

AGENDA

Development Control Committee

Friday, 25 November 2016 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

To sign and approve the minutes of the meeting held on 10 August 2016 (site visit), 12 August 2016, 14 September 2016 (site visit), and 16 September 2016.

To note the minutes of the meeting of 23 November 2016 (site visit meeting).

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 06 - 16/0890 - Green Acres, Newtown, Blackford, Carlisle, CA6 4ET 153 - 170

Item 07 - 16/0362 - Land adjacent Alexandra Drive, Durranhill Road, Carlisle 171 - 180

Item 08 - 16/0833 - Land To West Of The Cottage, Newtown, Irthington, Carlisle, CA6 4NX 181 - 200

Item 09 - 16/0842 - 19 Millcroft, Carlisle, CA3 0HX 201 - 214

Item 10 - 16/0690 - Land at Montgomery Way, Rosehill Industrial Estate, Carlisle, CA1 2RS 215 - 248

Item 11 - 16/0784 - Land To South East Of Orton Grange Roundabout, Orton Grange, Carlisle, CA5 6LA 249 - 270

A.2 CONFIRMATION OF TREE PRESERVATION ORDER 283 325 - 342

The Corporate Director of Economic Development to submit a report considering the confirmation of Tree Preservation Order 283, Tower Farm, Rickerby, Carlisle.
(Copy Report ED.34 /16 herewith)

A.3 CONFIRMATION OF TREE PRESERVATION ORDER 284 343 - 354

The Corporate Director of Economic Development to submit a report considering the confirmation of Tree Preservation Order 284, Bay Tree House, Plains Road, Wetheral, Carlisle.
(Copy Report ED.46/16 herewith)

PART B

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

-NIL-

Members of the Development Control Committee

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

Labour – Mrs Bradley, Ms Glendinning, McDevitt, McDonald, Ms Patrick (Vice-Chairman), Sidgwick, Mrs Warwick (Chairman), Bowditch (sub), Burns (sub), Quilter (sub)

**Enquiries, requests for reports, background papers,
etc to Committee Clerk: Jacqui Issatt - 817557 or
jacqui.issatt@carlisle.gov.uk**

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

25th November 2016

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
- 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
- Condition 2 of each application details the relevant application documents

(except the following where the associated documents are located at

16/0362 <http://publicaccess.carlisle.gov.uk/online-applications/simpleSearchResults.do;jsessionid=8A6DCE30C3E28A846BB3E89FA4490472?action=firstPage>

In addition, specific to this agenda the following background papers are relevant:

- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- The Design Manual For Roads and Bridges
<http://www.standardsforhighways.co.uk/ha/standards/dmrb/vol0/section1/gd0108.pdf>
- Manual For Streets 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf
- Guidelines For Public Transport In Developments <http://www.ciht.org.uk/>
- Reducing Mobility Handicaps <http://www.ciht.org.uk/>

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

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

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

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

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

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development 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 11/11/2016 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 25/11/2016.

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	Page No.
01.	<u>16/0798</u> A	Story Construction Depot, Thomas Lane, Burgh Road Industrial Estate, Carlisle, CA2 7NA	<u>ARH</u>	15
02.	<u>16/0812</u> A	Land Adjacent The Whins, Heads Nook	<u>SD</u>	31
03.	<u>16/0860</u> A	Land North of Oakwood, Harker Park Road, Harker Park, Carlisle, CA6 4HR	<u>ARH</u>	75
04.	<u>16/0249</u> A	Land between Tyne Street and Chertsey Mount, Carlisle	<u>SD</u>	89
05.	<u>16/0032</u> A	Land to north east of Windsor Way, Carlisle, Cumbria	<u>ARH</u>	129
06.	<u>16/0890</u> A	Green Acres, Newtown, Blackford, Carlisle, CA6 4ET	<u>PF</u>	153
07.	<u>16/0362</u> A	Land adjacent Alexandra Drive, Durranhill Road, Carlisle	<u>ARH</u>	171
08.	<u>16/0833</u> A	Land To West Of The Cottage, Newtown, Irthington, Carlisle, CA6 4NX	<u>BP</u>	181
09.	<u>16/0842</u> A	19 Millcroft, Carlisle, CA3 0HX	<u>SO</u>	201
10.	<u>16/0690</u> A	Land at Montgomery Way, Rosehill Industrial Estate, Carlisle, CA1 2RS	<u>ARH</u>	215
11.	<u>16/0784</u> A	Land To South East Of Orton Grange Roundabout, Orton Grange, Carlisle, CA5 6LA	<u>BP</u>	249
12.	<u>16/9005</u> C	Land to the North of Kings Drive, Kingmoor Park Industrial Estate, Carlisle, CA6 4SE	<u>ARH</u>	273

Date of Committee: 25/11/2016

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

16/0798

Item No: 01

Date of Committee: 25/11/2016

Appn Ref No:
16/0798

Applicant:
Story Contracting

Parish:
Carlisle

Agent:
PFK Planning

Ward:
Belle Vue

Location: Story Construction Depot, Thomas Lane, Burgh Road Industrial Estate, Carlisle, CA2 7NA

Proposal: Change Of Use Of Storage Area To Rail Training Track Including Laying Of 4No. Test Tracks

Date of Receipt:
06/09/2016

Statutory Expiry Date
01/11/2016

26 Week Determination

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions pending receipt and approval of the final version of the Assessment of Likely Significant Effects.

2. Main Issues

- 2.1 Whether the proposal is detrimental to the character and appearance of the site and area.
2.2 Impact on living conditions of the occupiers of neighbouring properties.
2.3 The effect of the proposal on nature conservation interests.
2.4 Flood risk/drainage.
2.5 Archaeology.
2.6 Benefits of the proposal.

3. Application Details

Introduction

- 3.1 Members resolved to defer consideration of the proposal during their Meeting

on the 21st October in order to undertake a site visit, and await the completion of an Assessment of Likely Significant Effects.

The Site

- 3.2 This application relates to a former area of rough ground that is approximately 1.44 hectares in area, which lies between Burgh Road and Newtown Road Industrial Estates. The site is a north to south orientated valley landform with a steeply sided west bank and a gently sloping east bank, with a significant change in levels from south to north. A beck runs along the western boundary of the site, part of which is culverted and this flows into the River Eden to the north. A group of semi-mature trees are located towards the southern section of the site, with an area of Japanese knotweed also currently being treated along the eastern boundary.
- 3.3 The site is adjoined to the west and east by Burgh Road Industrial Estate and Newtown Road Industrial Estate respectively. Residential properties on Newtown Road adjoin the site to the south and a number of mature trees are located within the rear gardens of these properties. Along the north boundary a belt of trees adjoins the site. A public footpath runs close to the north boundary on higher ground beyond the tree belt and this links Newtown Road with the River Eden footpath (Cumbria Coastal Way and Hadrian's Wall Path).

Background Information

- 3.4 In 2015, under application 15/0440, planning permission was given to provide an additional storage area, in association with the existing Story Contracting Story Rail businesses on the adjacent site. Following the commencement of work on the site the needs of the company have changed with additional business derived from Network Rail.

The Proposal

- 3.5 The current application is seeking permission to change the use of the storage area approved under application 15/0440 to form a test and training area for rail employees including the laying of four test tracks. The tracks are shown to be placed on the levelled area created as part of the already undertaken work approved under 15/0440. The ground is to be surfaced in hardcore. Access is to be achieved via the Story Contracting/Rail site.
- 3.6 The proposed test tracks would enable such tasks as brake testing and machine handling to be carried out. The submitted form indicates that the proposed use would take place between 07.30 and 17.30 hours Monday to Friday; 09.00 to 12.00 hours on Saturday; and not at all on Sunday and Bank Holidays. The applicant does not anticipate any increases in traffic or pedestrian movements over and above those which already take place.
- 3.7 In addition to the submitted forms and plans, the application is accompanied by a Planning/Design & Access Statement; Noise Assessment Report (May 2016); an Assessment of Ecological Risk (July 2016); and a Flood Risk

Assessment.

