 50m in from the existing stock proof fence on the inner side of existing roadside hedgerow.

Existing roadside hedgerow retained, providing a mature setting for the new houses.

Opportunity to "bookend" the proposed development through detailed design of houses, here demonstrated with "L" shaped houses.

New trees planted into existing hedgerow have a hedgerow tree appearance and help to frame, screen and contain the housing development.

Planting notes

Proposed larger trees (for copse and around edge of site)
Acer pseudoplatanus (Sycamore), approx. mature height 30m
Fagus sylvatica (Beech), approx. mature height 35m+
Quercus petraea (Sessile Oak), approx. mature height 35m
Pinus sylvestris (Scots Pine), approx. mature height 35m

Proposed medium sized trees (for copse and within gardens)
Betula pendula (Silver Birch), approx. mature height 30 - 35m
Malus sylvestris (Native Crab Apple), approx. mature height 10m
Sorbus aria (Whitebeam), approx. mature height 15m
Sorbus aucuparia (Rowan), approx. mature height 15m

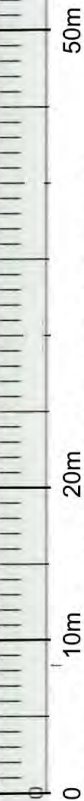
Proposed hedgerow and copse-edge species
native hedgerows to be maintained to approx. 1.5m high
Crataegus monogyna (Hawthorn)
Corylus avellana (Hazel)
Ilex aquifolium (Holly)
Lonicera periclymenum (Honeysuckle)
Rosa canina (Dog Rose)
Salix caprea (Goat Willow)
Viburnum opulus (Guelder Rose)

Proposed garden hedge species
garden hedges to be maintained to approx. 1.0m high
Fagus sylvatica (Beech)
Prunus laurocerasus (Laurel)

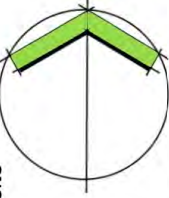
Planting densities
Individual trees - as shown (32 no.)
Native hedgerows - 5 / linear m.
Planted in random groups of 5 - 7.
Garden hedges - 5 / linear m.
Copse trees - average 1.5 / m².
(averaged to allow denser areas and small glades).
Copse edge shrubs - 1.5 / m², planted in random groups of 3 - 7 around outer 4m edge of copse.

Proposed trees and hedgerow to the north of Plot 1 frame the proposed development and filter views from the north.

Note: heights quoted here reflect likely maximum height. Arboricultural management would be used to prevent any specimen becoming unduly tall for its location.



Scale ~ 1:500 at A3 page size. Do not scale off this drawing.
Drawing based on topographic survey ref MAG-010-001 rev B prepared by JAF Surveys, May 2017. Areas beyond the site are based on OS mapping and are approximate only.



Area of field with overhead cables and buried attenuation tanks creates an open space buffer between existing and proposed houses.

New hedge defines edge of site and provides low-level screening.

Underground attenuation tanks for drainage purposes

Root protection zones of existing trees avoided.

New trees and hedgerow on rising land behind new houses, which, along with that rising land, help to contain the new development.

Proposed maintenance access to attenuation tank & electricity cables.

Two existing mature roadside trees retained.

Proposed housing mirrors the scale, form and character of existing development on opposite side of road.

Domestic scale hedges and trees in and between front gardens softens appearance of new houses and marry with character of existing front gardens opposite.

Physical connection between existing and new houses through access onto same local road, in a similar fashion to existing arrangement.

Proposed trees on frontage provide a framework for new houses and soften views between existing and new properties.

R 09	31/10.2017	further planting information added
R 08	30.10.2017	planting information added
R 07	16.10.2017	additional notes
R 06	10.10.2017	additional notes
R 05	18.09.2017	key adjusted
R 04	16.09.2017	additional copse planting included
R 03	22.07.2017	"Draft" label to indicate status of drawing
R 02	19.07.2017	changes to notes and cable symbol
R 01	18.07.2017	annotations added
R 00	30.06.2017	original drawing
revision date		notes

drawing number

04

drawing name

Illustrative Layout

project

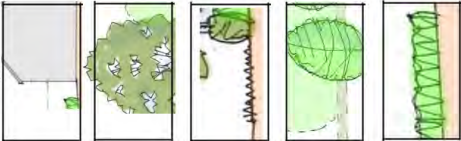
Wetheral Pastures

client

Magnus Homes

Eden Environment Ltd
www.edenenvironment.com

Key



Proposed trees in and between back gardens

Land rises behind the proposed houses

Existing house

Existing garden shrubs,
trees and hedges

Existing mature tree retained

Existing roadside hedge retained

Proposed
garden trees
and hedges
between plots

House on
Plot 2

Proposed trees and hedgerow
on rising land on western
boundary of site forms backdrop
to proposed houses.

Western boundary
of the site

Note: buildings, trees, hedges and their locations
are approximate, to illustrate the general principles

R 03	10.10.2017	"Draft" stamp removed
R 02	22.07.2017	"Draft" label to indicate drawing status
R 01	19.07.2017	scale increased
R 00	18.07.2017	original drawing
revision	date	notes

drawing number

05

drawing name

Illustrative cross -
section through Plot 2

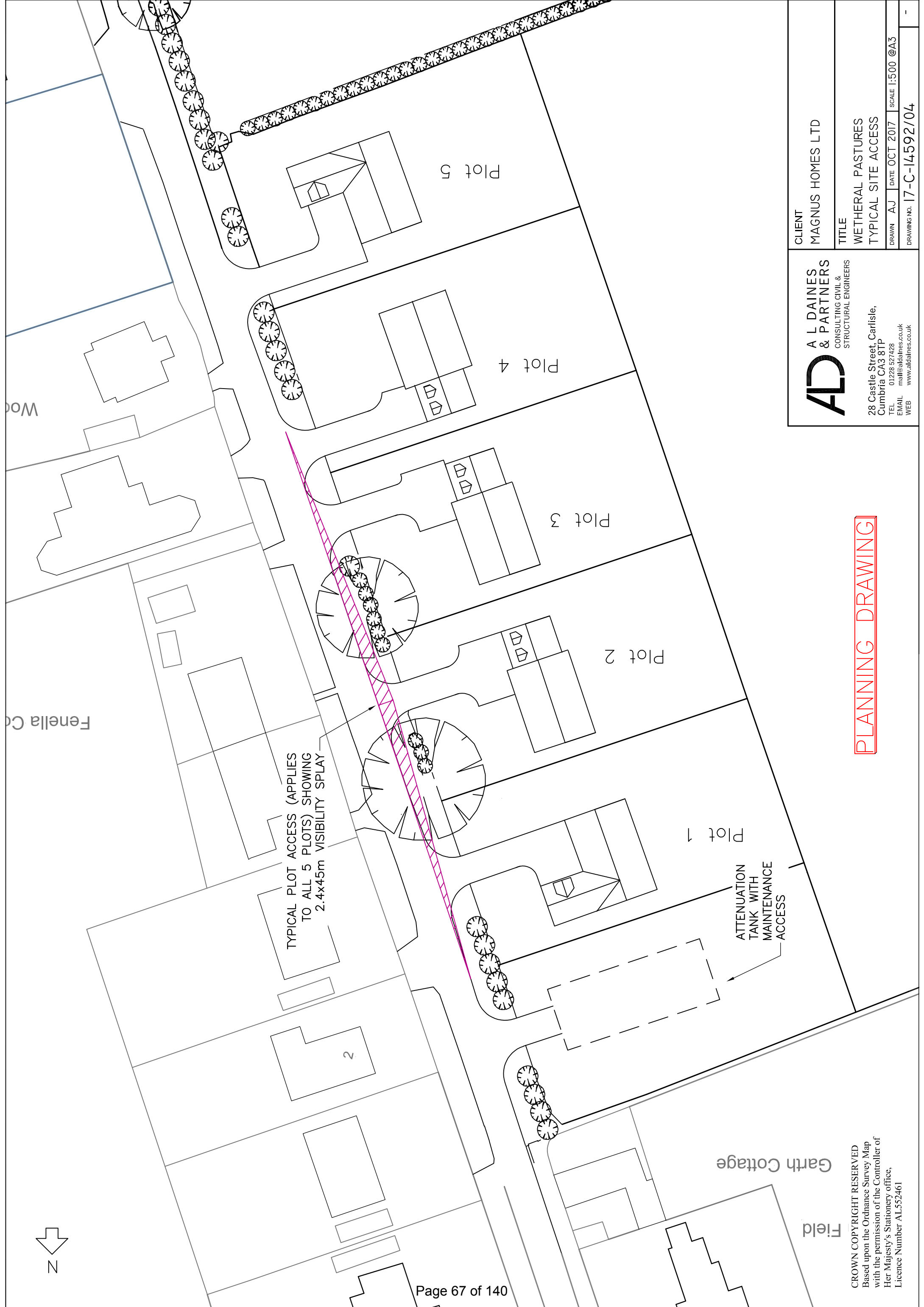
project

Wetheral Pastures

client

Magnus Homes

Eden Environment Ltd
www.edenenvironment.com



PLANNING DRAWING

CLIENT		MAGNUS HOMES LTD	
TITLE		WETHERAL PASTURES TYPICAL SITE ACCESS	
DRAWN	AJ	DATE	OCT 2017
DRAWING NO.		17-C-14592/04	
SCALE		1:500 @A3	
DRAWN		AJ	
DATE		OCT 2017	
SCALE		1:500 @A3	
DRAWING NO.		17-C-14592/04	

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SCHEDULE A: Applications with Recommendation

17/1104

Item No: 02

Date of Committee: 09/02/2018

Appn Ref No:
17/1104

Applicant:
Paton House Ltd

Parish:
Wetheral

Agent:
Hyde Harrington

Ward:
Wetheral

Location: Land North of Thornedge, Station Road, Cumwhinton, Carlisle

Proposal: Erection Of 4no. Single Storey Dwellings (Outline) (Revised Application)

Date of Receipt:
21/12/2017 16:03:00

Statutory Expiry Date
15/02/2018 16:03:00

26 Week Determination

REPORT

Case Officer: Stephen Daniel

Summary

This is a revised application which seeks outline planning permission for the erection of four single-storey dwellings. An earlier application (with the same description) was refused by committee on 24th November 2017. This revised application increases the level of planting along the eastern site boundary and removes this from the gardens of the properties. The applicant has confirmed that they would enter into a S106 Agreement to retain and maintain this planting in perpetuity. A new Planning Statement has also been submitted with this application and this is summarised in the committee report.

1. Recommendation

- 1.1 It is recommended that this application is refused.

2. Main Issues

- 2.1 Whether The Proposal Would Be Acceptable In Principle
- 2.2 Whether The Siting Of The Proposed Dwellings Would Be Acceptable
- 2.3 Whether The Scale And Design Would Be Acceptable
- 2.4 Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Impact Of The Proposal On Biodiversity

- 2.8 Whether There Are Any Other Material Considerations
- 2.9 Planning Balance

3. Application Details

The Site

- 3.1 The application site, which covers an area of 0.41ha, forms part of a field which is currently being used as a site compound whilst the approved dwellings at High Croft are under construction. The site has a high point near to its north-west corner and generally falls evenly to the east. Hedgerows are located on the eastern, western and southern site boundaries, with a dwelling also adjoining part of the southern site boundary. Existing mature trees are located along the northern site boundary and these form a backdrop to the site.
- 3.2 The site lies immediately to the north and slightly uphill of the approved High Croft residential development. Fields adjoin the site to the north, east and west with stables being sited in the field to the east.

Background

- 3.3 In March 2015, planning permission was granted for the demolition of an existing house and stables and for the erection of 22no. dwellings at Thornedge (14/0816). Thornedge comprised a two-storey detached house and equestrian centre to the rear which comprised two stable blocks, an open air riding arena, a relatively large barn, two equipment stores, horsewalker, areas of hardstanding, and a midden.
- 3.4 In July 2015, planning permission was granted for the erection of 5 bungalows based around a shared private drive directly to the west of the Thornedge development (15/0494). Access to this site was via the neighbouring Thornedge development.
- 3.5 In October 2016, outline planning permission was granted for the erection of 8 dwellings at High Croft which lies directly to the east of the Thornedge development (16/0493). In February 2017, a Reserved Matters application for the erection of the 8 dwellings was approved (16/1087). Two of these dwellings are detached two-storey properties, two are detached bungalows and four are semi-detached bungalows. Access to this site was via the neighbouring Thornedge development, with a footpath link being provided from the southern end of the site to the B6263. These dwellings are currently under construction.
- 3.6 In November 2017, outline planning permission for the erection of four bungalows, engineering works and landscaping (17/1104) was refused at committee for the following reason:

The current proposal is seeking to extend development further to the north of the previously approved dwellings at High Croft. The site is not well

related to the previously approved dwellings and would not relate well to the form of the existing settlement. It would form an intrusion into the open countryside which would be clearly visible in long distance views from the east. Whilst it is acknowledged that the proposed planting would help to screen the development in views from the east in the long-term, the proposal would not be well contained by existing landscape features. The proposal would, therefore, be contrary to criterion 3 of Policy HO2 of the adopted Local Plan.

The Proposal

- 3.7 The application is seeking outline planning permission for the erection of four bungalows, engineering works and landscaping. The application is seeking approval for the access, landscaping and scale, with the layout and appearance of the dwellings being reserved for subsequent approval. The applicant has confirmed that one of the semi-detached two-bedroom bungalows would be an affordable unit which would be sold at a 30% discount below the market value.
- 3.8 The indicative layout plan that has been submitted with the application shows four bungalows (two semi-detached and two detached) clustered together to create a small-scale courtyard. The dwellings are shown positioned away from the eastern site boundary. The pair of semi-detached bungalows would be located on the western part of the site. These would 'book end' similar properties at the southern end of the approved High Croft development, facing each other at the opposite ends of the access road. To the east of these would be a pair of detached properties mirroring each other and sitting perpendicular to the semi-detached properties. All four dwellings would be accessed from a road extending at a right angle from the access road that serves the High Croft development.
- 3.9 Hedgerows and domestic scale trees are proposed to help reinforce the courtyard feeling and to soften the appearance of the new dwellings and provide privacy. It is proposed to plant a beech tree to match the consented beech tree on the opposite side of the proposed access to form a gateway to the new development and to help frame the site. A band of hedgerow trees and domestic scale specimens would be planted along the eastern site boundary to screen and contain the proposed housing and to provide successor trees to ultimately replace other older trees in the local landscape. Ten years after planting it is likely that the proposed planting along the eastern site boundary would largely screen the proposed dwellings and add to the number and age range of trees in the local landscape. The applicant has confirmed that the planting along the eastern boundary of the site would not lie within the gardens of any dwellings and that a S106 would ensure its retention in perpetuity. The S106 would also cover the future management and maintenance of this area of landscaping. New planting is also proposed along the existing western and southern site boundaries to further contain the proposed development. The existing mature trees on the northern boundary of the site, which would help to contain the proposed development, would be retained.