3.8 In two e-mails sent to the Case Officer on the 14th and 19th October the applicant's agent has confirmed the following:

- the tracks are used on average 15-20 hours per week with the beepers muffled to reduce noise;
- the machines make their way to the track on tyres and once on the track switch to rail runners;
- the training courses are for Story Rail operatives and apprentices to familiarise themselves with the machines and gain a competency certificate; and
- the courses run for 3 weeks at a time and are mostly classroom based in the adjacent training rooms.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice and notification letters sent to 58 neighbouring properties. In response six formal objections have been received. The objections are on the following grounds:

- The proposal will be in close proximity to numerous residential properties on Newtown and Burgh Roads;
- The proposed facility is unsuitable for this area and should be relocated to the underused Kingmoor rail yard;
- All the affected residents on Burgh and Newtown Roads are already blighted by the excessive noise and heavy vehicular traffic emanating from the Story depot;
- Prior to the excavation works there was an abundance of wildlife in the area such as deer, foxes, badgers, hedgehogs, bats, squirrels, newts and frogs the majority of which have now been displaced by the on-going works;
- Expecting at least some sound barrier work to have been started;
- The use of machinery to flatten the area has been fairly constant and some of those machines have allegedly caused the dwelling to shake;
- A neighbouring resident includes a wheelchair bound mother who will not be able to stand it if the noises and ground shaking continues;

- The training of rail-crane operators appears to involve the use of horns to comply with health and safety;
- The proposed working hours of 07.30 to 17.30 still affects the elderly, retired and housebound;
- Noise has been heard coming from the Industrial Estate outside current allowed hours i.e. 05.00 and on bank holidays;
- There will be intolerable noise from the laying of the rail track, subsequent maintenance will be noisy along with the sound of rolling metal on metal, braking, running vehicles/engines, any generators, and safety warnings/alarms;
- Little space is now being left between developments and this prevents safe corridors for wildlife;
- The potential for noise nuisance, disturbance and disruption is endless;
- It is the Council's responsibility to protect the surrounding residents from any further noise/air pollution and road damage;
- The proposal will result in an increase in heavy plant activity and heavy goods vehicles – Burgh Road not designed for all the vehicles it now carries;
- The proposed radius curve on the track will cause the wheels to squeal;
- Warning horn sounds every time a piece of machinery moves which must be loud enough to be heard by all over any machinery that is working

5. Summary of Consultation Responses

Natural England: - The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010. The application site is in close proximity to the River Eden Special Area of Conservation SAC) which is a European site. The site is also notified at a national level as the River Eden and Tributaries Site of Special Scientific Interest (SSSI).

In advising your authority on the requirements relating to Habitats Regulations Assessment, NE offers the following advice:

- the proposal is not necessary for the management of the European site;
- the proposal is unlikely to have a significant effect on any European site and can be screened out from any requirement for further assessment.

When recording your HRA we recommend you refer to the following:

- all the earth moving and landscaping was approved under a previous planning application 15/0440 with conditions discharged under 154/0772;
- the proposal is minor in scale, laying down four railway tracks relocated from the adjacent site;
- provided the biosecurity measures previously agreed are observed, there should be no significant adverse effects on the SAC river;
- biosecurity measures should also be taken to prevent tracking the existing Japanese Knotweed off the site;
- the burn that flows down the west side of the proposal area and flows into the River Eden is protected from silt in run-off by fencing, interceptor ditches and silt traps; and
- there is a substantial grassland and scrub buffer between the northern boundary of the development and the SAC river.

SSSI site no objection.

Local Environment (former Comm Env Services- Env Quality): - Based on the data provided [in the report submitted prior to receipt of the application] would agree with the conclusions that the bund plus the barrier should provide sufficient attenuation so that the impact of the proposal on the adjacent residential premises would be minimal.

Historic England: - No comments received.

Cumbria County Council - (Econ. Dir. Highways & Transportation): - No comments received.

Environment Agency: - No comments received.

Cumbria County Council - (Archaeological Services): - No objections.

Northern Gas Networks: - No objections, however, there may be apparatus in the area that may be at risk during construction works and should permission be granted, we require the promoter of these works to contact us directly.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 At a local level, the relevant policies of the recently adopted Carlisle District

Local Plan (CDLP) 2015-2030 comprise SP1, SP2, SP6, SP8, SP9, IP2, IP3, CC4, CC5, CM4, CM5, GI3, and GI6.

- 6.3 In the CDLP 2015-2030, the application site is undesignated, and the Urban Fringe landscape designation no longer exists.
- 6.4 At a national level, material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014), and the Natural Environment and Rural Communities Act (2006). Due regard should also be made to the requirements of the public sector equality duty in Section 149 of the Equality Act 2010.
- 6.5 Paragraph 6 of the NPPF confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as “a golden thread”. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 - specific policies in this Framework indicate development should be restricted.
- 6.6 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.
- 6.7 The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.8 Paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 216 of the NPPF identifies that:
- “From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*
- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*

- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)".*

6.9 The CDLP 2015-2030 has recently been adopted and the relevant policies carry full weight.

6.10 In this context, it is considered that the proposal raises the following planning issues:

1. Whether The Proposal Is Detrimental To The Character And Appearance Of The Site And The Surrounding Area

6.11 It is acknowledged that the site was designated as Urban Fringe Landscape in the Local Plan 2001-2016 but this designation has not been carried forward in the CDLP 2015-2030, and the land is not attributed any particular significance with regard to the setting of the City. Nevertheless, the site still remains "secluded" from public views, and lies between two industrial estates. The character and appearance of the proposed development reflects that of the neighbouring industrial estates, and locationally represents a logical area into which to extend.

6.12 The submitted Planning/Design and Access Statement prepared by the agent highlights that there would no longer be any significant storage of cabins etc on site and the landscaping as previously agreed would be implemented. Therefore, in terms, of visual amenity the proposed use will have a lower impact compared to the already accepted storage use.

6.13 In light of the above, it is considered that the proposal will not lead to a major change to the landscape character of the area with a limited adverse effect on visual amenity which should not be overbearing. The weight that can be attributed to the visual harm is less than the previous scheme; and this needs to be considered in the balance with the remaining issues.

2. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

6.14 The site is only readily visible from the adjacent industrial estates and from the residential properties on Newtown Road that adjoin the site to the south. The access into the site is approximately 40m away from the end of the rear gardens and approximately 80m from the rear elevations of the nearest dwellings. The relocated test tracks would be at a lower level than the adjacent residential properties and (when compared to the existing separation distances) would be sited further away. A landscaped buffer would be provided between the storage area and these dwellings and this would contain an acoustic bund, which would include an acoustic fence, and which

would be landscaped. This would further help to reduce noise levels in the dwellings on Newtown Road.

- 6.15 Under the current application the use of the site could be restricted, including the ancillary storage of equipment and this would be ensured by condition. Conditions could also be imposed to restrict the height of the storage; to restrict the hours that the yard could be used; to ensure that the acoustic bund is suitably designed/implemented; and to require the details of any lighting to be agreed with the Council. In the context of the requirements of the public sector equality duty in Section 149 of the Equality Act 2010, it is considered that the imposition of these conditions would ensure that the proposal would not have an adverse impact on the living conditions of the occupiers of the neighbouring dwellings.
- 6.16 Members should note that the current Story site is not subject to such conditions, and it is not possible to apply such conditions to the existing site as part of this application.

3. The Effect Of The Proposal On Nature Conservation Interests

- 6.17 The watercourse that runs through the site flows into the River Eden, which lies approximately 200m to the north. The proposal, therefore, has the potential to effect the River Eden, which is designated as a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI), both during the construction phase and the operation of the site once established.
- 6.18 The submitted Assessment of Ecological Risk highlights that:
- seven reptile surveys were conducted in 2014 and no reptiles were found - the site has now been cleared;
 - the main risk to wildlife relates to potential spills of oil and other fluids from the vehicles;
 - the existing stream is not of ecological value, however, it does flow directly into the River Eden SAC and SSSI;
 - the measures that Story have put in place include fencing, interception ditches, silt traps, the monitoring of vehicles, vehicles to carry a spill kit, and no vehicles are to be stored or repaired on site.

The Assessment concludes that the proposed work is unlikely to cause damage to important habitat or disturbance to protected species in the local or wider area if the measures are followed.

- 6.19 Japanese knotweed, which is an invasive non-native species, present on the site is currently being treated. It is proposed that a management plan is put in place to ensure that this plant is not spread across the site.
- 6.20 In relation to application 15/0440, an Assessment of Likely Significant Effects (ALSE) was undertaken by Lloyd Bore on behalf of the City Council. The ALSE concluded that:
- the production and implementation of an agreed Construction

Environmental Management Plan and the use of appropriate mitigation measures during operation should ensure that there is no impact of turbidity, siltation or toxicity/pollution on the River Eden and Tributaries SSSI;

- the production of the scheme for mitigation for existing habitats and the provision and maintenance of compensatory habitats will help to compensate for the loss of potential breeding birds habitats on site;
- site clearance works should be undertaken outside of the breeding bird season, or if that is not possible, habitats will be checked for the presence of nesting birds before works are undertaken.

The ALSE considered that it was not anticipated the development, as proposed, will impact on the additional interest features of the River Eden and Tributaries SSSI. An updated draft ALSE has been prepared the results of which are consistent with the findings of the previous Assessment.

4. Flood Risk/ Drainage

- 6.21 Hardcore is already in place to form the surface of the used area which allows the surface water that falls onto the site to continue to percolate naturally into the ground. The proposal should not, therefore, increase flood risk either within the site or downstream.

5. Archaeology

- 6.22 The site was previously the subject of an archaeological evaluation. The results of the evaluation indicated that no significant archaeological remains would be disturbed by proposed development. The County Archaeologist, therefore, has no objections to the proposal.

6. Benefits Of The Proposal

- 6.23 The Planning Statement accompanying the application explains that Story Contracting are a local business committed to staying in the City. The proposal will support the growth of the Carlisle economy.

Conclusion

- 6.24 In overall terms, it is considered that the proposal will not lead to a major change to the landscape character of the area with a limited adverse effect on visual amenity which should not be overbearing. It is considered that the proposal will not have an adverse impact on the living conditions of the occupiers of any neighbouring properties or archaeology, and not increase flood risk within or adjacent to the site.
- 6.25 On balance it is considered that the benefits of this proposal outweigh the harm and, therefore, the recommendation is for approval pending receipt and approval of the final version of the awaited Assessment of Likely Significant Effects.

7. Planning History

- 7.1 In 2013, under application 12/0829, planning permission was refused for the change of use of the field to create additional yard storage. A subsequent appeal was dismissed.
- 7.2 In July 2015, under application 15/0440, conditional planning permission was given to provide an additional storage area, in association with the existing Story business on the adjacent site.
- 7.3 In September 2015, application 15/0772, condition 7 imposed under 15/0440 was discharged in full, and conditions 3, 10, 11, 12 and 13 (imposed under 15/0440) were discharged in part pending implementation.

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 approved documents for this Planning Permission comprise:
 - 1. the submitted planning application form received 2nd September 2016 ;
 - 2. the Location Plan (drawing no. SC/YE/002) received 2nd September 2016;
 - 3. the Test Track Plan (drawing no. SC001) received 6th September 2016;
 - 4. the Flood Risk Assessment received 2nd September 2016;
 - 5. the Planning Statement, incorporating Design & Access Statement received 2nd September 2016;
 - 6. the Noise Assessment Report received 2nd September 2016;
 - 7. the Assessment of Ecological Risk received 2nd September 2016;
 - 8. the Notice of Decision; and
 - 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

- 3. The hereby permitted use shall not commence until the hard and soft landscape works, with the exception of the linear shelter belts across the site, have been fully carried out in accordance with the details approved under application 15/0772. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle

District Local Plan 2001-2016.

4. During the undertaking of any site and construction works associated with the hereby permitted development, a protective fence shall be erected around the trees and hedges to be retained in accordance with BS5837, at a distance corresponding with the branch spread of the tree or hedge, or half the height of the tree or hedge, whichever is greater, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policy CP3 of the Carlisle District Local Plan 2001-2016.

5. The site shall only be used as a rail testing/training facility and for no other purpose with any associated materials, equipment or goods not stacked or deposited to a height exceeding 2 metres above the adjacent ground level. No vehicles shall be stored or repaired/maintained on the site.

Reason: To protect the living conditions of the occupiers of the neighbouring dwellings in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016 and to protect the adjacent watercourse in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

6. The hereby permitted rail testing/training facility shall not be used except between 07.30 hours and 17.30 hours on Mondays-Fridays; 09.00 hours to 12.00 hours on Saturdays; and shall not be used on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby residential occupiers, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No external lighting associated with the development hereby permitted shall be installed until the respective details have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall then be installed in accordance with these details.

Reason: To limit light pollution and to the occupiers of neighbouring properties, in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. Prior to the hereby permitted use commencing an acoustic barrier designed to the specification proposed in the Environmental Noise Assessment (produced by Noise Control Services and received 12th May 2015) shall be installed in the position shown on the Setting Out And Cut/ Fill plan (Drawing No. AA2858/EW/05 rev. A) approved as under application 15/0440, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the living conditions of the occupiers of the neighbouring properties in accordance with Policy CP5 of the

9. The development hereby permitted shall be carried out in accordance with the Flood Risk Assessment (FRA) given reference MD0494/rep/001 Rev A and compiled by M Design and the following mitigation measures detailed within the FRA:
1. The mitigation measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be agreed, in writing, by the local planning authority.
 2. There shall be no creation of impermeable areas draining to the existing watercourse.
 3. The drainage scheme shall ensure that it is sufficiently resilient against a 1 in 100 year critical storm event. The surface water run off from the site must not exceed the amount of run off generated prior to the development taking place and must not increase the risk of flooding elsewhere.

Reason: To prevent and mitigate the risks of flooding on and off the site by ensuring the satisfactory storage of/disposal of surface water.

10. The control/eradication of Japanese knotweed on the site shall be carried out in accordance with the method statement approved under application 15/0772.

Reason: To prevent the spread of Japanese knotweed which is an invasive species included in Schedule 9 of the Wildlife & Countryside Act 1981, as amended. Any spread of this plant to the vicinity of the on site watercourse would provide a direct pathway to the River Eden SAC.

11. The development hereby permitted shall be implemented in accordance with the scheme for the mitigation of existing habitats and the provision and management of compensatory habitats as approved under application 15/0772.

Reason Otters are a protected species; they and other species are present in the nearby part of the River Eden and minor tributaries. They benefit from the protection and habitats created by the existing bankside/vegetation/shrubs/trees and a scheme is necessary to prevent/mitigate impacts on protected and native species. Where this is not possible, habitats should be compensated for.

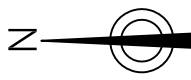
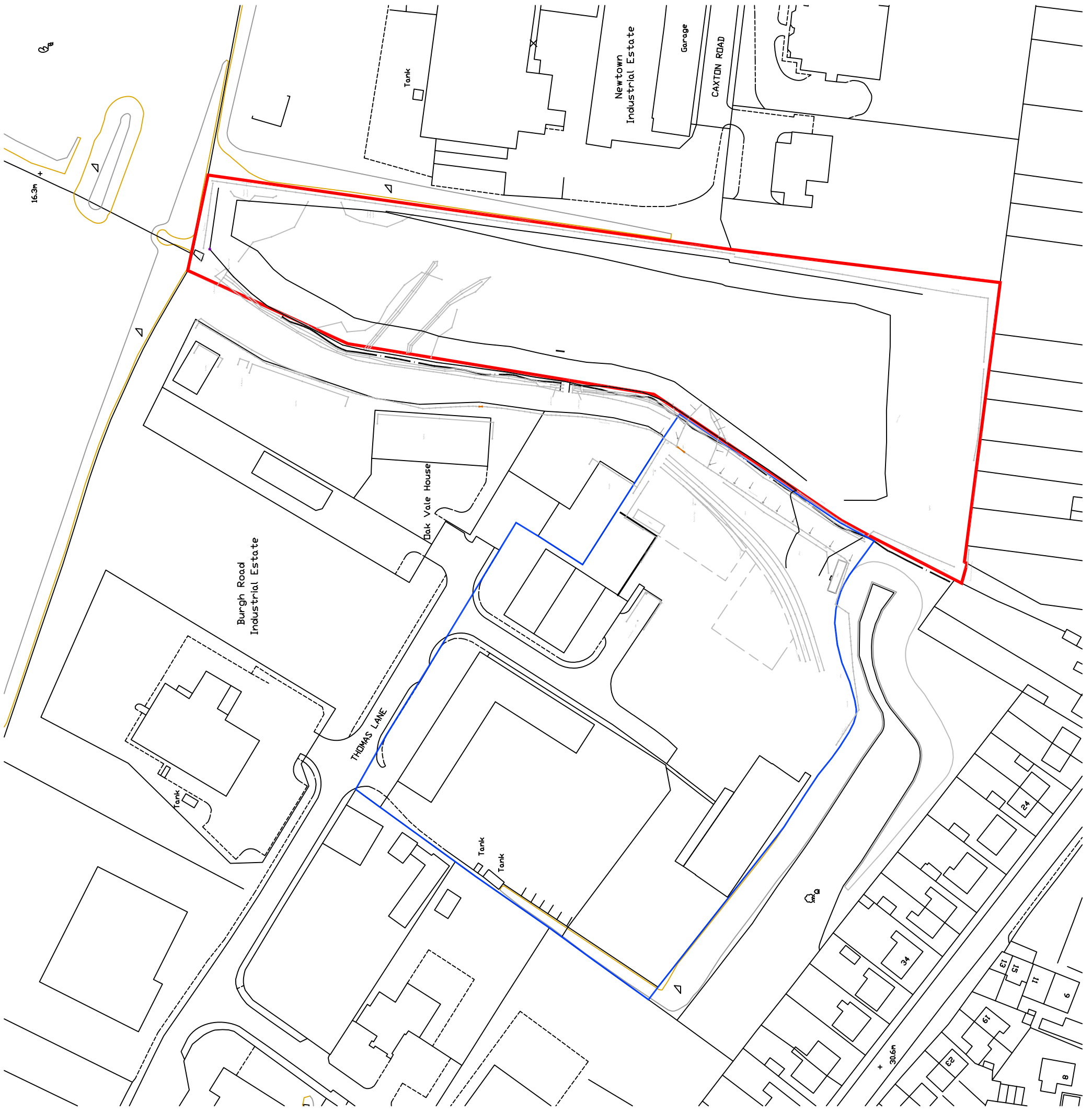
12. The development hereby permitted shall be carried out fully in accordance with the plan of bio-security measures approved under application 15/0772.