3.10 The application is accompanied by a Planning Statement which makes the following points:

- the Housing White Paper (Fixing our broken housing market - February 2017) sets out a broad range of reforms that the government plans to introduce to increase the supply of new homes;
- the White Paper supports the release of more small and medium sized sites and suggests a specific requirement for LPAs to have a minimum percentage of their housing need to be from small windfall sites;
- the government's focus is clearly on the delivery and not just the supply of housing land and support for small and medium sized house builders;
- it is important that LPAs do not just plan for the right number of homes, but also the different size, type, tenure and range of housing that is required in the area (para 88 of 'Planning for the right homes in the right places: consultation proposals' - DCLG - Sept 2017);
- the Federation of Master Builders Survey 2017 highlighted the lack of available and viable land as being the most commonly cited barrier (for the third year running) facing small and medium sized house builders in England;
- Wetheral Parish has confirmed its support for the proposal;
- Local Plan Policy HO2 recognises that development on the edge of a settlement will lead to some intrusion - the judgement to be made is whether the impact can be considered to be unacceptable;
- the extent of additional planting has been increased and carefully considered so that within 8 to 10 years the bungalows will be largely screened/ contained and not clearly visible in long distance views;
- the additional planting complements the existing wooded backdrop;
- the Landscape Statement concludes that the proposed development would be appropriate to the character of Cumwhinton and the wider landscape;
- contrary to the reason for refusal, any impact would be limited to the short-term
- the proposal is considered to be consistent with Policy HO2 of the CDLP 2015-30 and the NPPF;
- Cumwhinton has been the subject of residential development on its edges that has been considered to be acceptable, the most recent being the Story development of 22 dwellings at Eden Gate;
- in terms of visual intrusion into the open countryside and the judgement on whether it's acceptable the LPA needs to be consistent;
- in order to safeguard the additional copse planting in the long-term this area if not included within any gardens but would be subject to a maintenance agreement which would be the subject of a S106 Agreement;
- whilst there is currently a five-year supply of housing, the delivery of the number of new dwellings is less than the annualised average number of required units (565) over the plan period, and there is a recognised general need to accelerate delivery of housing;
- the existence of a five-year housing supply should not be regarded as a restraint on further windfall development;
- of the 41 allocated housing sites only 5 relate to sites with an indicative yield of 15 or less dwellings, and these 5 sites only have a yield of 59 dwellings - the size of the allocated sites favours the larger volume house

builders as opposed to the small/ medium house builders;

- the reliance on large, volume house builders leads to the provision of a more standardised product, which is at odds with the need to deliver a wide choice of quality homes;
- the Cumbria LEP (March 2014) pointed out that "the current housing mix (was) unable to meet the needs to retain and attract staff, expertise and investment" - and no subsequent study has been done on this issue;
- the small/ medium sized house builders are increasingly dependent on the less straight forward route of seeking development compliant with Policy HO2 (Windfall Housing);
- the Strategic Housing Market Assessment identifies a total net need for older persons accommodation of 1,231 units up to 2030 of which around 15% would be affordable;
- there is a recognised need for bungalows in the POPPI data and the SHMA;
- one of the 2 bed semi-detached bungalows would be an affordable unit (sold at a 30% discount) although Policy HO4 only requires affordable housing on sites of 6 dwellings or more;
- the delivery of high quality bungalows (including an affordable unit) would help meet the needs of present and future generations within the district;
- there are 3 dimensions to sustainable development: environmental, social and economic and these are mutually dependent;
- the proposal would fulfil the economic role of sustainable development due to the creation of construction jobs and the potential for future residents to financially support local facilities and services;
- weight should be attached to the ability of the site to fulfil the social role of sustainable development;
- the proposal would result in an improvement to ecology through the provision of additional planting.

3.11 A Landscape Statement has also been submitted with the application. This concludes that:

- the proposed four-dwelling extension to High Croft is very modest in scale in context of recent development in the area and even more so in context of the whole of Cumwhinton. The site is already well contained by existing hedgerows, existing housing to the south and existing mature trees to the north. The development would be further contained by a significant amount of new planting, designed to screen and contain the site in the short and long term. This planting would also add to the capital of trees in the local landscape, and would support and benefit local landscape character;

- few people would have a change in view as a result of this development, and their change in view could be regarded as beneficial, because they would see more trees in the landscape, to replace older specimens;

- existing views out of the village towards countryside would not be affected. There would be small, fleeting changes of view into the village from a very limited number of viewpoints – the change mostly being an

increase in tree cover in the village setting. This small change may be regarded as beneficial, because it would prolong the woodland setting for the village;

- the proposed extension to High Croft would be appropriate to the character of Cumwhinton and the local and wider landscape

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and notification letters sent to seven neighbouring properties. No verbal or written representations have been made during the consultation period.

5. Summary of Consultation Responses

Local Environment, Waste Services: - no objections in principle to the indicative layout;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions (details of access and turning provision; construction details of road/ footway; provision of footways; details of surface water drainage scheme);

Wetheral Parish Council: - no comments received.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, SP9, HO2, HO4, IP2, IP3, IP5, IP6, CC4, CC5, CM4, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.

- 6.2 The proposal raises the following planning issues:

1. Whether The Proposal Is Acceptable In Principle

- 6.3 Cumwhinton is a village that contains a range of services, including a school, shop and public house. Planning permission has already been granted for the erection of 35 dwellings on the adjacent Thornedge and High Croft developments and 22 dwellings on land at Peter Gate to the south of Cumwhinton Primary School. The adopted Local Plan allocates two further sites for housing in Cumwhinton (R8 - land adjacent to Beech Cottage, which has an indicative yield of 15 dwellings and R9 - land to west of How Croft, which has an indicative yield of 20 dwellings). Given the level of service provision in Cumwhinton, the proposal to erect four additional dwellings on this site would, therefore, be acceptable in principle.

2. Whether The Siting Of The Proposed Dwellings Would Be Acceptable

- 6.4 Policy HO2 (Windfall Housing Development) of the Carlisle District Local Plan 2015-2030 states that new housing development on sites other than

those allocated will be acceptable within or on the edge of villages within the rural area provided that:

1. the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;
2. the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;
3. on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into the open countryside;
4. in the rural area there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and
5. the proposal is compatible with adjacent land users.

- 6.5 The supporting text to the policy notes that development is likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland or topography, physically and visibly connected to the village, and do not adversely impact on wider views into or out of the village.
- 6.6 Members will be aware that two applications have been approved to extend the original permission for 22 dwellings at Thornedge. One of these was for five bungalows directly to the west of Thornedge, with the other being for four dwellings and four bungalows directly to the east. These were considered to be acceptable as they were well related to the Thornedge development.
- 6.7 The current proposal is seeking to extend development further to the north of the previously approved dwellings at High Croft. The site is not well related to the previously approved dwellings and would not relate well to the form of the existing settlement. It would form an intrusion into the open countryside which would be clearly visible in long distance views from the east. Whilst it is acknowledged that the proposed planting would help to screen the development in views from the east in the long-term and that a S106 Legal Agreement would ensure that the planting would be retained and managed in perpetuity, the proposal would not be well contained by existing landscape features. The proposal would, therefore, be contrary to criterion 3 of Policy HO2 of the adopted Local Plan.

3. Whether The Scale And Design Would Be Acceptable

- 6.8 The proposal is seeking planning permission for erection of four bungalows on the site, with layout and appearance being reserved for subsequent

approval. The indicative layout plan which has been submitted with the application shows two semi-detached and two detached bungalows clustered together to create a small-scale courtyard. The dwellings are shown positioned away from the eastern site boundary.

- 6.9 The scale of the proposed dwellings would be acceptable and the layout and appearance would be determined through a Reserved Matters application.

4. Affordable Housing

- 6.10 The Housing Development Officer has been consulted on the proposal and has noted that this application is an extension of the earlier Thornedge and High Croft developments, which consist of 35 dwellings. It is, therefore, considered that a 30% affordable housing contribution should apply, in accordance with requirements of Policy HO4 of the adopted Local Plan. The applicant has offered one of the semi-detached bungalows as an affordable unit for discounted sale and this is acceptable to the Housing Development Officer.

5. Highway Matters

- 6.11 All four dwellings would be accessed from a road extending at a right angle from the access road that serves the High Croft development. The Lead Local Authority has been consulted on the application and has confirmed that the slight increase in vehicular use is unlikely to have a significant material effect on existing highway conditions. It has, therefore, confirmed that it has no objections to the proposal.

6. Drainage Issues

- 6.12 Foul drainage would connect to the existing mains sewer. A L Daines and Partners has confirmed that there is capacity to deal with foul and surface water from the proposed development. The Lead Local Flood Authority (LLFA) has been consulted on the application and note that there is no flooding and/ or surface water issue in the area. The risk of surface water flooding would not be increased and the LLFA, therefore, has no objections to the proposal.

7. Impact Of The Proposal On Biodiversity

- 6.13 The application site, which was formerly used for grazing and is currently being used as a construction depot, is of low ecological value. The proposal would lead to the planting a new hedges and a number of new trees. The additional planting, together with the creation of gardens for each of the dwellings, would have a positive impact on biodiversity.

8. Whether There Are Any Other Material Considerations

- 6.14 The proposal would provide four bungalows, one of which would be affordable. The SHMA identifies that there is a need for bungalows to meet

the needs of the ageing population and there is also a need for affordable housing. The additional housing would provide employment during the construction phase, the New Homes Bonus, Council Tax income, and the occupiers would support local services in Cumwhinton. The proposal would also help to support a small builder. All of the above are material considerations which should be taken into account in the determination of the application.

9. Planning Balance

- 6.15 Whilst the above material considerations would weigh in favour of the granting of permission, it is not considered that they would outweigh the harm that the proposal would create, which is outlined in Paragraph 6.7 above.
- 6.16 The site is not well related to the previously approved dwellings and would not relate well to the form of the existing settlement. It would form an intrusion into the open countryside which would be clearly visible in long distance views from the east. Whilst it is acknowledged that the proposed planting would help to screen the development in views from the east in the long-term, the proposal would not be well contained by existing landscape features. The proposal would, therefore, be contrary to criterion 3 of Policy HO2 of the adopted Local Plan.

Conclusion

- 6.17 Whilst the proposal would provide some benefits, which are outlined in paragraphs 6.10, 6.13 and 6.14 above, these would be outweighed by the harm that the proposal would create. The application is therefore recommended for refusal.

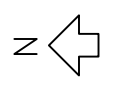
7. Planning History

- 7.1 In March 2015, planning permission was granted for the demolition of existing house and stables and erection of 22no. dwellings (14/0816). Six applications have been submitted to make variations to this approved scheme.
- 7.2 In July 2015, planning permission was granted for the erection of 5 no. dwellings (15/0494).
- 7.3 In October 2016, outline planning permission was granted for the erection of 8no. dwellings (16/0493). In February 2017, a Reserved Matters application for the erection of the 8 dwellings was approved (16/1087).
- 7.4 In November 2017, outline planning permission was refused for the erection of four bungalows, engineering works and landscaping (17/1104).

8. Recommendation: Refuse Permission

1. **Reason:** The current proposal is seeking to extend development further to the north of the previously approved dwellings at High Croft. The site is not well related to the previously approved dwellings and would not relate well to the form of the existing settlement. It would form an intrusion into the open countryside which would be clearly visible in long distance views from the east. Whilst it is acknowledged that the proposed planting would help to screen the development in views from the east in the long-term, the proposal would not be well contained by existing landscape features. The proposal would, therefore, be contrary to criterion 3 of Policy HO2 of the adopted Local Plan.
-

0111



2313

PROPOSED HIGH CROFT HOUSING DEVELOPMENT EXTENSION

GRID REF: 345227, 553064

STABLES DEVELOPMENT REF:15/0186

THORNEDGE HOUSING DEVELOPMENT

HIGH CROFT HOUSING DEVELOPMENT

Low Croft

Station House

The Station

BM 62.71m

63.1m

Cumwhinton

B 6263

TOWNHEAD COURT

Townhead Farm

66.1m

Station View

Ashview

Wall End

High Croft

The Chestnut

High Croft

CHESTNUT

Bannockburn

Orchard View

Petergate

Fairway

Brydale

62.6m

Whyncote

Well Green

CUMWHINTON

GP

Holmesfield

South Cote

Rose Cote

East Cote

Croft Cottage

Lyndhurst

Ashdown

Ashdown

15.08.17 REV C CHANGE TO TITLE
15.08.17 REV B CHANGE TO ANNOTATION
15.08.17 REV A, CHANGE TO PROPOSED AREA

CLIENT		PATON HOMES LTD	
TITLE		HIGH CROFT EXTENSION, CUMWHINTON LOCATION/ SITE/ BLOCK PLAN	
DRAWN	AJ	DATE	AUG 2017
SCALE	1:1250	@A3	
DRAWING NO.	17-C-14723/600		

AD
A L DAINES
& PARTNERS
CONSULTING CIVIL &
STRUCTURAL ENGINEERS

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Cumbria CA3 8TP
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EMAIL mal@aldaines.co.uk
WEB www.alldaines.co.uk

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Note

Planting species chosen to match those of the consented High Croft Scheme.
See drawings 08 and 09 for full planting details.

revision	date	notes
R05	18.12.2017	additional planting and plot D adjustment
R 04	08.08.2017	additional planting included
R 03	02.08.2017	layout modified
R 02	08.04.2017	title block corrected
R 01	08.04.2017	annotations added
R 00	02.04.2017	original drawing

Thornedge development

High Croft development

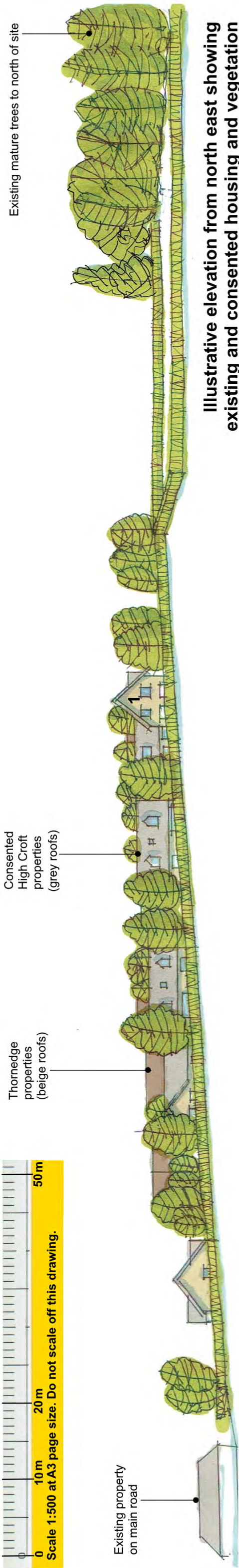
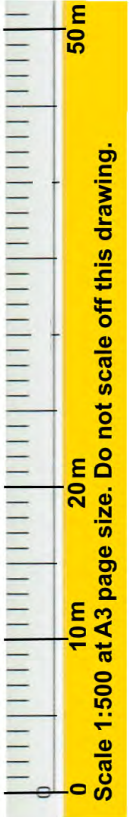


Key

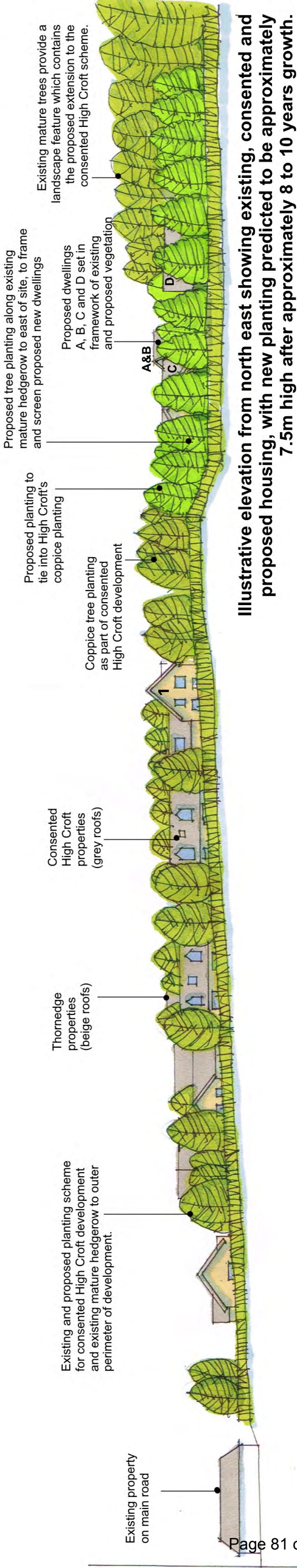
- Site boundary
- Existing and consented dwellings
- Proposed dwellings (reference number indicates proposed status)
- Existing vegetation and planting to be undertaken in consented scheme
- Proposed planting
- Existing and proposed road layout

drawing number	06
drawing name	Illustrative layout
project	Proposed extension to High Croft
client	Paton Homes Ltd

Eden Environment Ltd
www.edenenvironment.com

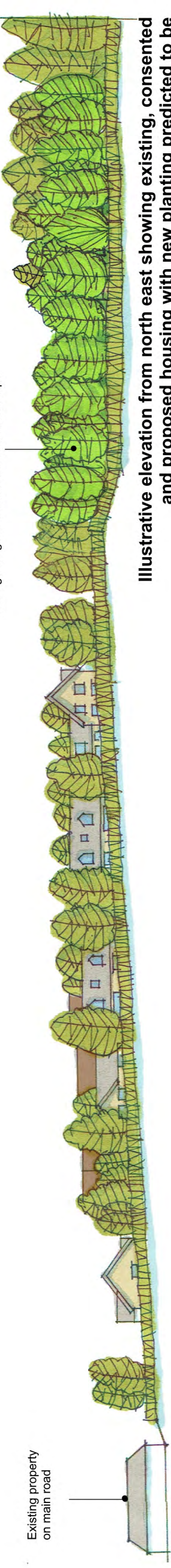


Illustrative elevation from north east showing existing and consented housing and vegetation



Illustrative elevation from north east showing existing, consented and proposed housing, with new planting predicted to be approximately 7.5m high after approximately 8 to 10 years growth.