Reason To prevent the transmission or spread of Crayfish plague to the

River Eden SAC situated a short distance downstream.

13. The development hereby permitted shall be carried out in complete accordance with the Mini Construction Phase Health & Safety Plan (Incorporating Risk Assessments & Method Statement - RAMS) dated 07.07.15 and prepared by David Sanderson and Mario Mezzullo on behalf of Story Contracting Ltd as approved under application 15/0440.

Reason: To safeguard the River Eden SAC and SSSI, and the biodiversity of the area.



PLANNING APP



DEVELOPMENT

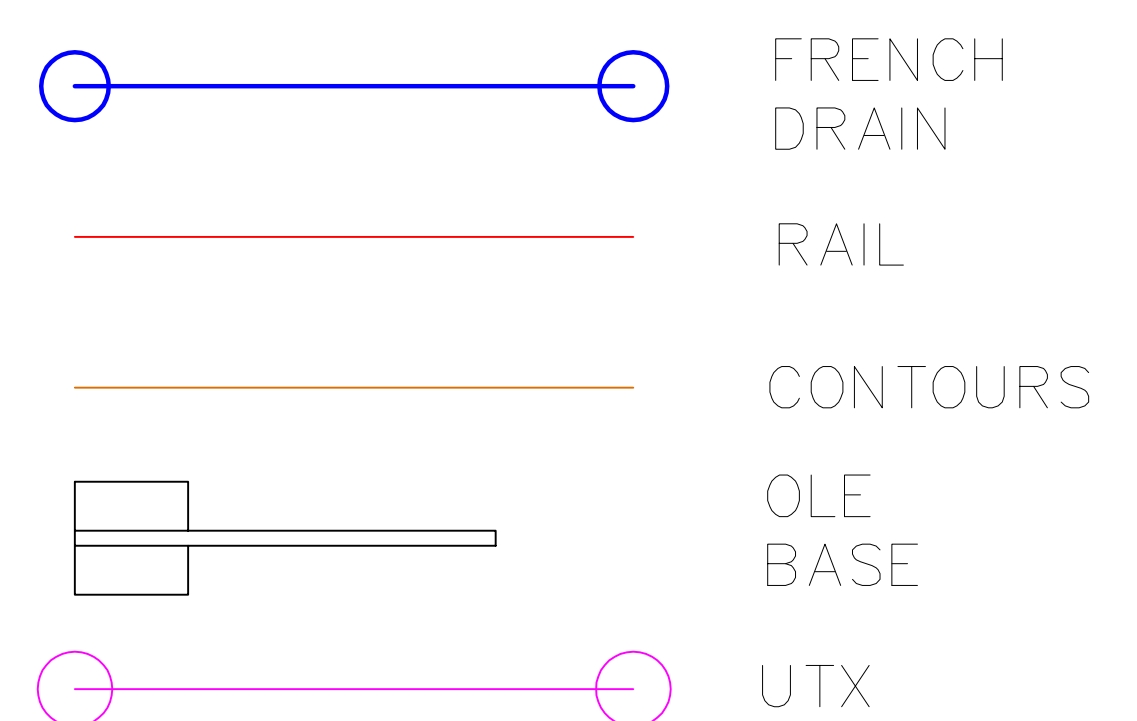
Story Construction

DRAWING

Yard Extension

Location Plan.

DRAWN BY	scm	DATE	16/03/2011
CHECKED BY	-	SCALE	1:1250
DRAWING NUMBER	SC/YE/002	REVISION	-
REGION SITE REFERENCE	Burgh Road	MASTER REF	1
Revisions			



STORY © **Story Contracting Ltd.**
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.
Tel 01228 640850 Fax 01228 640851

SCHEDULE A: Applications with Recommendation

16/0812

Item No: 02

Date of Committee: 25/11/2016

Appn Ref No:
16/0812

Applicant:
Story Contracting

Parish:
Wetheral

Agent:
PFK Planning

Ward:
Great Corby & Geltsdale

Location: Land Adjacent The Whins, Heads Nook

Proposal: Erection Of 10.No Dwellings With Associated Infrastructure; Access To Be Provided Adjacent 8 The Whins; Demolition Of Garage To 8 The Whins And Erection Of Replacement Garage To The Rear

Date of Receipt:
19/09/2016

Statutory Expiry Date
19/12/2016

26 Week Determination
20/03/2017

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions and subject to the completion of a S106 Agreement to secure a financial contribution of £212,527 towards the provision of affordable housing.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Highway Matters
- 2.5 Drainage Issues
- 2.6 Provision Of Affordable Housing
- 2.7 Impact On Trees And Hedges
- 2.8 Impact On Biodiversity
- 2.9 Other Matters

3. Application Details

The Site

- 3.1 The site includes part of a field that lies directly to the west of The Whins and which has a sewage works in the south-east corner and part of 8 The Whins, which has been acquired by the applicant. The Whins is a residential development of thirteen single and two-storey properties which lie within a cul-de-sac. A hedge forms the boundary between the application site and the rear of The Whins and a number of trees lie close to the site boundary. A track runs through the middle of the field and this provides access to the sewage works. Number 8 The Whins is a detached brick dwelling which has a garage attached to the front of the property.
- 3.2 Planning permission has previously been granted for the erection of five dwellings on this site. The access to the previously approved schemes would have been via Black Lonning, which has recently been designated as a Public Restricted Byway.

The Proposal

- 3.3 This proposal is seeking planning permission for erection of ten dwellings on the site. Access would be provided through 8 The Whins and this would require the demolition of the existing garage that is attached to the front of the property and for the erection of a replacement garage to the rear. A new wall would be erected adjacent to the access road that would run to the front of 8 The Whins.
- 3.4 Four of the dwellings (Plots 1 to 4) would be accessed via a shared driveway, with six dwellings (Plots 5 to 10) being served by an access road, that would terminate at a turning head adjacent to Plot 10. The access road to The Whins would run between Plots 1 and 5.
- 3.5 The dwellings would be orientated so that they face west towards the remaining field, with the rear elevations facing the properties on The Whins. Each dwelling would be sited within a large plot and extensive landscaping is shown on the boundary with The Whins.
- 3.6 Plots 1, 3, 7 and 9 would be five bedroom two-storey properties that would have integral garages. Plots 2, 6 and 8 would be four bedroom two-storey dwellings that would have a pitched roof dormer window in the front roofslope and integral garages. Plots 4 and 5 would be five-bedroom two-storey properties that would have a garage attached to the front which would have a bedroom above which would be served by a flat roof dormer window. Plot 10 would be a one-and-a-half storey property which would have a two-storey gable and a pitched roof dormer window in the front roofslope. This property would have three bedrooms to the first floor and one bedroom to the ground floor and would have a detached garage. The dwellings would be constructed predominantly of brick, with sections of stone, render and hung tiles being added to some of the dwellings, under tiled roofs.
- 3.7 Foul water drainage would connect into the main sewer. Surface water

would discharge to a SUDS pond which would be located at the southern end of the site.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to 22 neighbouring properties. In response, fourteen letters of objection have been received, which make the following points:

Principle Of Development

- Heads Nook has no local services and the nearest villages with services are a 3 mile round trip away;
- the village has no amenities - no shop, no post office, no school, no church, no pub - and only two buses per week which are not guaranteed to continue;
- the public bus service is sporadic, at present one bus permitting two hours in Carlisle twice a week, and this does not go very near the acknowledged service centres of Corby Hill and Warwick Bridge, nearly two miles away. These are accessed by the C1026, which has no footways and non-existent verges for refuge in places. Those fit enough to walk or cycle are endangered by fast moving traffic which will be added to by the proposed development. Otherwise those without access to a car are trapped in the village other than on bus days;
- the proposal would increase the type of car journeys that good sustainable development seeks to reduce;
- new development should be directed to settlements where services are available;

Highway Matters

- with the development of 10 houses there will be a likely increase of 20 plus vehicles using The Whins, plus service and delivery vehicles;
- the extra vehicles generated by the development will devastate the peaceful lifestyle currently enjoyed by residents of The Whins;
- cul-de-sac means 'closed route' - the development would change The Whins to an access road to the development;
- the number of cars using The Whins will more than double its current use, making it a busy road;
- there are 6 children under the age of 10 currently living in The Whins who play in the road and on the pavement - their safety would be significantly adversely affected by the increased traffic;

- the proposed new access would affect the pavement and the road in The Whins;
- there are 13 residents living in The Whins who are seniors over the age of 65. Some of these have limited mobility and the creation of a new access over the existing pavement will present a hazard;
- the proposed wall to the front of the dwelling would restrict visibility for motorists and children;
- the proposal may necessitate a lower speed limit with bumps or similar and appropriate signage to the detriment of the environment;
- permission has been granted for 6 dwellings directly opposite the entrance to The Whins, causing a hot spot for traffic turning onto the main road which is on the brow of the hill;
- the increased traffic from The Whins will join the C1026 near to the access for a new development for 7 dwellings along with traffic from a lonning and Rose Paddock at a dangerous access point in the village - has this been considered by Highways?;
- the width of proposed road might be adequate for private cars, subject to acceptable sight lines and kerb radii, but looks challenging if not impossible for refuse collection vehicles and long wheelbase delivery trucks in common usage by carriers and DIY suppliers;
- the level of proposed parking in the development is totally inadequate;
- the proposed road does not have footpaths on both sides which are a feature of The Whins;
- the new garage for 8 The Whins would only be a single garage and this would serve a 4 bedroom house;
- if construction vehicles use The Whins this would result in a disproportionate amount of obstruction and potential danger to residents of The Whins;
- if construction traffic passes in close proximity to 8 The Whins, this could affect the structural integrity of the property;
- concerned if the road is used by heavy lorries and plant during the construction phase of the proposed development - a restriction should be placed on the road preventing its use by HGVs and construction plant;
- construction traffic using The Whins could damage the footpaths and road, leaving them substandard;
- the developer should use Black Lonning during the temporary construction phase;

- Black Lonning has a usage restriction and would require upgrading before and reinstatement after the event, if temporary permission were granted subject to maintenance of 70m visibility on C1026 and a safe diversion for the normal traffic of pedestrians, horse riders and agricultural vehicles;
- the proposed new access road would be close to existing dwellings;
- the junction of the Heads Nook road with the A69 cannot safely cope with any more traffic and is already congested at peak times;
- the proposed change of access to the site, through the garden of 8 The Whins, is to mitigate local residents fears concerning road safety, if the 'Black Lonning' is used as a site entrance. The logic of this statement is lost, given that the 'Black Lonning' is now recorded as a 'Restricted Byway', and vehicle access must be in accordance with its agricultural history;
- village children attend primary schools at Warwick Bridge or Hayton, to and from which they are transported by private car causing local congestion at school times. The development may generate a further 20 or so children to be transported at increased cost and congestion;
- the road between Heads Nook and Corby Hill is hazardous for pedestrians and the many cyclist who frequent this route;
- as a small contribution to the highway infrastructure, the developer should be made to finance construction of pedestrian refuges at pinch points along the route to Corby Hill;
- if further development in the village is considered, a proper footpath/cycle way with access for mobility scooters must be constructed for the full distance from and including Heads Nook railway bridge to A69 at Corby Hill;
- the condition of the road through Heads Nook is of concern and would deteriorate with extra traffic;
- it seems County Highways are working on the basis that the 'Black Lonning' is used as the interim proposed site entrance with, understandably, a long list of conditions. However there is no mention of a temporary diversion order or alternative route for this Restricted Byway, 138068 'Black Lonning', during construction of the proposed development, or indeed a time scale;

Impact On The Character Of The Area

- the access road would be prominent in views along The Whins - it would not be visually compatible with, or add to the quality of the area, and would have an adverse impact on it;

- permission has been granted for 5 dwellings on this site - the developer is now trying to shoe horn an extra 5 dwellings onto the same piece of land;
- there is no justification for doubling the number of dwellings to ten - the earlier permission stated that the site was only suitable for five dwellings;
- ten houses would be disproportionate to the scale of the village;
- the proposal does not reflect the density of The Whins;
- regarding the proposed spacing of the dwellings, only 3 and 4 metres apart, this gives the development an out of place urban look;
- narrow spacing will create a series of wind tunnels between the houses which is bound to be a nuisance to the prospective new residents;
- to be in keeping with the existing quiet rural cul-de-sac The Whins, a mix of houses and bungalows would clearly be more appropriate;
- The Whins contains 6 bungalows and 7 houses which engenders a balance of older and younger residents - the proposed development of 10 family homes would not create a balance and some bungalows should be included;
- looking at the development in the context of an extension to a village, its layout is disappointing with houses set at a rigid spacing of 3.00m in a straight line. Though there is variation in design, there are no true bungalows and the sense is more urban than rural;
- the 10 houses look cramped and a maximum of 7 properties would be more appropriate, with some variation in orientation, making use of the plot depth available;
- building what is proportionately a large number of new homes into the surrounding countryside, bringing with them the accompanying access roads, lighting, road furniture, traffic etc would be greatly detrimental to the area;
- to maintain the visually attractive and peaceful quality of the road, the wall should be omitted, a new driveway provided to No. 8, and all the proposed new dwellings be well spaced and with the same mix of houses and bungalows as The Whins - a maximum of six dwellings would satisfy this criteria;
- the front of 8 The Whins will become visually unattractive - the front of the house would only be a few metres from the proposed access road. There is no driveway for off-street parking;
- the garage to the front of 8 The Whins is not a free standing structure

and is attached to the dwelling - the front of this dwelling would need to be altered and there are no plans to show what this would look like;

- the wall would be totally out of keeping with the rural open plan layout of The Whins;
- another application at The Whins (15/0885) was refused as it failed to be in keeping with the cul-de-sac;
- the previously approved plans showed an enhanced planted hedge between the development and The Whins - a 1.8m high fence is now proposed on this boundary - no details are given of this to show how it would not compromise, damage or intrude into Whins properties legal boundaries;
- the hedge to the rear of The Whins must be protected and remain untouched;
- the existing views from the rear of The Whins would be obliterated by the development;
- the outlook from the rear of The Whins bungalows, nos. 4 and 6 in particular, will be dominated by the new build plots nos. 1, 2, and 3 with their high ridge lines compared with the detached houses on The Whins;
- the dwellings will be seen from afar as an open sore on the edge of the village;
- the uninterrupted views of fields that residents currently enjoy would be replaced by unsightly buildings out of character with the area;
- the proposal would lead to the loss of a valuable green space and would replace grass with a housing development;
- landscaping is needed to screen the development from Burnrigg, Broadwath and Black Lonning and to provide a wildlife corridor;

Drainage Issues

- the sewage works in Heads Nook are inadequate for the current population - this will need to be addressed if further dwellings are built;
- the proposed plots 8, 9 and 10 are sited 'uncomfortably close to the Sewage Treatment Works, which is believed to be near capacity, necessitating the removal of excess raw material by tanker for treatment elsewhere, particularly during periods of high rainfall;
- at times of heavy rainfall, excess liquor has to be tankered away for treatment elsewhere, while the works seem to require almost daily attendance for servicing - the access track to the works is to be retained at present, but will be within the view and hearing of the new

residents;

- the proposed SUDS pond for this application appears no bigger than that showed for the 5 house development;
- as there are no dimensions or projected surface water run off figures how can the size of the SUDS pond be assessed to check that it is adequately sized to cater for the larger development;
- the site boundary is within 20m of Cairn Beck and any increased surface water run-off could affect water flow down stream;
- the surface water goes into Cairn Beck which will surely add to Warwick Bridge/ Carlisle flooding problems;

Other Matters

- bats nest in the roof space of a number of dwellings/ garages at The Whins and a bat survey should be undertaken on the garage of 8 The Whins prior to its demolition;
- there is a covenant on properties at The Whins which restricts the construction of any wall/ planting of any hedge to the front of the building line to keep the road open plan;
- No 8 The Whins comes with a list of covenants to protect the area and the residents of The Whins - this new development will breach several of the covenants which could lead to legal action;
- the 1.8m wall adjacent to the access road could contravene local covenants;
- the new layout could mean a second phase of another 10 dwellings being built in the same field which would mean more traffic;
- worried that the applicant will seek to increase the number of dwellings on the site in the future;
- the utilities to The Whins run in close proximity to the site and could be affected by the development;
- does the Council not have concerns about the proximity of the sewage works to the proposed development?;
- are there national guidelines on situating housing developments in close proximity to an active sewage treatment plant or have any Environmental Health Impacts been carried out to assess the impact this could have on public health?;
- the new garage for 8 The Whins would be hidden from view which would decrease its security;

- residents would wish to be consulted on the proposed fencing and planting plan when it emerges;
- the tree species, shown planted close to The Whins boundaries on the site plan should be far enough away from the boundary so that they could never overhang the Whins gardens, and that their roots could never interfere with Whins house foundations;
- is there a local demand for this development of ten high specification houses in a village with several similar properties for sale, and the approved development at Croftlands for 6 or 8 houses apparently stalled for lack of buyers?;
- the inclusion of a footpath link to The Glen and Cairn Beck is a welcome addition to the village - a footpath link should be provided from the turning head adjacent to Plot 4 to Black Lonning.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections, subject to conditions;

Wetheral Parish Council: - concerned about the suitability of the access road to the Whins as there will be a significant increase in traffic movement when the development is complete. Requested that the construction traffic access the site via Black Lonning, not through the Whins. Requested a contribution towards the Heads Nook play area refurbishment if the application is approved;

Local Environment, Waste Services: - raised some concerns about access to Plots 1 to 4 for a refuse vehicle due to the angle of the road and the proposed landscaping. The developer would need to provide refuse bins for the dwellings;

Cumbria County Council - (Highway Authority - Footpaths): - Public footpath 138024 and restricted Byway 138068 follow an alignment to the south and the north of the proposed development respectively, they must not be altered or obstructed by the development before or after it has been completed, if the path(s) are to be temporarily obstructed, then a temporary closure will be required;

The Ramblers: - no comments received;

Local Environment - Environmental Protection: - no objections;

Northern Gas Networks: - no objections;

Cumbria Constabulary - North Area Community Safety Unit: - security and crime prevention have been considered as part of the design of this development, demonstrating compliance with Policy CM4 of the Local Plan. Suggested some crime prevention measures to be considered by the

applicant;

United Utilities: - no objections, subject to conditions.