Ten years after planting, it is likely that the proposed planting along the eastern boundary would largely screen the proposed dwellings A, B, C and D and add to the number, and age range of trees in the local landscape



Illustrative elevation from north east showing existing, consented and proposed housing with new planting predicted to be approximately 10m high after 10 years + growth.

Key



Notes
Roof colours are for indicative purposes only, to differentiate between Thornedge and High Croft properties.
At 1:500 at A3 page size, levels are approximate only, for illustrative purposes.
The predicted tree growth shown here is based on typical heights used by Landscape Institute and IEMA members for illustrative purposes, but growth may be greater or less depending on factors such as soil and climate.

R 06	18.12.2017	position of dwelling D altered slightly
R 05	15.08.2017	notes re. expected tree growth added
R 04	12.08.2017	additional elevation
R 03	08.08.2017	revisions to layout and planting
R 02	11.04.2017	amendment to annotation
R 01	08.04.2017	annotations added
R 00	02.04.2017	original drawing
revision date		notes

drawing number

07

drawing name

Illustrative elevations

project

Proposed extension to High Croft

client

Paton Homes Ltd

Eden Environment Ltd
www.edenenvironment.com



Note

Planting species chosen to match those of the consented High Croft Scheme

Thornedge development

High Croft development



Key

- Site boundary
 - Existing and consented dwellings
 - Proposed dwellings (reference number indicates proposed status)
 - Existing vegetation and planting to be undertaken in consented scheme
 - Proposed trees
 - Proposed shrubs, underplanted among proposed trees
- Proposed transplant trees as nurse planting (exact positions to be micro-sited around standards)

R 02	18.12.2017	additional planting	
R 01	15.08.2017	Transplant tree planting added	
R 00	08.08.2017	original drawing	
revision	date	notes	

drawing number

08

drawing name

Planting Plan

project

Proposed extension to High Croft

client

Paton Homes Ltd

Eden Environment Ltd
www.edenenvironment.com



R 00	18.12.2017	original drawing
revision	date	notes

Thornedge development

High Croft development



Key

Site boundary

Extent of proposed Section 106 managed woodland block

drawing number

14

drawing name

Extent of proposed Section 106 Area

project

Proposed extension to High Croft

client

Paton Homes Ltd

Eden Environment Ltd
www.edenenvironment.com

SCHEDULE A: Applications with Recommendation

17/1000

Item No: 03

Date of Committee: 09/02/2018

Appn Ref No:
17/1000

Applicant:
Story Homes

Parish:
Stanwix Rural

Agent:

Ward:
Stanwix Rural

Location: Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle CA3 0LG

Proposal: Variation Of Condition 15 (Open Spaces & Informal Play Areas) Of Previously Approved Application 12/0610 To Allow Investment In Existing Off Site Play Area At Tribune Drive

Date of Receipt:
23/11/2017

Statutory Expiry Date
18/01/2018

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that this application is approved subject to a deed of variation to the existing S106 agreement.

2. Main Issues

- 2.1 Acceptability of providing an off-site play area contribution;
2.2 Impact upon Hadrian's Wall World Heritage Site Buffer Zone;
2.3 Other Matters.

3. Application Details

The Site

- 3.1 This application relates to 4.997 hectares of the former military training base/Army Apprentices School known as "Hadrian's Camp" which is currently being developed by Story Homes for 99 dwellings and associated open space/infrastructure following reserved matters planning approval in 2015. The land (now called Eden Gate) is located on the eastern side of

Houghton Road to the immediate south of residential development at Antonine Way/Tribune Drive associated with the village of Houghton and north of a transport depot for Cumbria Constabulary and existing ribbon development at 2-48 Houghton Road. To the south of the transport depot there is further residential development at Centurion Walk and Hadrian's Gardens as well as Hadrian's (caravan) Park.

Background

- 3.2 In December 2013, under application 12/0610, outline planning permission was given for residential development subject to a number of conditions and the completion of a Section 106 Agreement.
- 3.3 In 2015, under application 14/0930, a reserved matters application was granted for the erection of 99no.dwellings (of which 25no.to be affordable) and associated open space and infrastructure. A further application was also submitted in 2015 for development of associated drainage to support the proposed 99no.dwellings including a suds attenuation pond and connecting drainage pipe work (reference 14/0989).
- 3.4 In 2015 two discharge of conditions applications were submitted, references 15/0045 and 15/0574, which dealt with a number of matters including landscaping, materials, construction management, drainage, boundary treatments, floor levels, highway construction, archaeology and contamination.
- 3.5 In 2017 a further discharge of conditions application was submitted and granted, reference 17/0728, for the discharge of condition 15 (open spaces and informal play areas). The wording to condition 15 stated:

No development shall commence until details of the proposed open spaces and informal play areas, which shall be provided with items of equipment at the expense of the developer, have been submitted to and approved, in writing, by the Local Planning Authority. The open spaces and informal play areas shall be completed, fully equipped and available for use prior to the occupation of the 70th residential unit completed within the development unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: *In order to secure an acceptable standard of development and to make proper provision for the recreational needs of the area in accordance with Policy LC4 of the Carlisle District Local Plan 2001-2016.*

- 3.6 The proposed play area which was submitted for application 17/0728 was to be located at the top of the turning head to the development on land part of the public open space, providing the same equipment as the play area on the Crindledyke site to the north of the City.

The Proposal

- 3.7 This application seeks permission to vary condition 15 (open spaces and informal play areas) of previously approved application 12/0610 to allow

investment in an existing off site play area at Tribune Drive in Houghton. The applicant now proposes a commuted payment of £55,000 to allow Carlisle City Council to make off-site play park improvements at Tribune Drive.

- 3.8 The supporting statement submitted with the application requests that condition 15 is reworded as follows *"The open spaces shall be completed with approved landscaping prior to final occupation of 99th dwellings unless otherwise agreed in writing with the Local Planning Authority"*.
- 3.9 Following concerns raised by the Parish Council regarding when the monies will be paid, the applicant has now agreed to pay the commuted sum within one month of the date of any planning approval and is prepared to enter into a deed of variation to the existing S106 to ensure this.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 84 neighbouring properties. In response to the consultation undertaken 5 objections have been received.
- 4.2 The letters of objection can be summarised as follows:
1. the two housing estates should not be merged;
 2. Tribune Drive is a quiet estate which the application would compromise;
 3. developer should build a play area on Eden Gate;
 4. concern that Developer is trying to get out of their undertakings;
 5. there is mixed views on Eden Gate, provision would only make sense if there was access from Eden Gate around plot 65 to the Tribune Drive play area;
 6. concern that the open spaces land at Eden Gate would be used for housing if play area is not provided;
 7. unfair that residents of Tribune Drive should share their play area;
 8. potential anti-social behaviour from a new access;
 9. distance from Eden Gate to Tribune Drive play area is too great;
 10. if access is not available the existing play area will not be used;
 11. residents were sold their houses on the premise that play facilities would be provided on site;
 12. giving money than providing play area at Eden Gate is the cheaper option.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection;

Stanwix Rural Parish Council: - Two aspects to the proposal. Firstly from its own experience the Parish Council can advise that such a sum of £50,000 does not go very far when investing in play areas and thus would prefer to see a further £10,000 being offered. Additionally no provision is made for maintenance. Parish is aware of the differing opinion within the communities of Tribune Drive and Eden Gate which both have merit and can be summarised as - invest in a dedicated play area within the boundary of Eden Gate, or invest in the Tribune Drive play area and create a path to allow easy access from Eden Gate.

There is concern from residents that opening an access route may provide opportunities for the spread of anti-social behaviour and recommends consultation with Cumbria Constabulary regarding the design and construction of any such access.

The Parish prefers the option of developing the Tribune Drive site as this would maximise the number of local children able to benefit from the additional investment, avoid the creation of Eden Gate as an enclave somewhat apart from the community of Houghton, enhance opportunities for community integration and cohesion; and, provide a pedestrian route between Eden Gate and Houghton School avoiding Houghton Road which in places only has a narrow and often overgrown footway.

Second aspect - Parish Council objects strongly to when the commuted sum shall be paid as the commuted sum could be entirely avoided if only 98 dwellings are built.

(Former Environmental Services) - Green Spaces: - supportive of the proposal as the new site will be accessible to the wider community and will provide much needed investment in play facilities in Houghton. One issue to be resolved is the access via an existing strip of land (an overgrown hedgerow) owned by a third party but Green Spaces are confident that this access can be achieved by negotiation. It will have the added benefit of linking the new development with existing facilities in the village. Whilst it is understood that residents of the new development may be disappointed by the proposal, overall it achieves a better outcome for the community as a whole.

Historic England - North West Office: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, GI4, GI6 and HE1 of the Carlisle District Local Plan (CDLP) 2015-2030.

6.3 The proposal raises the following planning issues:

1. Acceptability Of Providing An Off-Site Play Area Contribution

6.4 Paragraph 14 of the NPPF states *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking"*

6.5 Paragraph 6 of the NPPF illustrates that sustainable development has three dimensions economic, social and environmental which are mutually dependant. Under social the NPPF confirms that strong vibrant and healthy communities should be supported by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well being.

6.6 In order to promote healthy communities paragraph 70 of the NPPF confirms that planning decisions should plan positively for the provision of shared space and community facilities and other local services to enhance the sustainability of communities and residential environments. Planning decisions should guard against the unnecessary loss of valued facilities; ensure that existing facilities/services are able to develop and modernize in a way that is sustainable and retained for the benefit of the community; and, ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

6.7 Paragraph 69 of the NPPF also highlights that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, and, create safe and accessible developments with clear and legible pedestrian routes and high quality public space which encourage the active and continual use of public areas.

6.8 At the local level, Policy GI4 "Open Space" of the CDLP confirms that housing developments of more than 20 dwellings will be required to include informal open space for play and general recreational and amenity use on site according to the size of the proposal. All new dwellings should have safe and convenient access to high quality open space, capable of meeting a range of recreational needs. Where deficits are identified, new development will be expected to contribute towards the upgrading of an existing open space to improve its accessibility or the creation of a new one within the immediate locality. Furthermore, one of the objectives of Carlisle Green Infrastructure Strategy (2011) is to integrate new and existing communities into green networks.

- 6.9 The supporting text to Policy G14 confirms that contributions can be used to upgrade existing local space to improve either its quality or accessibility. This could involve planting, path laying, new play equipment, new foot/cycle paths connecting the space to the proposed development or other improvements recommended by the Council.
- 6.10 The housing development on the former Hadrian's Camp, now known as Eden Gate which Members gave outline approval in 2013 and reserved matters approval in 2015, included 0.12 hectares for informal play space. Due to the awkward shape of the site, the open space is concentrated in the north-eastern corner.
- 6.11 As stated in paragraph 3.5 of this report condition 15 of the outline planning approval stated:

No development shall commence until details of the proposed open spaces and informal play areas, which shall be provided with items of equipment at the expense of the developer, have been submitted to and approved, in writing, by the Local Planning Authority. The open spaces and informal play areas shall be completed, fully equipped and available for use prior to the occupation of the 70th residential unit completed within the development unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: *In order to secure an acceptable standard of development and to make proper provision for the recreational needs of the area in accordance with Policy LC4 of the Carlisle District Local Plan 2001-2016.*

- 6.12 A discharge of conditions application was submitted and granted in 2017, reference 17/0728, for the discharge of condition 15 (open spaces and informal play areas). The application included a plan illustrating that a proposed play area was to be located at the top of the turning head to the development, in the north-eastern corner, providing the same equipment (a double tower with plank bridge, two bay swing, play tower with balcony, albatross and a multi spinner carousel) as the play area on the Crindledyke site to the north of the City . The other areas of open spaces within the scheme would remain for informal play.
- 6.13 The developer now however proposes a commuted payment of £55,000 to allow Carlisle City Council to make off-site play park improvements at Tribune Drive, payable within one month of the date of any planning approval.
- 6.14 The play area/open space at Tribune Drive is located on the eastern side of the housing estate and consists of two sets of swings, a play tower with slide and a spinning disc. There is also a large tarmaced area with small football goals and netball hoops. From the Officer site visit it was evident that this play area is tired and in need of improvement.
- 6.15 When considering connectivity between the existing houses and play facilities at Tribune Drive and the housing development at Eden Gate Members will

recall that there is a fundamental difficulty in that there is a strip of land in separate ownership to the developer and Council that currently prevents a direct formal access between the two sites. There is however an informal access path connecting the two sites which existed at the time of consideration of the outline planning application. Due to separate ownerships the issue of a formal access link cannot be tackled at this stage. Inherently, formal connectivity to the remainder of the settlement is therefore via Houghton Road.

- 6.16 The principle of a commuted payment towards the upgrade of existing play facilities at Tribune Drive is acceptable as this would enable an existing tired play facility to be upgraded which would be a benefit to all residents living within Houghton. Although there is no formal access at present from Eden Gate to Tribune Drive the contributions made from the developer could go to towards the laying of a new path between the two sites subject to negotiations between the Council and the landowner. Failing this there are still informal links to the play area which existed at the time of consideration of the outline planning approval as well as formal links via Houghton Road.
- 6.17 There has been concerns raised by some objectors regarding anti-social behaviour as a result of the proposal. The Crime Prevention Officer for Cumbria Constabulary has verbally confirmed that in order to avoid anti-social behaviour there is a preference for access tracks to be located in front of dwelling houses. It is however noted that the design and layout of the two housing schemes at Tribune Drive and Eden Gate enable overlooking of the areas of open spaces from the rear and side of the existing and newly constructed dwelling houses.
- 6.18 Notwithstanding the issue of a formal access via the strip of land in separate ownership between the two sites, an off-site contribution towards the existing play facilities at Tribune Drive would enable better integration of the two housing estates and the community as a whole. Creating a separate play facility at Eden Gate would not encourage social cohesion and the off-site contribution would therefore accord with the Governments objectives of achieving sustainable development by encouraging integrated developments, facilities and communities.

2. Impact Upon Hadrian's Wall World Heritage Site Buffer Zone

- 6.19 The application site is located within Hadrian's Wall World Heritage Site Buffer Zone. Given the scope of the proposed variation of condition application the development would not have an adverse impact upon key views into and out of the Buffer Zone.

3. Other Matters

- 6.20 Several provisions of the Human Rights 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";

6.21 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;

6.22 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.