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, HO2, HO4, GI3, GI5, GI6, IP3, IP6 and CC5 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 The main issue to establish in the consideration of this application is the principle of development. Policy SP1 of the adopted Local Plan states that when considering development proposals the City Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. Policy SP2 of the adopted Local Plan states that within the District's rural settlements, development opportunities of an appropriate scale and nature, which are commensurate with their setting, will be harnessed to positively contribute to increasing the prosperity of the rural economy and to enable rural communities to thrive.
- 6.4 Policy HO2 of the adopted Local Plan deals with windfall housing development. The policy states that this will be acceptable within the rural area provided that a number of criteria are met which include 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; and the proposal is compatible with adjacent land users.
- 6.5 Planning permission has previously been granted for the erection of five dwellings on this site, with permission also being granted for the erection of six dwellings on a site to the rear of Croftlands, which lies in close proximity. This has established that small scale residential development in Heads Nook is acceptable in principle. This decision has been reached on the basis that whilst Heads Nook itself has limited services (a village hall and children's play area) it lies in close proximity to Warwick Bridge, Corby Hill and Little Corby which provide a high level of service provision including a school, shops, a garage, a community centre, churches and a doctors.
2. Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 6.6 Policy HO2 of the adopted Local Plan deals with windfall housing development. The policy states that this will be acceptable within the rural area provided that a number of criteria are met which include: 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 where the housing is proposed; 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 open countryside; and the proposal is compatible with adjacent land users.

- 6.7 It is acknowledged that this current proposal increases the number of dwellings on the site from five to ten, but a development of ten dwellings on this site is considered to be of an acceptable scale, given the size of Heads Nook.
- 6.8 The dwellings would be orientated so that they face west towards the remaining field, with the rear elevations facing the properties on The Whins. Each dwelling would be sited within a large plot and extensive landscaping is shown on the boundary with The Whins. The access road would lie to the west of the dwellings and this would be adjoined by a swale and some landscaping.
- 6.9 Plots 1, 3, 7 and 9 would be five bedroom two-storey properties that would have integral garages. Plots 2, 6 and 8 would be four bedroom two-storey dwellings that would have a pitched roof dormer window in the front roofslope and integral garages. Plots 4 and 5 would be five-bedroom two-storey properties that would have a garage attached to the front which would have a bedroom above that would be served by a flat roof dormer window. Plot 10 would be a one-and-a-half storey property which would have a two-storey gable and a pitched roof dormer window in the front elevation. This dwelling, which would have three bedrooms to the first floor and one bedroom to the ground floor, would have a detached garage. Plot 4 would be set forward of Plots 1 to 3 and its garage would face the shared drive, whilst Plot 10 would be angled to face the SUDS pond. The dwellings would be constructed predominantly of brick, with sections of stone, render and hung tiles being added to some of the dwellings to add visual interest. Seven of the dwellings would have slate effect roof tiles with three of the dwellings having red plain roof tiles.
- 6.10 Objectors have raised concerns about the scale and design of the dwellings, which they consider have an urban appearance. Whilst it is acknowledged that the dwellings would be located close together, they would sit in large plots and extensive landscaping would help to retain the rural character. The use of four different house types and a range of materials would add visual interest to the development. The dwellings have been designed so that the front elevations of the dwellings face west towards the field and would form the new edge of the village.
- 6.11 The proposal is seeking to create a new access from The Whins and this would pass through part of the front garden of 8 The Whins and this would require the demolition of an existing attached garage. Whilst this new access would be visible in views from the road, it would not have a significant adverse impact on the residential street. A 1.8m stone wall would be constructed adjacent to the access to protect the privacy of future occupiers of 8 The Whins and this would reduce to a low level wall adjacent

to the new access road to ensure suitable visibility can be achieved from the access. Conditions have been added to the permission, which would ensure that the new wall would be of an acceptable design and the details of the front elevation of 8 The Whins would have to be submitted to the Local Planning Authority for approval.

- 6.12 In light of the above, the scale and design of the proposal would be acceptable.

3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 6.13 The new development would be located to the rear of The Whins, which contains a mixture of bungalows and two-storey properties. The new dwellings would have rear elevations facing the rear elevations of the existing dwellings on The Whins. The new dwellings would have large rear gardens and as a consequence the separation distances between the dwellings would exceed the minimum distances between dwellings set out in the Council's Supplementary Planning Document Achieving Well Designed Housing, with nearest properties being 26m away from the existing dwellings.

- 6.14 The proposed plans also show the provision of extensive landscaping along the boundary between the existing and proposed dwellings and this would help to reduce any overlooking. This landscaping would be secured by condition.

4. Highway Matters

- 6.15 A number of objectors have raised concerns about the proposed access to the site, which would be through The Whins, which is a cul-de-sac consisting of 13 dwellings; the level of car parking proposed; and the use of The Whins during construction.
- 6.16 The new access road from The Whins would be 4.8m in width and would link to a shared driveway, which would serve Plots 1-4 and a new road that would serve Plots 5-10. A turning head would be provided at the end of the road, adjacent to Plot 10. Each of the dwellings would have a garage and large driveways and would be able to accommodate a minimum of three cars. Two parking spaces would also be provided for 8 The Whins, one within a garage.
- 6.17 County Highways has been consulted on the application and has no raised objections to the proposals, subject to the imposition of a number of conditions which would ensure that: the road is designed, constructed, drained and lit to a standard suitable for adoption; suitable visibility splays are provided at the junction with The Whins; the access, parking and turning areas are constructed prior to the occupation of the dwellings; and adequate land is reserved for construction vehicles.
- 6.18 The additional traffic that the development would generate would be low and would not have an adverse impact on the existing junction of The Whins with

the C1026, or on the road through Heads Nook or the junction at Corby Hill.

- 6.19 The applicant has confirmed that construction traffic would use Black Lanning to access the site.

5. Drainage Issues

- 6.20 Foul drainage would be directed to the current Waste Water Treatment Works. Surface water would discharge to a SUDS pond which would be created to the south-west of the dwellings. Conditions have been added to the permission to ensure that prior to commencement of development, details of the proposed foul and surface water drainage (inclusive of how the scheme shall be maintained and managed after completion) are submitted for approval by the Local Planning Authority.
- 6.21 United Utilities has confirmed in previous responses to consultations on this site, that Head Nooks Sewage Works has neither odour nor noise problems.

6. Provision Of Affordable Housing

- 6.22 Local Plan Policy HO 4 requires 30% affordable housing on sites in Affordable Housing Zone A which encompasses Heads Nook, and stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Councils Low Cost Housing Register). On sites of 6-10 units, such as this application, the affordable housing contribution is by way of a financial contribution, rather than on-site affordable units.
- 6.23 In accordance with policy HO 4, based on a 10 unit scheme, the requirement would therefore be 30% affordable housing, equating to 3 affordable units (50% for affordable/ social rent & 50% intermediate housing). The discount would be 30% on the intermediate units and 60% on the rented units. To assist with viability the affordable housing contribution has been calculated based on 2 no. intermediate units and 1 no. affordable/ social rented unit.
- 6.24 Since all of the units within the application site are larger, Executive type houses, which would not be suitable for affordable housing, the affordable commuted sum calculation has been based on 2016 lower quartile CACI Streetvalue data for Great Corby & Geltsdale ward, which is £177,106. Using this figure, the affordable housing contribution that would be required for this development would be £212,527 which would be secured through a S106 Legal Agreement. The contributions could be phased e.g. one third upon completion of the 3rd, 6th and 9th units.