Conclusion

6.23 In overall terms, this application seeks to vary condition 15 to allow investment in an existing off site play area at Tribune Drive. The off-site contribution is acceptable in principle as this would enable improvements to an existing tired play facility within Houghton village and would also create a better integration of the two housing estates at Tribune Drive and Eden Gate as well as the community as a whole. In all aspects the proposal is compliant with the NPPF and Planning Practice Guidance with regard to the use of planning conditions and with the objectives of the relevant Local Plan Policies. The application is therefore recommended for approval subject to a deed of variation to the S106 to enable the play area contribution.

7. Planning History

7.1 The most relevant planning history is as follows:

7.2 In 2013 outline planning permission was granted subject to a legal agreement for residential development (reference 12/0610);

7.3 In 2015 a reserved matters application was granted for the erection of 99no.dwellings (of which 25no.to be affordable) and associated open space and infrastructure (reserved matters application pursuant to outline approval 12/0610, reference 14/0930);

7.4 In 2015 full planning permission was granted for development of associated drainage to support the proposed 99no.dwellings including new suds attenuation pond and connecting drainage pipe work (reference 14/0989);

7.5 In 2015 a discharge of conditions application was granted for discharge of conditions 4 (Phasing Plan); 6 (Materials); 7 (Hard Surface Details); 8 (Soft Landscape Works); 9 (Protective Fence); 10 (Method Statement); 13 (Construction Environmental Management Plan); 15 (Proposed Open

Spaces); 16 (Flood Risk Assessment & Drainage Strategy); 17 (Foul Drainage Scheme); 19 (Boundary Treatments); 21 (Floor Levels); 22 Part (Contamination); 24 (Highway Construction Details); 28 (Parking During Construction); 29 (Underground Ducts); 31 (Travel Plan) And 34 (Archaeological Work) Of Previously Approved Application 12/0610 (reference 15/0045);

- 7.6 In 2015 advertisement consent was granted for display of 2no.sales advertisement boards and 4no.sale flags (reference 15/0208);
- 7.7 In 2015 a discharge of conditions application was granted for the discharge of condition 22 (contamination) of previously approved permission 12/0610 (reference 15/0574);
- 7.8 In 2016 full planning permission was refused for removal of condition 33 of previously approved outline application 12/0610 regarding the requirement of 2no.bus stops with boarding platforms and link foot ways (reference 16/0694);
- 7.9 In 2017 a discharge of conditions application was granted for the discharge of condition 15 (open spaces and informal play areas) of previously approved application 12/0610 (reference 17/0728).

8. Recommendation: Grant Subject to S106 Agreement

- 1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the submitted planning application form received 21st November 2017;
 - 2. the supporting statement received 21st November 2017;
 - 3. the Notice of Decision; and
 - 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 2. Not more than 99 residential units/dwellings shall be erected on the site.

Reason: To ensure an adequate means of access commensurate with the scale of the development in support of Local Transport Plan Policies LD7 and LD8.

- 3. The full details of the proposed soft landscape works, including a phased programme of works, shall be carried out as approved under application 15/0045 prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. A protective fence shall be erected around those hedges and trees to be retained in accordance with the scheme approved under application 15/0045. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No further development shall commence until a method statement for any work within the root protection area of those trees and hedges to be retained has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. The development hereby permitted shall be fully undertaken and completed in accordance with the Ecological Assessment (2012) prepared by Hesketh Ecology.

Reason: To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. No clearance of or damage to hedgerows shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. The development shall be constructed in accordance with the Construction Environmental Management Plan approved under application 15/0045.

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies GI3, SP6, CM5 of the Carlisle District Local Plan 2015-2030.

9. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

10. The flood risk assessment and drainage strategy approved under application 15/0045 shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure adequate means of surface water disposal; to prevent and reduce the risk of flooding; and avoid impacts on a designated site in accordance with Policies GI3, CC5, IP6 of the Carlisle District Local Plan 2015-2030.

11. No dwelling shall be occupied until the respective foul and surface water drainage works approved under application 15/0045 have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies GI3, CC5 and IP6 of the Carlisle District Local Plan 2015-2030.

12. All works comprised in the approved details of means of enclosure and boundary treatment (approved under application 15/0045) for the constituent phases of development shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

Reason: To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies SP6 and CM4 of the Carlisle District Local Plan 2015-2030.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no electricity sub-stations or gas governors shall be erected without the prior permission of the Local Planning Authority.

Reason: The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

Reason: To 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 in accordance with Policies GI3 and CM5 of the Carlisle District Local Plan 2015-2030.

15. The carriageway, footways, cyclepaths, provision of ramps on each side of every junction, and, the junction of any distributor/estate road with Houghton Road shall be designed, constructed, drained and lit to a standard suitable for adoption. The works approved under application 15/0045 shall be constructed progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the phasing plan and/or programme required to be submitted by condition 3 of application 12/0610.

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

16. No dwelling shall be occupied until the respective estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use together with the associated means of vehicular and pedestrian access, and parking provision.

Reason: To ensure that the matters specified are designed and provided to ensure a minimum standard of access when the

development is brought into use.

17. No development shall commence until visibility splays providing clear visibility of 90 metres measured along the nearside channel lines of the public road from a position 4.5 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision 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.

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

18. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, footways/footpaths and cycletrack(s).

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

19. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the visual character of the locality in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

20. An annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/s and submitted to the Local Planning Authority for approval 12 months after the commencement of the Travel Plan, and for four consecutive years thereafter.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS3 and LD4.

21. Prior to the completion (by plastering out) of 70 residential units/dwellings two bus stops with boarding platforms and link footways to link the development continuously and conveniently to the existing public transport service on Houghton Road shall be provided. The layout shall provide for safe and convenient access by public transport.

Reason: In the interest of accessibility by public transport and provide a safe means of pedestrian access in accordance with Policies IP1 and IP2 of the Carlisle District Local Plan 2015-2030.



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Economic Development
Civic Centre
Rickergate
Carlisle
CA3 8QG

Scale: 1 : 2000

Date: January 2018

SCHEDULE A: Applications with Recommendation

17/0873

Item No: 04

Date of Committee: 09/02/2018

Appn Ref No:
17/0873

Applicant:
Domino's Pizza UK &
Ireland

Parish:
Carlisle

Agent:
DPP

Ward:
Belah

Location: Unit A, 103-105 Kingstown Road, Carlisle, CA3 0AL

Proposal: Change of use from retail unit (A1 Use Class) to hot food takeaway unit (A5 Use Class) along with the erection of a single storey rear extension and other external alterations including installation of aluminium grilles associated with extraction and ventilation equipment, cold room compressors, and associated ancillary works.

Date of Receipt:
12/10/2017

Statutory Expiry Date
07/12/2017

26 Week Determination
14/02/2018

REPORT

Case Officer: Jeff Tweddle

1. Recommendation

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

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Whether the scale and design of the proposal is acceptable
- 2.3 The impact of the proposal on the living conditions / amenity of neighbouring residents
- 2.4 The impact of the proposal on highway safety and parking provision

3. Application Details

The Site

- 3.1 The application site is a single storey retail unit located on the western side of the A7, Kingstown Road. The site is bound by two storey residential

properties to the west and south in the form of 31 Moorville Drive South and 101 Kingstown Road. Adjoining to the north is an existing retail unit currently operating as Majestic Wines and to the east is the A7 public highway, beyond which is an area of public open space and further residential properties.

- 3.2 The site extends to 241m² with the unit having an existing internal floor area of 73.2m². Vehicular and pedestrian access is taken directly from Kingstown Road with off street parking provided to the front of the building and shared with the neighbouring retail unit. A lane runs between the southern boundary and the southern elevation of the building to provide access to the rear service yard which is enclosed by a 1.8m high close boarded timber fence.
- 3.3 The existing unit is currently vacant having been previously occupied by mobile phone retailer The Carphone Warehouse.

The Proposal

- 3.5 The application primarily seeks planning permission for a change of use from retail (A1 use Class) to use as a hot food takeaway (A5 Use Class).
- 3.6 In addition, the application proposes the construction of a single storey rear extension with a flat roof and covering an area of 23m² along with the installation of air conditioning, ventilation and extraction equipment to the rear elevation of the building. A new shopfront is also proposed and includes a central entrance door flanked by two large display windows all under a new illuminated fascia sign.
- 3.7 The proposed rear facing extension would project 4.4m out from the existing rear elevation and would extend 5.3m across the elevation with an overall height of 3.2m.
- 3.8 It is proposed that the hot food takeaway would be open between the hours of 11:00 and 23:00 each day.

4. Summary of Representations

- 4.1 The application has been advertised by means of neighbour notifications carried out in accordance with the formal procedures prescribed by the Town & Country Planning (Development Management Procedure) Order 2015. This has resulted in three neighbouring properties being notified of the proposed development and a Site Notice being posted at the site on 12 October 2017.
- 4.2 As a result, four objections have been received from neighbouring residents. The concerns raised by the objectors are summarised as follows:
 - 1. The area is primarily residential and the proposal would not therefore maintain or enhance the overall quality and character of the area;
 - 2. There are no other fast food/takeaways in the area;

3. Impact of noise and disturbance from customer comings and goings;
4. Smells from the cooking of food would adversely impact on the amenity of residential properties;
5. Lack of parking and increased traffic; and
6. Concerns that the proposal would worsen a recent problem in the area.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): No objection.

Food Hygiene & Local Environment: No objection

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF), published in March 2012, maintains the supremacy of development plan policies in the consideration of all proposals for development.
- 6.2 In this case, the relevant local policy framework, against which the proposal is considered, is the Carlisle District Local Plan 2015-2030 (CDLP), which forms the statutory development plan for the District of Carlisle and from which policies SP1, SP2, SP6, EC7, EC8, HO12, IP2, IP3, IP5 and CM5 are of relevance to this application.
- 6.3 The NPPF and the National Planning Practice Guidance (NPPG) are also material considerations in the assessment of this proposed development.
- 6.4 The proposal gives rise to the following planning issues:

1. Whether the principle of development is acceptable

- 6.5 The application site is located within a Primary Residential Area as designated by Policy HO12 of the Carlisle District Local Plan 2015-30 and as shown on the accompanying Policies Map.
- 6.6 Policy HO12 supports proposals for non-residential uses within Primary Residential Areas providing that an acceptable level of residential amenity is maintained, it will maintain or enhance the overall quality and character of the area and provide a beneficial service to the local community. This local policy approach is consistent with paragraph 70 of the NPPF which, *inter alia*, requires that planning policies and decisions should plan positively for the

provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments. The framework also seeks to ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the local community.

- 6.7 Furthermore, policy EC8 of the CDLP is supportive of proposals which help to sustain a vibrant and viable food and drink offer. The policy states that:

Development proposals for uses within Use Class A3 (restaurants and cafes), A4 (drinking establishments) and A5 (hot food takeaways) will be approved provided that:

- 1. they are in defined centres or, if not, accord with the sequential and impact tests;*
- 2. the amenity of adjacent uses would not be adversely affected;*
- 3. the proposal would not cause unacceptable levels of traffic generation or highway obstruction, particularly where customers are collecting food from takeaways, or jeopardise highway or pedestrian safety; and*
- 4. the proposal would not lead to an unacceptable concentration of a particular use or business type within any given locality.*

- 6.8 While the application site is not located within a defined centre, it is recognised that hot food takeaways (A5 Uses) are not included within the NPPF's definition of 'main town centre uses' and as such there is no requirement to apply the sequential test in this instance. Accordingly, due to the site's out of centre location, there is no objection in broad policy terms to the loss of the retail unit.

- 6.9 There are no other hot food takeaways in the immediate vicinity and therefore the proposal would not result in an over concentration of this particular use. Subsequently, there is clear policy support, in principle, for the proposal as it would bring back into use a vacant commercial unit on a main route into the city and diversify the provision of facilities and local services to the benefit of the surrounding and wider community.

- 6.10 The applicant has advised that the proposal would result in the employment of up to 14 full time staff and a further six part time staff and therefore would bring economic benefit to the area.

- 6.11 Accordingly, it is considered that the proposal attracts support from both local and national planning policies which seek to promote economic growth and the sustainable development and diversification of services and facilities serving residential areas. The principle of development is therefore established and accepted, subject to the satisfaction of all other material considerations, principally with regard to the impact of the proposal on the amenity of neighbouring residents.

2. Whether the scale and design of the proposal is acceptable

- 6.12 CDLP policy SP6 requires development proposals to demonstrate a good standard of sustainable design that responds to, and is respectful of, the existing character and distinctiveness of the local area. This policy approach is echoed by Section 7 of the NPPF which emphasises the Government's commitment to achieving high quality design of the built environment. Indeed the NPPF advises that good design is indivisible from good planning and as such should contribute positively to making places better for people.
- 6.13 Policy EC7 of the CDLP requires the design of new shopfronts to contribute to the creation of a strong sense of place within the local context and relate in scale, proportion, materials and decorative treatment to the relevant façade of the building, and where appropriate, to adjacent buildings and/or shopfronts.
- 6.14 In this case the proposal involves the installation of a contemporary aluminium framed shopfront with large display windows and fascia sign. In addition, a single storey extension is proposed to the rear elevation along with extraction and ventilation equipment. The host building is a modern purpose built single storey building constructed from red brick with an internal steel structure and with a dual pitch roof covered in tiles. The existing frontage consists of large areas of glazing and a central entrance door. Given this context, the proposed external alterations, particularly the contemporary shopfront, are considered to provide an overall enhancement to the visual appearance of the existing vacant unit.
- 6.15 The proposed rear extension provides two storage areas and staff toilet facilities. This element of the development would not be visible from the frontage of the site and given its relatively small scale would not result in an overly dominant addition to the building. Similarly, the extraction, ventilation and air conditioning systems would be installed to the rear elevation and would therefore not form a visible part of the streetscene.
- 6.16 To ensure that the proposed extension harmonises with the design and appearance of the existing building it is considered prudent to impose a condition to require that the brickwork used in the construction of the extension matches that of the brickwork used in the existing building.
- 6.17 Consequently, with regard to matters of scale and design, the proposed development, subject to conditions, is considered to be acceptable as it complies with policies SP6 and EC7 of the CDLP and the associated requirements of the NPPF in that it would not result in visual harm to the character or appearance of the surrounding area or the existing building.

3. The impact of the proposal on the living conditions / amenity of neighbouring residents

- 6.18 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupiers of land and buildings. This is a core principle of the planning system and is echoed by CDLP policies SP6 and CM5 which together seek to ensure that development does not result in adverse impacts to the environment, health or the amenity of future or existing occupiers. Specifically, policy CM5 states that development will not

be permitted where it would generate or result in exposure to unacceptable levels of pollution (from contaminated substances, odour, noise, dust, etc.) which cannot be satisfactorily mitigated as part of the proposal or by means of the imposition of, and compliance with, appropriate planning conditions.

- 6.19 As noted, the application site is within a Primary Residential area and is in close proximity to neighbouring residential properties which immediately border the site to the south (101 Kingstown Road) and west (29, 31 and 33 Moorville Drive South). The proposal does therefore have the potential to impact on the residential amenity of these neighbouring residents, particularly in respect of disruption caused by customers and delivery vehicles coming and going from the site and general noise and odour as a result of the nature of the proposal. Objection letters from nearby residents rightly highlight these issues as a material concern.
- 6.20 In assessing proposals for hot food takeaways (A5 Uses) it is expected that applicants demonstrate a suitable and sufficient form of ventilation to mitigate any odour issues as a result of hot food preparation. To this end the applicant has submitted a 'Risk Assessment for Odour Control' which has informed a detailed specification of the proposed ventilation and odour suppression system along with manufacturer's specifications for the proposed equipment. The applicant has advised that the proposed extraction and ventilation system has been specifically designed taking account of existing site conditions and the type of cooking that is proposed. Furthermore, the proposed specification is based on Department for Environment, Food and Rural Affairs (DEFRA) *'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems'* to prevent odour nuisance to neighbouring properties.
- 6.21 In this regard the Council's Environmental Health Officers have assessed the proposal and raise no objection to the development. It is therefore considered that the proposed equipment is an acceptable means of ventilation and extraction that would not result in unacceptable levels of noise or odour. To ensure this is the case a planning condition is proposed to require the implementation of the approved equipment and its ongoing retention.
- 6.22 Both policies EC8 and HO12 of the CDLP require consideration to be given to how the proposal may impact upon the amenity of neighbouring residential uses with specific regard had to the intensive use of such proposals within Primary Residential Areas. Policy EC8 states that, in order to maintain acceptable levels of amenity and mitigate possible disruption, opening hours will be imposed having regard to the surrounding uses, character of the area, possibility of nuisance to residential areas and public safety.
- 6.23 The applicant seeks to secure opening times of 11:00 to 23:00 every day. The current retail unit along with the neighbouring retail unit (Majestic Wines) is restricted, by planning condition, to opening times of 9:00 to 20:00 Monday to Friday and 10:00 to 16:00 on Sundays. It is recognised that the proposed use will likely be most intensive during the evening and weekends, times at which residents are generally enjoying periods of rest and relaxation. This gives rise to potential noise and disturbance caused by the comings and goings of customers and delivery vehicles along with the general noise generated as a

result of the operation of the premises. Having had regard to the surrounding uses and other limited commercial activity in the area, it is considered that due to the proximity of the site to neighbouring residential properties it is necessary and reasonable to restrict opening times to 11:00 to 22:00 each day. This will mitigate any unacceptable levels of noise and disruption to neighbouring residents in recognition of the sites sensitive location within the Primary Residential Area.

- 6.24 Objectors have raised concerns with waste management and the possibility that the proposed use would attract vermin to the site. The application proposal details the use of two 1,100ltr waste bins which are considered to more than adequately deal with any commercial food waste from the unit in a safe and secure manner. Notwithstanding these details, should waste management become a concern this would be dealt with through Environmental Protection legislation and as such planning practice guidance states that where such issues can be dealt with through specific legislation the planning system should not seek to duplicate these regulatory regimes.
- 6.25 Consequently, with regard to residential amenity and subject to the aforementioned planning conditions, the proposal would not result in any unacceptable impacts and is therefore considered compliant with policies SP6, CM5, HO12 and EC8 of the CDLP and the associated requirements of the NPPF.

4. The impact of the proposal on highway safety and parking provision

- 6.26 Policies IP2 and IP3 of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision.
- 6.27 Representations have been received which raise concern with a lack of parking provision and an increase in traffic.
- 6.28 It is anticipated that the majority of customers will be served via a delivery service accessed via telephone or online ordering. Given the location of the site a number of customers are also likely to visit the premises on foot. However, it is recognised that the proposed use would generate a level of traffic by way of delivery drivers or customers traveling to and from the site by car.
- 6.29 Parking provision on site is to be as the existing arrangement and therefore shared with the neighbouring retail unit, Majestic Wines. In total, nine off street parking spaces along the frontage are available for customer use and shared between the two units.
- 6.30 The Local Highway Authority has been consulted over the proposal and confirms that the proposed layout and parking provision are considered satisfactory from a highways perspective and as such raise no objection to the proposal.
- 6.31 Accordingly, whilst it is recognised that the proposal would result in a small

increase in traffic this would not be significant enough to warrant refusal of the application. Furthermore, the Local Highway Authority raises no objection to the proposal and confirms that adequate parking provision has been demonstrated. The proposal therefore accords with CDLP policies IP2 and IP3 and the relevant parts of the NPPF in this regard.

Conclusion

- 6.32 In overall terms, the proposal is considered to be acceptable as the principle of development is supported by planning policies which seek to promote economic growth and the sustainable development of services and facilities within residential areas.
- 6.33 The proposal would bring back into use a vacant commercial unit and therefore the occupation of the unit, along with the proposed new shopfront, would lead to an overall enhancement to the visual amenity and vitality of the surrounding area.
- 6.34 The scale and design of the proposed development is considered to be appropriate to that of the existing building and would maintain the character of the surrounding area. A condition is proposed (Condition 5) to ensure matching brickwork is used throughout the development.
- 6.35 The proposal has the potential to give rise to significant adverse impacts to neighbouring residential amenity; however, this can be adequately controlled via the imposition of planning conditions to restrict opening times (Condition 3) and require the implementation of the necessary extraction/ventilation and odour suppression systems (Condition 4).
- 6.36 The Local Highway Authority is satisfied that there would be no adverse impact on existing highway conditions and that adequate parking provision has been provided within the proposal site.
- 6.37 Taking all relevant issues into account, it is considered that the proposal accords with both national and local planning policies and is not outweighed by any other material considerations that would indicate otherwise. The proposal is therefore recommended for approval subject to conditions.

7. Planning History

- 7.1 Planning Permission was granted in October 2001 for a change of use to retail shop selling mobile phones including a workshop and fitting out bay (ref. 01/0902).
- 7.2 Advertisement Consent was granted in September 2002 for the erection of an internally illuminated freestanding double sided post sign (ref. 02/0445).
- 7.3 Planning Permission was granted in March 2007 for the installation of a new shop front (ref. 07/0044).

- 7.4 Planning Permission was granted in March 2007 for a variation of condition to allow opening hours of 9:00 to 20:00 Monday to Saturday and 10:00 to 16:00 on Sundays (ref. 07/0045).
- 7.5 Advertisement Consent was granted on October 2009 for the erection of a double sided free standing internally illuminated totem sign (ref. 09/0709).
- 7.6 Advertisement Consent was granted in December 2017 for the display of an internally illuminated fascia sign and one non-illuminated sign on existing estate signage post (ref. 17/0867).

8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 10 October 2017;
2. the Site Location Plan (Drawing No. DR-0005 Rev B) received 12 December 2017;
3. the Proposed Block Plan (Drawing No. DR-0006 Rev B) received 12 December 2017;
4. the Proposed Elevations (Drawing No. DR-0004) received 10 October 2017;
5. the Proposed GA Plan (Drawing No. DR-0003) received 10 October 2017;
6. the Risk Assessment for Odour Control and detailed Specifications and Design of the Extraction, Ventilation and Odour Suppression Systems (Document No.'s SP-0002 and SP-0001) received 10 October 2017;
7. the Purified Air Specification Sheets (dated 22 August 2017) received 10 October 2017;
8. the Notice of Decision; and
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development is carried out in complete accordance with the approved documents and to avoid any ambiguity as to what constitutes the permission.

3. Notwithstanding the details in the submitted application form, the hot food takeaway (A5 Use Class), hereby approved, shall not be open for business except between the hours of 11.00 hours and 22.00 hours each day. No customers shall remain on the premises outside of these times and no delivery service shall operate from the premises outside of these times.

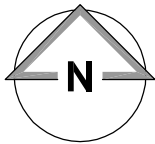
Reason: To prevent disturbance to nearby residential occupiers and in accord with policies SP6, CM5 and EC8 of the Carlisle District Local Plan 2015-2030 and the associated requirements of the National Planning Policy Framework.

4. The A5 Use, hereby approved, shall not commence until the extraction/ventilation and odour suppression systems/equipment, as detailed in the approved plans and documentation, have been installed in accordance with the approved details, and thereafter shall be permanently retained.

Reason: To safeguard the amenity of neighbouring residential properties in accordance with policies SP6, CM5 and EC8 of the Carlisle District Local Plan 2015-2030 and the associated requirements of the National Planning Policy Framework.

5. The bricks used throughout the development shall match that of the existing brickwork on site. Where such materials would differ in any way from those of the existing building, no development shall commence until samples of the proposed materials are made available for inspection on site and are subsequently approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the materials harmonise with the existing building and to safeguard the visual amenities of the area in accordance with policy SP6 of the Carlisle District Local Plan 2015-2030 and the associated requirements of the National Planning Policy Framework.



0 10 20 30 40 50m
Scale 1:1250

NOTES

- All dimensions and levels are to be checked on site.
- Any discrepancies are to be reported to the architect before any work commences.
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- Title overlay drawings and ownership boundaries are produced using all reasonable endeavors. AEW cannot be responsible for the accuracy or scale discrepancy of base plans supplied to them.

Application Boundary Indicated Thus: —

Schedule of Areas	m ²
Site Area	634.7



B	11/12/2017	BM/R	JJS
Titleblock reverted to Stage 2 and red line application boundary updated to include car park			
A	26/09/2017	TS	JJS
Titleblock information updated to suit Stage 3 and application boundary revised.			
-	01/09/2017	TS	JJS
Initial issue			
REV	Date	Drawn by:-	Checked by:-
S2			
Status Purpose of Issue			
drawing stage Stage 2a - Change of Use			
client Private Client			
project	103-105 Kingstown Road, Carlisle CA3 0AL		store PJ001156
drawing title Location Plan			
date	01/09/2017	drawn	TS
scale@A4	1:1250	checked	JJS

Location Plan

Rev

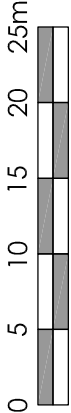
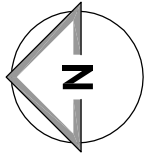
B

B9737-AEW-PJ001156-XX-DR-0005

Issue

AEW ARCHITECTS AND DESIGNERS LTD
MANCHESTER W2 1AB T01 2144370 F01612144373





Scale 1:500

NOTES

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- The existing boundaries and easements boundaries are produced using all reasonable endeavors. AEW cannot be held responsible for the accuracy or scale discrepancy of base information supplied to the architect.

Application Boundary Indicated Thus: —

Schedule of Areas	m ²
Site Area	634.7



Proposed new 500mm dia. Oven extract duct to run internally at high level within unit before penetrating existing rear elevation and terminating horizontally in PPC Aluminium louvred wall grille (Finished RAL 7043 Traffic Grey). Oven extract system to be fitted with fine filtration and carbon filters in accordance with **Purified Air report reference: RM22614_Carlisele Kingstown Road.**

2no. 1100l Euro bins to be stored in rear yard as existing

1no. A/C and 1no. Cold Room compressors to be wall mounted at low level on rear elevation of proposed new extension

Proposed location of delivery vehicle parking during deliveries

Proposed new solid core timber rear access door with steel sheet protection provided to both faces and finished in RAL 7043 Traffic Grey. Head rail of door to be min 75mm deep (or packed to achieve this) to allow for magnetic lock and door closer to be installed. Staff access controls to be installed externally. New LED security light required above rear access door to illuminate rear yard

Proposed new rear single storey extension (Approx. 4480mm x 5390mm) to be built in solid masonry construction with new single ply flat roof to Structural Engineer's design and detail

Proposed new internally illuminated fascia sign to be installed subject to separate application

Proposed new composite cladding panel to be installed and finished in RAL 7042

Proposed new PPC Aluminium shopfront and Customer entrance door, finished in RAL 7043 Traffic Grey to be installed. Door to provide minimum effective clear width of 1050mm, both sides of door to be fitted with full height PPC Aluminium tubular pull handles in RAL 9010 White

New internally illuminated projecting sign to be installed subject to separate application

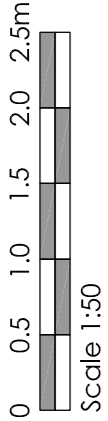
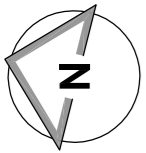
B	11/12/2017	BMR	JJS
Titleblock re-issued to Stage 2 - Red line boundary updated to include car park			
A	26/09/2017	TS	JJS
Titleblock information updated to suit Stage 3 and application boundary revised.			
-	01/09/2017	TS	JJS
Initial Issue			
REV	Date	Drawn by:-	Checked by:-
Status			
S2 For Approval			
drawing stage			
Stage 2a - Change of Use			
client			
Private Client			

project	103-105 Kingstown Road, Carlisle CA3 0AL	stage	PJ001156
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drawing title
Block Plan

Block Plan

date	01/09/2017	down	TS
scale/rev	1:1250	checked	JJS



Scale 1:50

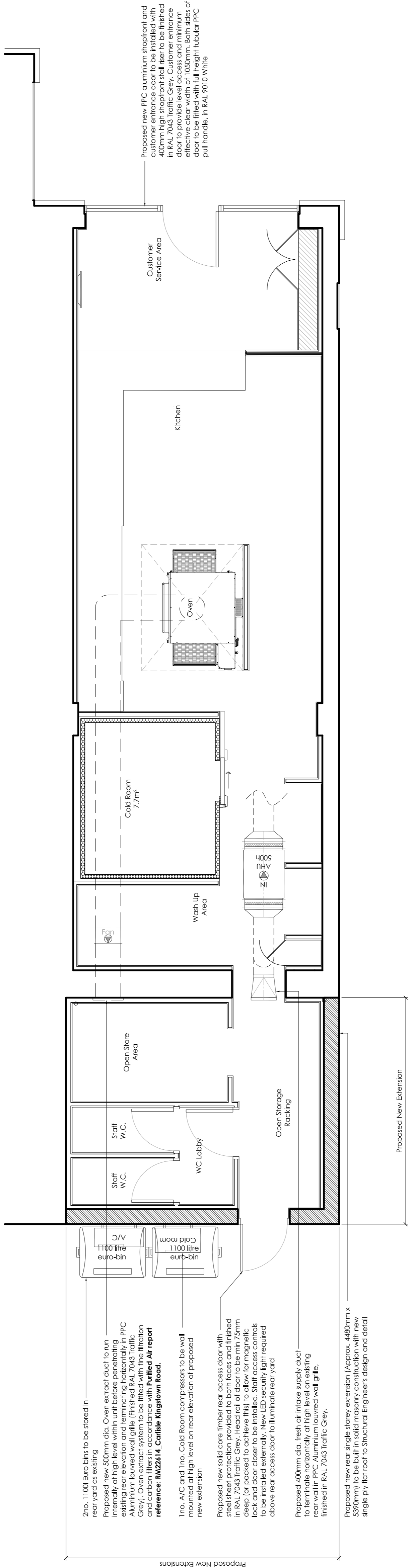
NOTES

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- This drawing is based on Groundwork Survey Solutions drawing no. 19803/13_01_02_PFS (dated 22/05/2017).

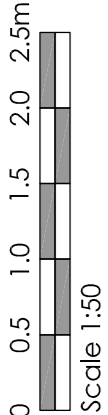
DESIGN HAZARD IDENTIFICATION

- Asbestos survey report required prior to commencement.
- Proposed layout subject to Building Control approval of fire strategy and access arrangements.
- Proposed new rear extension and alteration to existing structure and opening to structural engineer's design and detail.