7. Impact On Trees & Hedges

- 6.25 There are hedgerows and trees along the rear boundaries of The Whins and a condition has been added to the permission to ensure that these are protected by suitable barriers during the construction period.
- 6.26 Small sections of hedgerow would be removed to make way for the new access road to the development and for the creation of the construction

access. The extensive landscaping that is proposed for the development would compensate for the loss of these small sections of hedgerow.

8. Impact On Biodiversity

- 6.27 The site is currently a field which has low ecological value. The proposal would lead to the planting of a number of new trees within the site and the creation of a SUDS pond and should, therefore, make a positive contribution to biodiversity.
- 6.28 An objector has stated that bats nest in the roofspace of a number of dwellings/ garages at The Whins and a bat survey should be undertaken at the garage of 8 The Whins, which is to be demolished as part of the proposals. The applicant been made aware of this issue and has been advised that a bat survey of the garage would be required prior to the determination of the application. Members will be updated on this matter at committee.

9. Other Matters

- 6.29 The Council's Waste Services Section has raised some concerns about the bin lorry being able to access the shared driveway to the front of Plots 1 to 4 due to angle of the road and the presence of trees. The applicant has been made aware of these issues and considers that a bin lorry would be able to access these dwellings. If this is not the case, the occupiers of these dwellings would need to bring their bins to the end of the shared driveway.
- 6.30 Wetheral Parish Council has requested that the developer makes a contribution towards the refurbishment of the Heads Nook play area. Given the size of the development, it would not be reasonable to request such a contribution. The developer has, however, been made aware of this request and is currently giving it some consideration. If they agree to make a contribution it would be made directly to the Parish Council and would not be to included within the S106.
- 6.31 Objectors consider that the proposed development would be contrary to a number of covenants that are in place at 8 The Whins. This is not, however, a planning matter and the developer would need to consider if the development complies with any covenants that are in place.

Conclusion

- 6.32 In overall terms, the proposal is acceptable in principle. The scale and design of the dwellings would be acceptable and they would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties. The proposed access and foul and surface water drainage would be acceptable. The proposal would not have an adverse impact on trees, hedgerows or biodiversity. A contribution towards affordable housing would be secured through a S106. In all aspects, the proposal is considered to be compliant with the objectives of the relevant national and local planning policies.

- 6.33 If Members are minded to grant approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 Agreement to secure:

a) a financial contribution of £212,527 towards the provision of affordable housing.

- 6.34 A bat survey would also need to be undertaken of the garage prior to the determination of the application.

7. Planning History

- 7.1 In March 2014, outline planning permission was granted for residential development (13/0792).
- 7.2 In May 2015, full planning permission was granted for the erection of 3no. detached dwellings (15/0097).
- 7.3 In April 2016, full planning permission was granted for the erection of 2no. detached dwellings (16/0039).

8. Recommendation: Grant Subject to S106 Agreement

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

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

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 9th September 2016;
2. the Location Plan as Existing (drawing no. SS006 HN:02) received 16th September 2016;
3. the Block Plan as Existing (drawing no. SS006 HN:01) received 16th September 2016;
4. the Proposed Site Plan (drawing no. SD-20.01) received 9th September 2016;
5. the Proposed Site Plan (Coloured) (drawing no. SD-20.02) received 9th September 2016;
6. the Type B - Floor Plan (Plots 1,3,7 & 9) (drawing no. SD-10.03) received 9th September 2016;
7. the Type B - Elevations (Plots 1 & 7) (drawing no. SD-10.04a) received 16th September 2016;
8. the Type B - Elevations (Plots 3 & 9) (drawing no. SD-10.04b) received 9th September 2016;
9. the Type C - Floor Plan (Plots 2,6 & 8) (drawing no. SD-10.05)

- received 9th September 2016;
- 10. the Type C - Elevations (Plots 2 & 8) (drawing no. SD-10.06a) received 9th September 2016;
- 11. the Type C - Elevations (Plot 6) (drawing no. SD-10.06b) received 9th September 2016;
- 12. the Type M - Floor Plan (Plots 4 & 5) (drawing no. SD-10.25) received 9th September 2016;
- 13. the Type M - Elevations (Plots 4 & 5) (drawing no. SD-10.26) received 9th September 2016;
- 14. the Type R - Floor Plan (Plot 10) (drawing no. SD-10.27) received 16th September 2016;
- 15. the Type R - Elevations (Plots 10) (drawing no. SD-10.28) received 9th September 2016;
- 16. the Single Garage Plans, Elevations & Section (drawing no. SD-10.30) received 9th September 2016;
- 17. the Double Garage Plans, Elevations & Section (drawing no. SD-10.29) received 9th September 2016;
- 18. the Elevation Treatment Plan (drawing no. SD-20.04 A) received 9th September 2016;
- 19. the Street Scenes (drawing no. SD-40.01 A) received 9th September 2016;
- 20. the Boundary Treatment Plan (drawing no. SD-20.03 A) received 9th September 2016;
- 21. the New Drainage Layout Plan Sheet 1 of 2 (drawing no. K31729/A1/101) received 9th September 2016;
- 22. the New Drainage Layout Plan Sheet 2 of 2 (drawing no. K31729/A1/102) received 9th September 2016;
- 23. the Planning Statement, incorporating Design and Access Statement received 9th September 2016;
- 24. the Contamination Statement received 9th September 2016;
- 25. the Notice of Decision; and
- 26. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: To ensure the works harmonise as closely as possible with dwellings in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

scheme shall be replaced during the next planting season.

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

5. No development shall commence until details of any walls (including the walls adjacent to the access road to the front of 8 The Whins), gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. No work associated with the construction of the residential units 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 statutory holidays).

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

7. For the duration of the development works, existing trees and hedges along the boundary with the properties on The Whins shall be protected by a suitable barrier, the position of which shall be indicated on a plan and agreed in writing by the Local Planning Authority before development works commence. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

9. Prior to the commencement of development, plans shall be submitted for approval in writing by the Local Planning Authority which show the proposed front elevation of 8 The Whins (following the demolition of the garage).

Reason: To ensure the dwelling as altered does not have an adverse impact on the area and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

10. The carriageway, footways, footpaths, cycle ways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved & the appropriate Section 38 document signed. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

11. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

12. The development shall not commence until visibility splays providing clear visibility of 70 metres in a north easterly direction & 70 meters in a south westerly direction measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway from a point 2.4 meters back from the edge of the carriageway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 formed before general development of the site commences so that construction traffic is safeguarded.

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

13. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage and to support Local Transport Plan Policies LD5, LD7 & LD8.

14. No dwellings shall be occupied until the estate road including footways and

cycle ways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

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

15. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

16. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) and shall not be raised to a height exceeding 1.0m thereafter.

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

17. 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 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 and to support Local Transport Plan Policies LD5, LD7 & LD8.

18. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 & LD8.

19. Before any development takes place, a plan shall be submitted for the prior approval of the Local Planning Authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access

thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

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

20. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway with access from Black Lonning.

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

21. Development shall not be begun until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the Local Planning Authority and shall include measures to secure:

- formation of the construction compound and access tracks and any areas of hard standing;
- cleaning of site entrances and the adjacent public highway;
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- post-construction restoration/reinstatement of the working areas;
- the submission of a construction surface water management plan.

The Construction Method Statement shall be carried out as approved.

Reason: In the interests of public safety on the highway and to support Local Transport Policy LD8.

22. Development shall not be begun until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include details of:

- the construction of the site access "Black Lonning" and the creation, positioning and maintenance of associated visibility splays;
- access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
- the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; for The Whins & Black Lonning.
- details of proposed crossings of the highway verge;
- retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;

- the surfacing of the access roads from the public highway into the site shall extend for a minimum of 25m;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs and banksman/escort details.

Development shall be carried out in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of public safety on the highway and to support Local Transport Policy LD8.

23. 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.

The development shall be completed, maintained and managed in accordance with the approved details.

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.

24. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Residents Management Company; and
- a. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

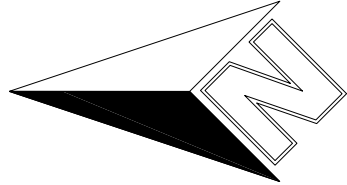
The development shall subsequently be completed, maintained and

managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.