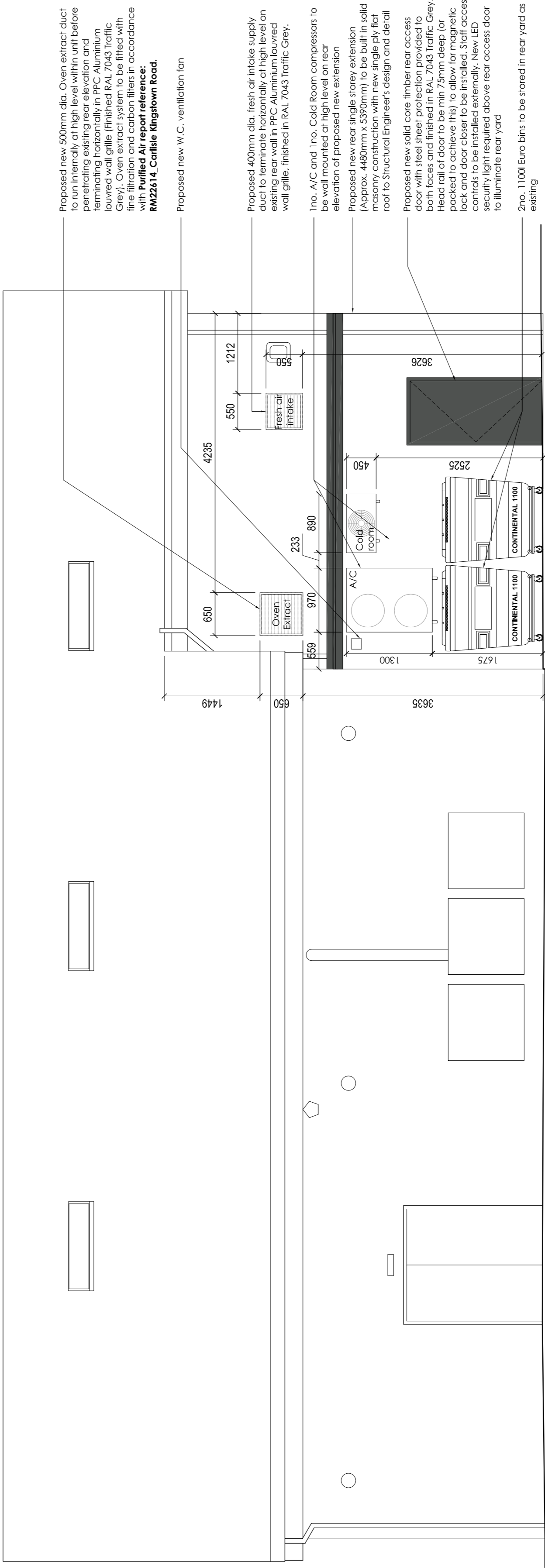
Schedule of Areas	m ²
Existing GIA	73.2
Proposed GIA	95.3



REV	Date	Drawn by:-	Checked by:-
-	01/09/2017	TS	JJS
Initial Issue			
JJS No			
B9737-AEW-PJ001156-00-DR-0003			
REV	Date	Drawn by:-	Checked by:-
S2			
Purpose of Issue			
For Approval			
drawing stage			
Stage 2a - Change of Use			
client			
Private Client			
store			
P.001156			
103-105 Kingstown Road, Camille CAS 0AL			
Proposed GA Plan			
drawing title			
date			
01/09/2017			
down			
TS			
scale			
1:50			
checked			
JJS			



Proposed Elevation A - 1:50



Proposed Elevation B - 1:50

Proposed Elevations

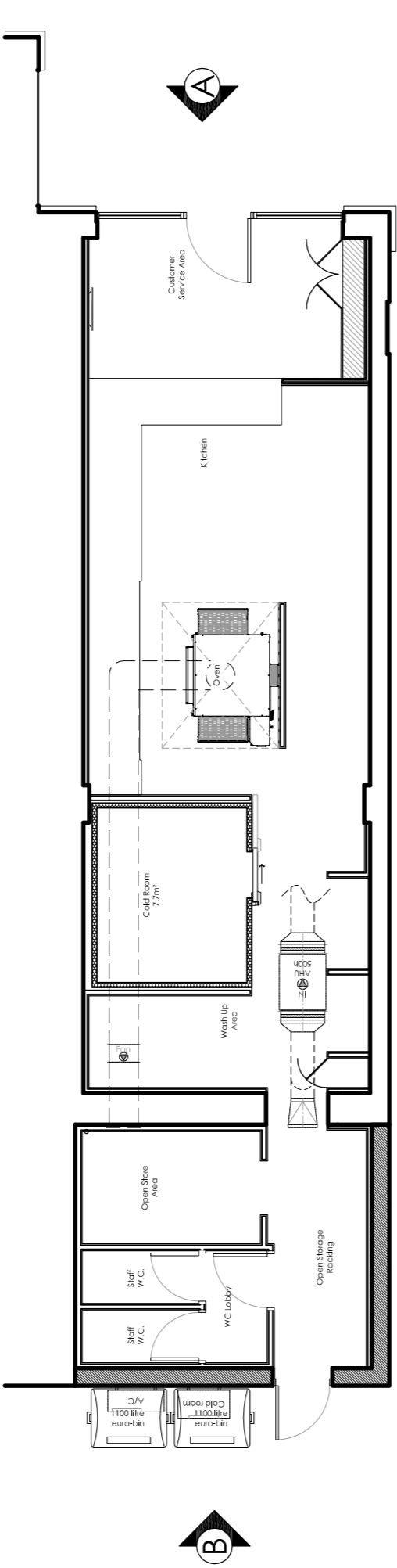
NOTES

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- This drawing is based on Groundwork Survey Solutions drawing no. 19835131_01_02_F55 (dated 22/05/2017).

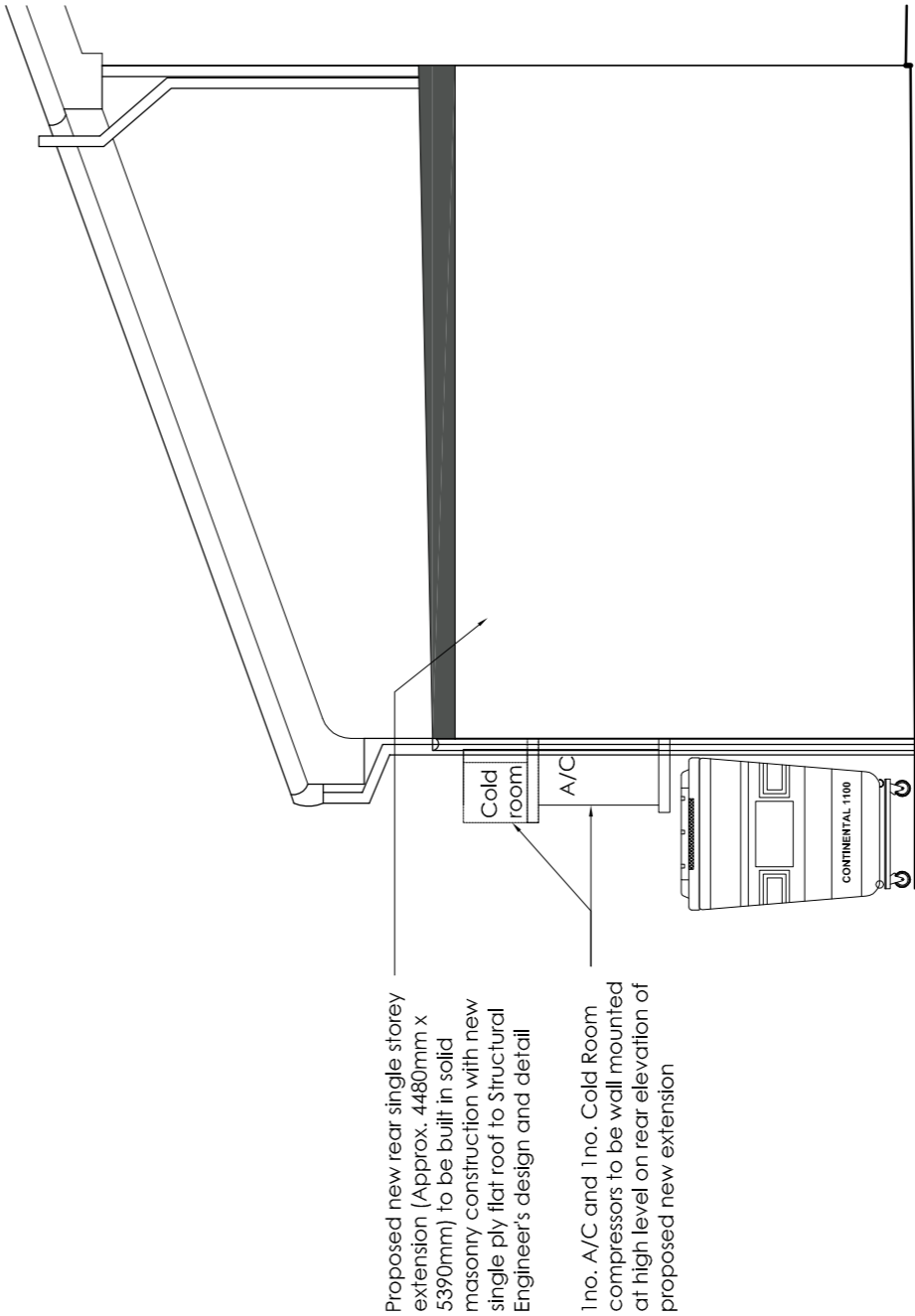
DESIGN HAZARD IDENTIFICATION

- Asbestos survey report required prior to commencement.
- Proposed layout subject to Building Control approval of its strategy and access arrangements.
- Proposed new build rear extension and alteration to existing building and opening to structural engineer's design and detail.

Schedule of Areas	m ²
Existing GIA	73.2
Proposed GIA	95.3



Key Plan - NTS



Proposed Elevation C - 1:50

Initial Issue	Date	TS	JJS
REV	Down by:	Checked by:	

Stage	Purpose of Issue
S2	For Approval
drawing stage	Stage 2a - Change of Use
client	

Private Client

project	store
103-105 Kingstown Road, Corliffe CAS 0AL	P.0011156

drawing title	Proposed Elevations
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date	01/09/2017	down	TS
scale	1:50	checked	JJS

SCHEDULE A: Applications with Recommendation

17/0979

Item No: 05

Date of Committee: 09/02/2018

Appn Ref No:
17/0979

Applicant:
Mr & Mrs Hutchinson

Parish:
Stanwix Rural

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location: Madgwick, Green Lane, Crosby on Eden, Carlisle, CA6 4QN

Proposal: Replacement Of Flat Roof Dormer With Pitched Tile Roof To Provide En-Suite And Dressing Room At First Floor; Formation Of First Floor Balcony To Rear Elevation

Date of Receipt:
14/11/2017 16:02:46

Statutory Expiry Date
09/01/2018 16:02:46

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

2. Main Issues

- 2.1 Whether the proposal is appropriate to the dwelling and impact upon the existing street scene;
- 2.2 Impact of the proposal on the living conditions of neighbouring residents;
- 2.3 Impact upon Hadrian's Wall World Heritage Site Buffer Zone;
- 2.4 Highway impacts;
- 2.5 Impact upon biodiversity;
- 2.6 Impact upon flooding;
- 2.7 Other matters.

3. Application Details

The Site

- 3.1 Madgwick is a dormer bungalow located on the southern side of Green Lane in Crosby on Eden. The property is constructed from brick walls under a concrete tiled roof and is attached to another dormer bungalow "Riverside" to the north-east via a single storey utility room. There are no residential properties directly opposite the site however there is one other neighbouring dwelling "Barn End" located to the south which is set in a substantial plot.

The Proposal

- 3.2 The application seeks full planning permission for the replacement of a flat roof dormer with a pitched tiled roof to provide an en-suite and dressing room at first floor together with formation of a first floor balcony to the rear elevation. The submitted plans illustrate that the proposed extension will be stepped in either side of the rear elevation and will be constructed from materials to match those of the existing dwelling.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to two neighbouring properties. No verbal or written representations have been received during the consultation period.

5. Summary of Consultation Responses

Stanwix Rural Parish Council: - object to the proposed balcony which would provide significant opportunities for the overlooking of neighbouring properties to the detriment of the living conditions of their occupants through loss of privacy. The Parish Council draws the attention of officers and members to conditions in respect of application no.s 16/0808, 17/0087 and 17/0353 where consent for a similar feature was refused.

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, H08, HE1, CC4 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing' is also a material planning consideration in the determination of this application.
- 6.3 The proposal raises the following planning issues:

1. Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene

- 6.4 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF also indicates that planning decisions should not attempt to impose architectural styles or particular tastes. It is however proper to promote or reinforce local distinctiveness.
- 6.5 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected and development should be fully integrated into its surroundings.
- 6.6 Policy H08 of the CDLP (which relates to house extensions) confirms that house extensions and alterations should be designed to complement the existing building and be visually subservient. Policy H08 goes on to state that proposals should maintain the established character and pattern of the existing street scene and be a positive addition as well as retain gaps between buildings where they are characteristic of the area and contribute to the existing street scene.
- 6.7 The proposed development will be stepped in either side of the rear elevation, will be flanked by existing roof structures and will be constructed from materials to match those of the existing dwelling. In circumstances the development will appear visually subservient to the existing property and the scale and design is therefore considered acceptable.
- 6.8 Given the location of the development to the rear of the property there will also be no adverse impact upon the existing street scene.

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

- 6.9 As stated in paragraph 3.1 Madgwick is attached to another dormer bungalow "Riverside" to the north-east via a single storey utility room. There are no residential properties directly opposite the site however there is one other neighbouring residential property "Barn End" located to the south which is set in a substantial plot. The rear elevation of Riverside is located approximately 2.5 metres further back than the rear elevation of Madgwick. Furthermore, the primary windows of Barn End are off set from the rear elevation of Madgwick and from the Officer site visit it was evident that there is mature landscaping and trees separating the application site from Barn End.
- 6.10 The City Council's SPD 'Achieving Well Designed Housing' outlines minimum

distances between primary facing windows together with primary windows and walls serving habitable rooms in order to protect against loss of amenity and privacy i.e. 21 metres between primary facing windows and 12 metres between primary windows and walls. The proposed development will be compliant with these distances and will therefore not give rise to any undue overlooking.

- 6.11 The Parish Council's concerns regarding potential overlooking from the balcony are noted however given the positioning of neighbouring residential properties in relation to the proposed development and the fact that the proposed balcony will be stepped in either side of the rear elevation it is considered that any views of neighbouring properties from the balcony would be oblique. In such circumstances the balcony would not give rise to a significant degree of overlooking to neighbouring properties sufficient to warrant refusal of the application on this basis.
- 6.12 Furthermore given the positioning of residential properties that surround the site in relation to the proposed extension, the proposal would also not have an adverse impact upon the living conditions of the occupiers of any neighbouring properties in terms of loss of light or over dominance.

3. Impact Upon Hadrian's Wall World Heritage Site Buffer Zone

- 6.13 The site is situated within the buffer zone of Hadrian's Wall World Heritage Site. Policy HE1 (Hadrian's Wall World Heritage Site) seeks to ensure that development within the buffer zone does not have an adverse impact upon key views both into and out of it. Development that would result in substantial harm will be refused.
- 6.14 As stated in paragraphs 6.4-6.8 above the proposed extension will appear subservient to the existing building and given its location to the rear of the property there will be no adverse impact upon the existing street scene. In such circumstances the development will not have an adverse impact upon the World Heritage Site.

4. Highway Impacts

- 6.15 The number of bedrooms in the property will remain unchanged as a result of the proposed development with the existing incurtilage parking spaces still retained. In such circumstances there will be no adverse impact upon existing highway conditions.

5. Impact Upon Biodiversity

- 6.16 The Council's GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Given the scale and nature of the proposal it is unlikely that the development would harm a protected species or their habitat.

6. Impact Upon Flooding

- 6.17 The site is located within flood zones 2 and 3. A Flood Risk Assessment has been submitted which acknowledges that the site is located within a flood zone, confirms that all development works will be taking place at first floor level and there will be no lowering of existing floor levels as a result of the proposal. The Environment Agencies standing advice has been referred to and as the development is taking place at first floor level it is not considered that the proposal would exacerbate flood risk at this site.

7. Other Matters

- 6.18 It is appreciated that the Parish Council has cited several planning application references in respect of planning refusals/conditions for balconies. The applications that the Parish Council have cited are not directly comparable to the consideration of the current planning application as the applications are approvals for single storey rear extensions to semi-detached properties with conditions imposed prohibiting the use of flat roofed rear extensions being used as balconies/verandah's.

Conclusion

- 6.19 On balance the proposed development is appropriate in terms of scale and design to the existing dwelling and will not have a detrimental impact upon the character/appearance of the surrounding area or the living conditions of the occupiers of any residential properties. The development will also not have an adverse impact upon highway safety or biodiversity. Overall, the proposal is compliant with the objectives of the relevant Development Plan Policies and approval is recommended.

7. Planning History

- 7.1 There is no relevant planning history on this site.

8. Recommendation: Grant Permission

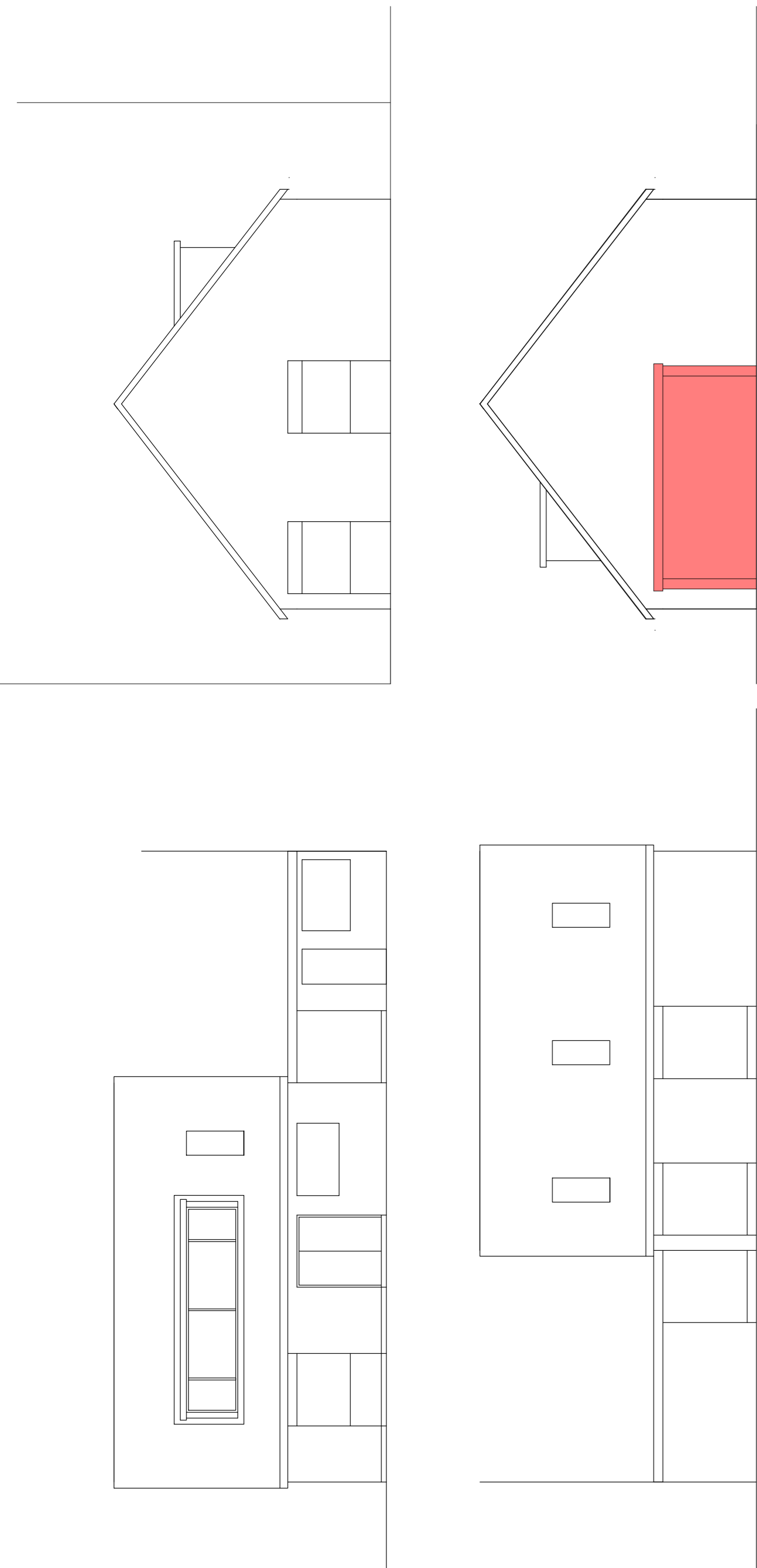
1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

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

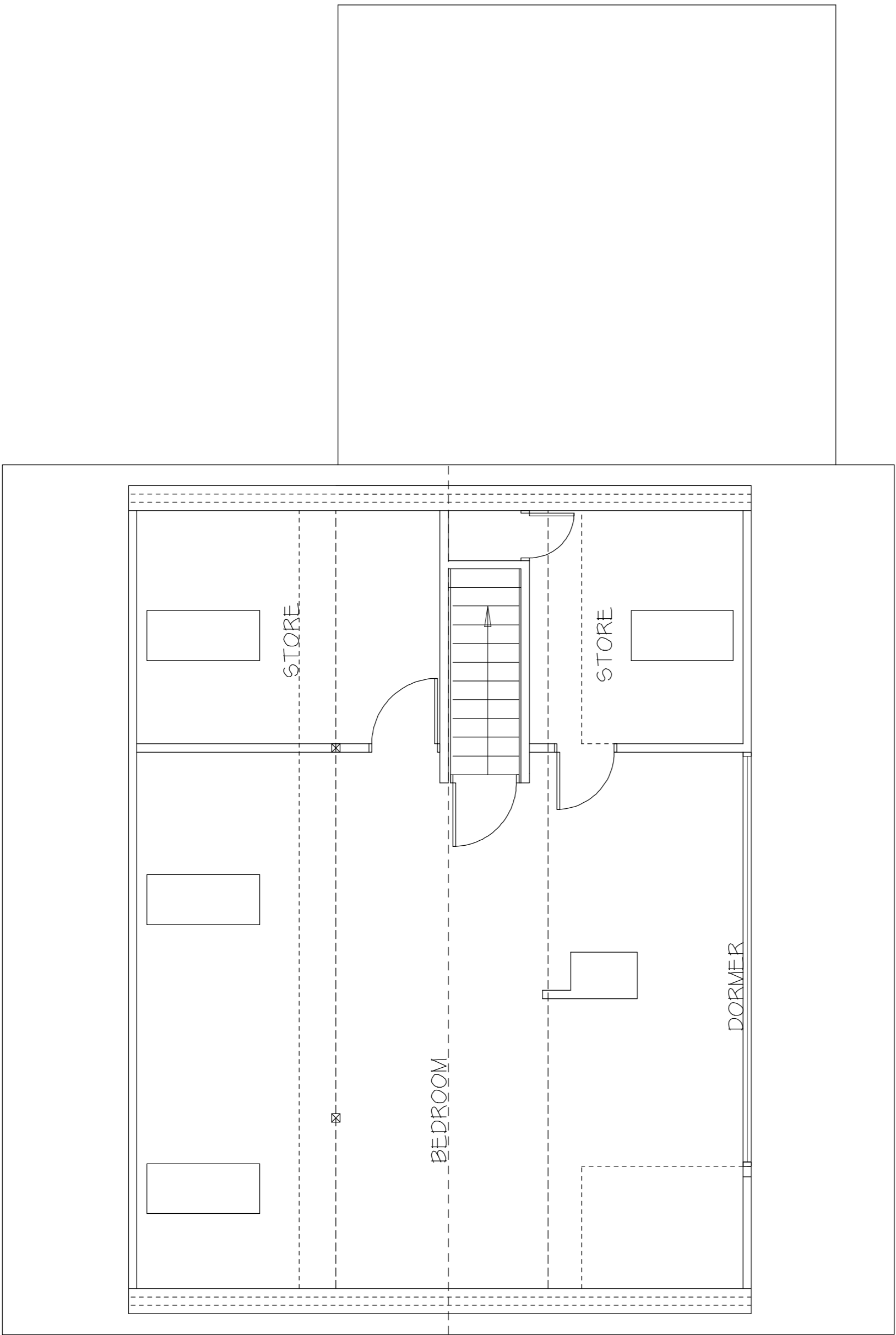
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
1. the submitted planning application form received 14th November 2017;
 2. the location plan, block plan and proposed floor plans, sections and elevations received 14th November 2017 (Drawing No.70/2017/2);
 3. the Notice of Decision; and

4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

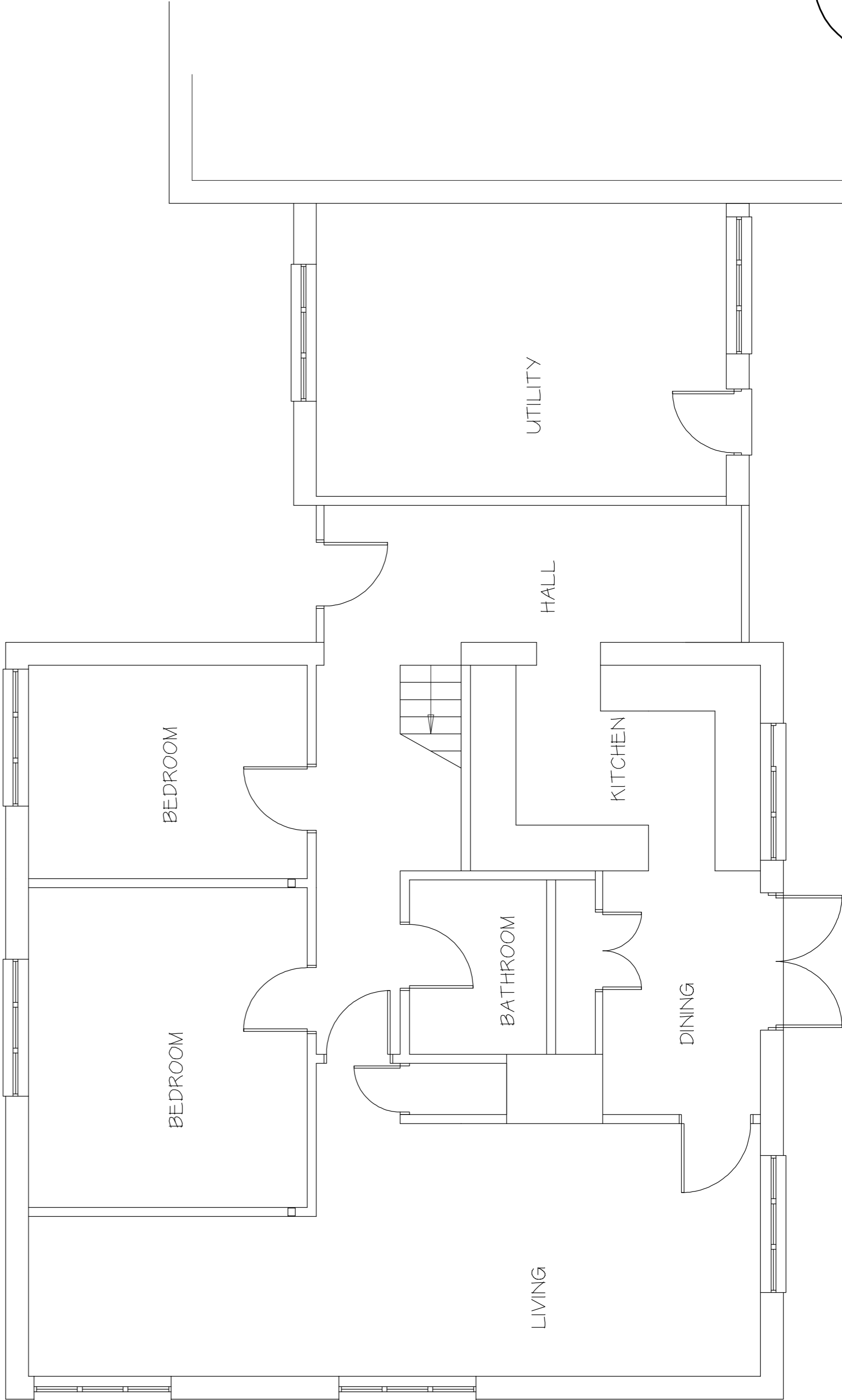
Reason: To define the permission.



ELEVATIONS 1:100



FIRST FLOOR PLAN 1:50



GROUND FLOOR PLAN 1:50

TSADA BUILDING DESIGN SERVICES

Croft House ,Newtown Irthington, Carlisle,Cumbria, CA6 4PF
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Drawing by
W.R.FAULDER

Date
10/11/2017

Amendments

Client

MR & MRS D HUTCHINSON
MADGWICK
GREEN LANE
CROFT, IRTHINGTON
CARLISLE
CA64GN

Drig No.

70/2017/1

Scale

As Shown @A1

SCHEDULE B

SCHEDULE B

Item No: 06

Between 20/12/2017 and 26/01/2018

Appn Ref No:
17/0094**Applicant:**
Mr P Lee**Parish:**
Westlinton**Date of Receipt:**
07/02/2017**Agent:**
Richard Lee Project
Planning (RLPP)**Ward:**
Longtown & Rockcliffe**Location:**
Green Meadows (former Dandy Dinmont Caravan
Park), Blackford, Carlisle, CA6 4EA**Grid Reference:**
339733 562204**Proposal:** Variation Of Conditions 3 (The Total Number Of Permanent Residential Units To Be Stationed On The Site At Any One Time Shall Not Exceed 37no. Plus 27no. Touring Caravan Pitches And 20no. Tent Pitches) And Condition 5 (The Touring Caravan Pitches And Tent Pitches Shall Be Used Solely For Holiday Use And Shall Not Be Occupied As Permanent Accommodation) Of Previously Approved Planning Permission 16/0625**Amendment:**

REPORT**Case Officer:** Barbara Percival**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:****Appeal Decision:** Appeal Dismissed**Date:** 17/01/2018

Appeal Decision

Site visit made on 28 November 2017

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2018

Appeal Ref: APP/E0915/W/17/3182726

Green Meadows, Blackford, Carlisle CA6 4EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Lee against the decision of Carlisle City Council.
 - The application Ref: 17/0094, dated 3 February 2017, was refused by notice dated 13 July 2017.
 - The application sought planning permission for the proposed reconfiguration of existing caravan park to allow siting of 37no. holiday static units (inclusive of 15no. residential units), 27no. touring pitches and 20no. tent pitches including associated landscaping without complying with conditions attached to planning permission Ref: 16/0625, dated 4 October 2016.
 - The conditions in dispute are Nos. 3 and 5 which state that: *The total number of static holiday units to be stationed on the site at any one time shall not exceed 37no. inclusive of the 15no. permanent residential units, 27no. touring caravan pitches and 20no. tent pitches; and The static units, touring caravan pitches and tent pitches shall be used solely for holiday use with the exception of 15no. permanent holiday units and shall not be occupied as permanent accommodation.*
 - The reasons given for the conditions are: *For the avoidance of doubt and To ensure that the approved static units, touring caravans and tents are not used for unauthorised permanent residential occupation in accordance with the objectives of Policy EC15 of the Carlisle District Local Plan 2001-2016 and Policy EC10 of the Carlisle District Local Plan 2015-2030.*
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The postcode on the decision notice issued by the Council and also used on the appeal form differs from that on the planning application form. The planning application form uses the correct postcode and I have used that for the appeal. The street address on the planning application form is less clear than that used on the decision notice and appeal form and, consequently, I have used the address used on the appeal form as this adequately locates the site.
3. Condition 5 of planning permission reference 16/0625 **refers to "15no. permanent holiday units". The Council set out in the officer's report that it is acknowledged that there is a drafting error in this condition and that this**

reference is to the fifteen static caravans currently present on the site which have planning permission to be occupied as permanent residences.

4. The planning application that forms the subject of this appeal sought to remove conditions 3 and 5 of planning permission reference 16/0625 and replace them with new conditions reading respectively:
 - The total number of permanent residential units to be stationed on the site at any one time shall not exceed 37no. plus 27no. touring caravan pitches and 20no. tent pitches; and
 - The touring caravan pitches and tent pitches shall be used solely for holiday use and shall not be occupied as permanent accommodation.
5. I have, therefore, determined the appeal on the basis of the above.

Main Issues

6. The main issue in this appeal is whether the conditions are necessary having regard to the development plan and the location of the appeal site in terms of access to shops, services and other facilities.

Reasons

7. Policy EC 10 of the Carlisle District Local Plan 2015-2030 (the Local Plan) sets out criteria against which proposals for the development or extension of caravan, camping and chalet sites will be assessed. It also states the Council will consider the need to impose conditions to prevent permanent residential occupation. The supporting text to Policy EC 10 states that there may be circumstances where there is a need to preserve the supply of visitor accommodation or that such sites may not be in a location considered sustainable for occupation as primary residences.
8. It is not argued by the Council that the appeal site is required to preserve the supply of visitor accommodation, however, it is contended that the location is not considered sustainable for buildings or structures occupied as primary residences.
9. Whilst the reason for Condition 5 also refers to Policy EC15 of the Carlisle District Local Plan 2001-2016, the Council have confirmed that this is no longer an operative policy and that it has been superseded by Local Plan Policy EC10.
10. Policy SP2 of the Local Plan sets out the spatial strategy for the area. It expects that approximately 70% of growth will be focussed on the urban area of Carlisle, with approximately 30% in the rural area of the district. It also sets out that **within the District's rural** settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be supported in order to support rural communities, and that, where possible and appropriate, the re-use and redevelopment of previously developed land will be encouraged.
11. Local Plan HO2 relates to windfall housing sites and sets out a number of criteria against which these will be assessed. These include, among others, where new housing in villages in the rural area would not prejudice delivery of the spatial strategy and the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing

settlement; the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement; and whether there are either services in the village where the housing is being proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown.

12. Policy HO10 expects proposals for new development intended to meet a particular housing need, such as older persons housing, to be in appropriate sustainable locations close to a range of services and facilities.
13. Local Plan Policy SP6 seeks to ensure that new development is of a high standard of design that is appropriate to and has regard to its context.
14. Planning permission 16/0625 granted planning permission for the siting of an additional 22 static caravans at the site for use as holiday accommodation. This permission was subsequently amended to allow the static caravans to be occupied as holiday accommodation all year round. The appeal proposal would result in these additional units becoming permanent residential accommodation.
15. Blackford is a highly dispersed settlement comprising a small number of dwellings, a number of farms, a church and a primary school, together with a plant hire business and the appeal site itself, which presently operates as a caravan and camping site adjacent to a number of static caravans used as permanent dwellings. At the time of my site visit there were 14 static caravans present on the site with one hardstanding area vacant. The character of the settlement is one of dwellings associated with, or formerly associated with, agricultural operations or with small rural based businesses providing only rudimentary facilities.
16. Local Plan Policies SP2 and HO2 expect development to be appropriate to the scale, form, function and character of the existing settlement. The proposal would result in an additional 22 permanent dwellings in the settlement, which would represent a significant increase over the present number and, in my view, would not be appropriate to the scale, form, function and character of the existing settlement. I am mindful that there is a planning permission in place that would allow essentially similar structures to be sited within the same area that could be occupied all year round. However, there is a fundamental difference between short term occupation as a holiday or second home and occupation as a permanent residence, particularly in terms of the day to day living requirements, such that the two uses are not analogous.
17. The proposal would not alter the built form or extent of the settlement over and above that which would result if the planning permission for holiday use static caravans were to be implemented. It is not suggested by the Council that the proposal would cause harm to the character and appearance of the landscape or that it does not represent an acceptable standard of design. Nor is it contended that there would be any conflict between a permanent residential use and the use of the remaining parts of the site for holiday accommodation.
18. Nonetheless, at present the settlement has a small permanent population which would be significantly increased by the proposal. It is stated that the occupation of the proposed dwellings would be restricted to persons over the age of 50. From the evidence there is an ageing population profile in the rural areas of the district and the proposed development, in combination with the

existing park homes which it is stated are also occupied by people over the age of 50, would significantly skew the demographic of the settlement. This would run contrary to the requirements of Paragraphs 50 and 69 of the National Planning Policy Framework (the Framework) which seeks to create sustainable, inclusive, and mixed communities.

19. **Blackford has very limited services and facilities.** Whilst I note the appellant's point that there is a church, primary school, telephone box, post box and parish notice board, these would do little to meet the day to day living requirements of the prospective future residents. A wider range of shops services and other facilities are located at Kingstown in Carlisle, approximately 3 kilometres to the south.
20. It is common ground that it is unlikely that these services would be accessed on foot or by cycle due to the distance and the nature of the roads. There is a regular half hourly bus service that stops on the A7 road near the appeal site. Although there is disagreement between the parties regarding the distance from the appeal site to these bus stops, with the Council stating approximately 460 metres and the appellant approximately 250 metres, both distances are a reasonable walking distance.
21. Whilst there is a footway adjacent to the A7, the unclassified road that links this to the access to the managers bungalow does not have continuous footways or streetlighting, and I saw when I visited the site that, whilst not heavily trafficked, there were frequent vehicle movements on this stretch of road and that the average speed of vehicles was relatively high. Whilst the southbound bus stop is readily accessible, at this point the A7 is subject to a 50 miles per hour speed limit, is unlit and has no formalised crossing points. Passengers embarking or disembarking from northbound bus services would have to cross this busy trunk road to reach the appeal site.
22. I therefore agree with the **Council's position that, given the development is** aimed at people over the age of 50, whilst there is access to public transport, the location of the bus stops and the nature of the highway is such that the future occupiers of the development would be discouraged from using public transport. Consequently they would be likely to be dependent on private cars for accessing shops and the services and facilities, particularly medical facilities, required by people in that age group. Even if the dwellings were not occupied by persons over the age of 50, the location of the bus stops is such that, particularly during the winter months, public transport would not be an attractive option.
23. The proposal would therefore conflict with Policies SP2, HO2 and HO10 of the Local Plan and would not be a location sustainable for occupation as primary residences. Consequently, the conditions are necessary as required by Local Plan Policy EC10.
24. Section 38(6) of the of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. The Framework seeks to boost supply of housing and I **have noted the appellant's point that recent** developments in the district have not necessarily delivered housing of a type that would be suitable for older persons. Whilst the Council have not submitted any evidence that would contradict this, the objective of the Framework to boost the supply of housing

is not one that should be pursued at all costs and the location of the appeal site is such that it would not facilitate older people continuing to live in the community where they have been resident, or moving closer to family or others who are able to support them.

25. The Framework also seeks to support a pattern of development that facilitates the use of sustainable modes of transport and minimises the need to travel, although it does recognise that the opportunities to maximise use of sustainable transport will vary from urban to rural areas. I have noted the **appellant's point regarding the ease and availability of on-line shopping**, however, this does not of itself make a location suitable for permanent residential occupation and still necessitates travel in the form of delivery vehicles.
26. Taken as a whole, although the proposal would result in a small increase in the supply of housing that would be available to older people and this weighs moderately in favour of the proposal, the resulting development would significantly increase the permanent population of a very small, dispersed settlement, with few facilities to meet the day to day living requirements of the prospective future residents. This would result in a substantial change in the function and character of the settlement, **contrary to the Council's spatial strategy**, and the location of the appeal site would not minimise the need for travel to meet the day to day requirements of the future residents. This weighs heavily against the proposal and is not outweighed by the small increase in the housing stock.
27. I therefore find that the appeal site would not be a suitable location for permanent residential occupation in terms of access to shops, services and other facilities. It would be contrary to the relevant requirements of Policies SP2, HO2 and HO10 which seek to ensure that new housing is located in the most sustainable locations. Consequently, I conclude that the conditions are necessary.

Conclusion

28. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR

SCHEDULE B: Applications Determined by Other Authorities

Item No: 07

Between 20/12/2017 and 26/01/2018

Appn Ref No:
17/9016

Applicant:
Inglewood Nursery &
Infant School

Parish:
Carlisle

Date of Receipt:
23/11/2017

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Harraby

Location:
Inglewood Infant School, School Road, Carlisle,
CA1 3LX

Grid Reference:
342079 554232

Proposal: Single Storey Classroom Extension Connected To The Main School By
Converting The External Store To An Access Corridor

Amendment:

REPORT

Case Officer: Suzanne Osborne

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 12/12/2017

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 25/01/2018

A copy of the Notice of the decision of the Determining Authority is printed following the report.

The Town and Country Planning Act 1990

Notice of Planning Permission

To: Inglewood Infant School and Nursery
School Road
Carlisle
CA1 3LX

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 14 November 2017.

viz: Single-storey Classroom extension connected to the main school by converting an external store to an access corridor.

Inglewood Infant School, School Road, Carlisle, CA1 3LX

Subject to due compliance with the following conditions:

TIME LIMIT FOR IMPLEMENTATION

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

APPROVED SCHEME

- 2 The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 2 November 2017
 - b. AR-MS Inglewood Extension – Design and Access Statement
 - c. Plans numbered and named:
 - i) 03-12-18-1-1123-NPS-DR-A-010 Rev P1 – Site Location Plan
 - ii) 03-12-18-1-1123-NPS-DR-A-011 Rev P1 –Existing Site Plan
 - iii) 03-12-18-1-1123-NPS-DR-A-014 Rev P1 – Proposed Site Plan
 - iv) 03-12-18-1-1123-NPS-DR-A-0125 Rev P1 – Proposed GA Plan
 - v) 03-12-18-1-1123-NPS-DR-A-0110 Rev P1 – Proposed Elevations
 - d. The details or schemes approved in accordance with the conditions attached to this permission <<If any required>>

REASON: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

SCHOOL TRAVEL PLAN

- 3 Prior to the classroom being brought into use, an updated Travel plan shall be submitted the Local Planning Authority for approval. When approved the plan shall be implemented in full.

REASON: To minimise impacts on residential amenity in accordance with CDLP policy HO12

Dated 25 January 2018

Signed: Angela Jones
Assistant Director of Economy & Environment
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
- The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display?applicationNumber=1/17/9016>
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27 of The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission

may relate to more than one condition.

Report to Development Control Committee

Agenda
Item:
A.2

Meeting Date: 9 February 2018
Portfolio: Economy, Enterprise and Housing
Key Decision:
Within Policy and
Budget Framework
Public / Private Public

Title: AFFORDABLE HOUSING CONTRIBUTION - REAR OF SCOTBY
ROAD, SCOTBY
Report of: CORPORATE DIRECTOR ECONOMIC DEVELOPMENT
Report Number: ED 06/18

Purpose / Summary:

This report sets out the position regarding S106 contributions relating to affordable housing following an independent viability assessment of the site.

Recommendations:

That the S106 Agreements be modified in accordance with paragraph 3.2 of this report.

Tracking

Executive:	
Scrutiny:	
Council:	

1. BACKGROUND

- 1.1 Planning Application 16/0159 – Land to the Rear of 55-65 Scotby Road for the Erection Of 8no. Dwellings was granted on 13 July 2017 following the signing of a S106 Legal Agreement as authorised by Development Control Committee at its meeting on the 3 June 2016.
- 1.2 Members of the Committee resolved: That authority be given to the Director (Economic Development) to issue approval for the proposal subject to the completion of a satisfactory S106 legal agreement.
- 1.3 The S106 Agreement included: the provision of two affordable dwellings on plots 3 and 4 to be sold at a 30% discount, and the payment of £30,524 towards the off-site provision of open space/play/sport.
- 1.4 Planning Application 17/0131 Land to the Rear of 37-65 Scotby Road for the Erection Of 34 Dwellings And The Enlargement Of The Gardens Serving Plots 6-8 Approved Under Application 16/0159, is currently the subject of Authority to Issue permission subject to the signing of a S106 Legal Agreement as authorised by Development Control Committee at its meeting on the 2 June 2017.
- 1.5 The S106 Agreement included:
 - a) ten dwellings being secured as affordable housing - 5 at a 30% discount and 5 for discounted rent;
 - b) a financial contribution of £72,090 to Cumbria County Council towards education provision;
 - c) a financial contribution of £24,221;
 - d) the maintenance of the informal open space within the site by the developer.

2. UPDATE

- 2.1 Following the resolution by Development Control Committee the applicant/agent have held extensive discussions with officers regarding the viability of the site's development and the ability to provide the affordable housing contribution. During this time development has continued under the first application and the triggers for contribution have now been met.
- 2.2 Members will be aware that if sites are struggling due to financial viability the Government has indicated that contributions can be revisited to ensure sites are delivered and address barriers to any site's development. This primarily relates to

affordable housing contributions and the site's financial viability will be the main factor in determining any reconsideration of the legal agreement.

- 2.3 On raising the matter of viability the Council's Development Manager and Housing Development Officer have taken independent advice on the development costs of the site and any specific abnormal costs relating to this development which need to be taken into account. Those detailed costs remain confidential and are not set out in this report. Members are referred to the Part B report for this confidential information and are advised to move into private session at the meeting if this information is to be discussed.
- 2.4 Lengthy negotiations have taken place that would result in some affordable housing being provided on the second phase of the site however the contribution is less than the Development Control Committee had given authority for under their decisions set out in Section 1 of this report.
- 2.5 The applicant/agent have therefore requested that both legal agreements are revised and a new agreement is put in place covering the contribution for both parts of this site.
- 2.6 The independent assessment concluded that
- Whilst it could be argued the above should lead to a slight reduction in land value, we have retained our previous 'without prejudice' concession on land value (proposed minimum acceptable landowner receipt / actual purchase price increased to £1.1M - £350k per net acre). We would recommend that there should be some resultant degree of 'flex' on developer profit of up to 0.25% below the target rate of 17% (equating to circa £25k).
 - Our updated conclusion would be that that the proposed scheme is viably capable of making an affordable housing contribution of 14% of total units (six affordable dwellings) which accords with the Applicant's headline offer.
 - Please find attached viability appraisals illustrating the following options for delivery of these six affordable units:
 - OPTION 1 = a tenure mix of three discounted sale units (Dene 2 bed apartment type) and three affordable / social rent units (a block of 3 x 2 bed Leyland units). Discounted sale units have been assumed to have a market value of 70% of market value. We have assumed that affordable / social rent units will transfer to an RP at 45% of market value.
 - OPTION 2 = a tenure mix of four discounted sale units (Dene 2 bed apartment type) and two affordable / social rent units (2 x 3 bed Stow units from phase one of the scheme). We see from the Applicant's initial viability

submission that the two Stow units in phase one are stated to be 'sold subject to contract'. This is contrary to our understanding of the phase one s106 agreement which stipulates that these units must be sold as discounted sale units.

2.7 In discussions with the Council's Housing Development Officer it was concluded that Option 1 provides the most pragmatic solution for the affordable housing need and this option was put to the applicant/agent who has agreed to that option.

2.8 In arriving at this assessment of viability the appraisal has had to take into account all the contributions required and the Open Space Contribution under application 16/0159 would also need to be removed. It is noted that the Parish Council were seeking this contribution and the trigger has been met for payment however the scheme would not be viable if 6 affordable units and the open space contribution was provided.

3. CONCLUSION AND REASONS FOR RECOMMENDATIONS

3.1 Since authority to issue the decision on application 17/0131 viability information has been assessed and concludes that the site is not sufficiently viable to be able to provide all the contributions requested by the local planning authority.

3.2 It is recommended that the S106 legal agreements for applications 16/0159 and 17/0131 should be revised for the following contribution

- for delivery of six affordable units:
 - a tenure mix of three discounted sale units (Dene 2 bed apartment type) and three affordable / social rent units (a block of 3 x 2 bed Leyland units). Discounted sale units will have a market value of 70% of market value. Affordable / social rent units will transfer to an RP at 45% of market value.

4. CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

4.1 The site will still contribute towards future housing needs

Contact Officer: Chris Hardman

Ext: 7502

**Appendices
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **Planning Applications 16/0159 and 17/0131**

CORPORATE IMPLICATIONS/RISKS:

Community Services -

Corporate Support and Resources –

Economic Development –

Governance and Regulatory Services –