8

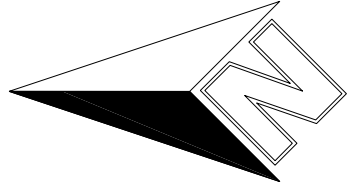
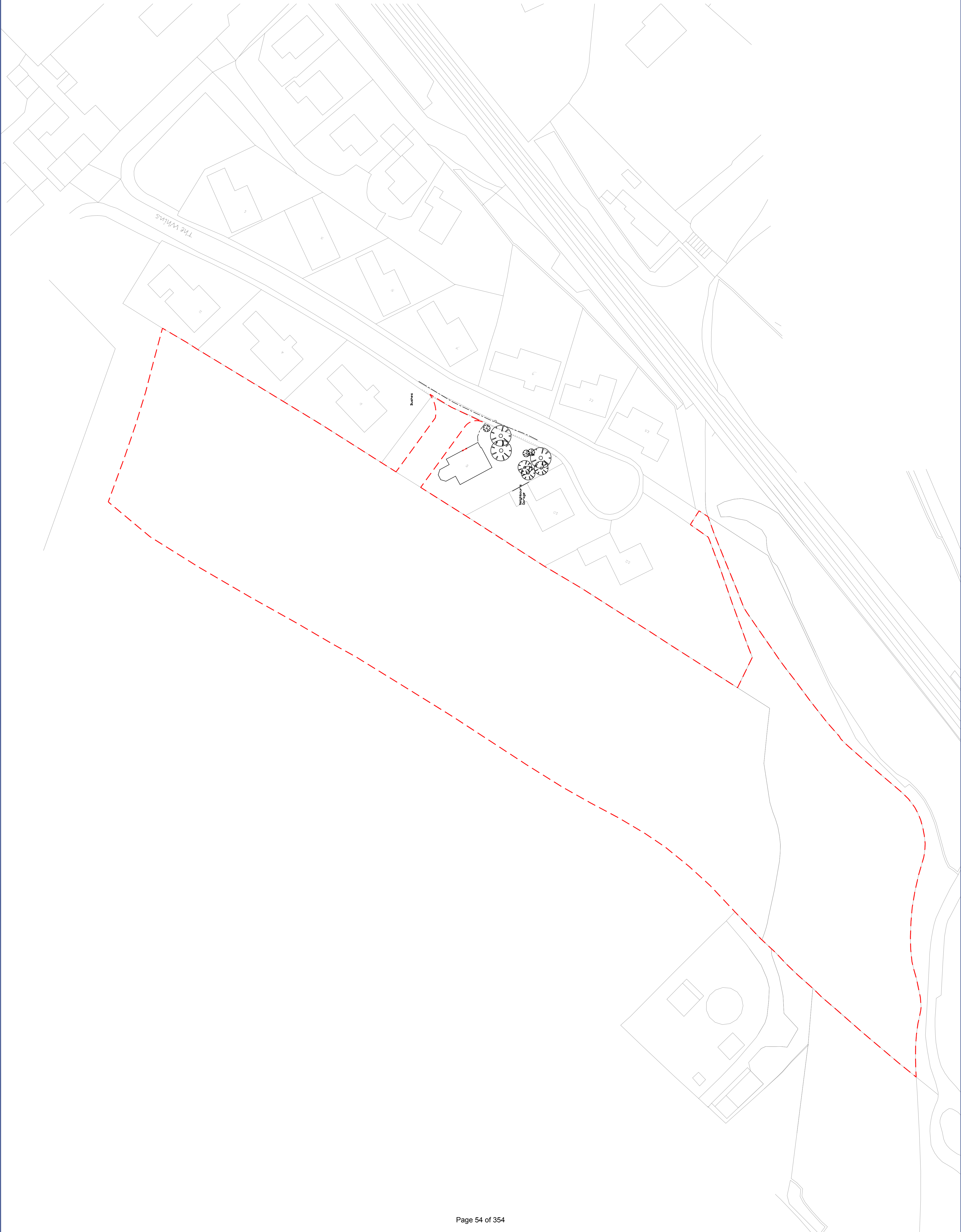


REIVERHOMES

Proposed
Housing Development
Land Adj
The Whins, Heads Nook, Carlisle. CA8 9AL.

Location Plan
AS EXISTING

DRAWN BY	SDM	DATE	08/09/2016
CHECKED BY		SCALE	1:1250 @ A1/D
DRAWING NUMBER	SS006 HN :02	REVISION	
Revisions			



Proposed
Housing Development
Land Adj
The Whins, Heads Nook, Carlisle, CA8 9AL.

Block Plan
AS EXISTING

DRAWN BY	SDM	DATE	05/09/2016
CHECKED BY		SCALE	1:500 @ A11:1000 @ A3
DRAWING NUMBER	SS006 HN :01	REVISION	
Revisions			

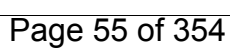
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DRAWING TITLE:

Proposed Site Plan

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PROJECT NO:	837-REI		DATE:	09:16	CVB
			DRAWING NO:	SD-20.01	
			REVISION:	-	



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Heads Nook

Proposed Site Plan (Coloured)

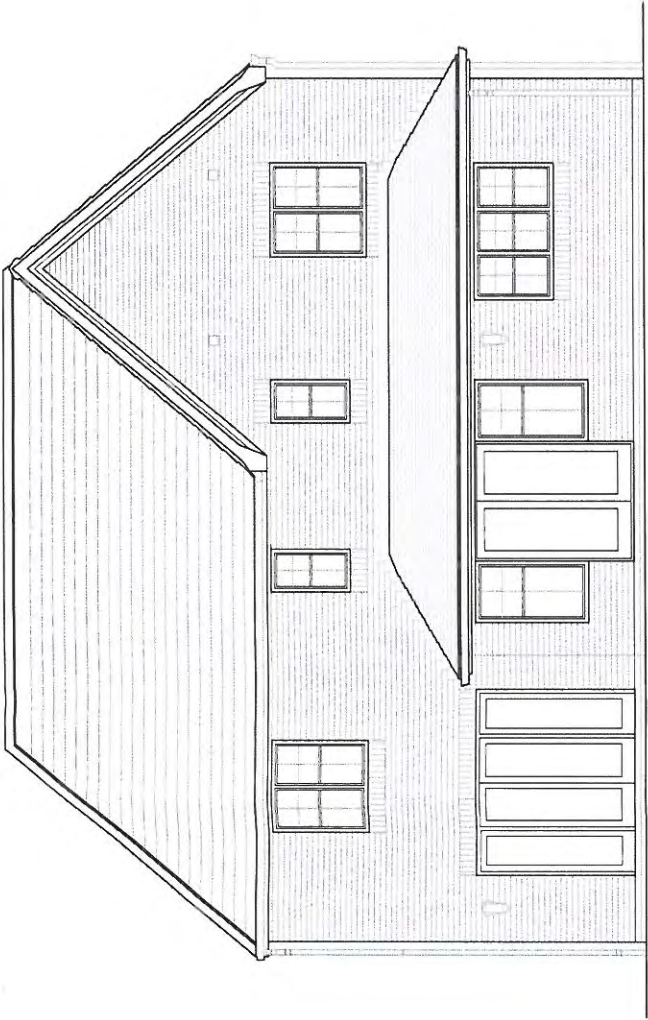
Metres

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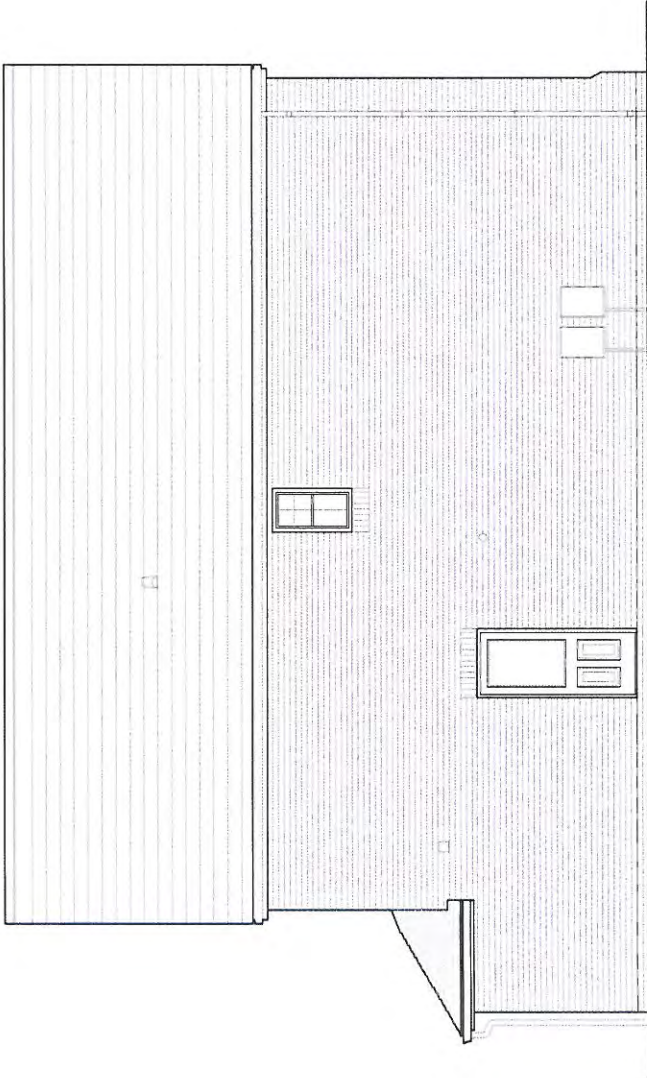
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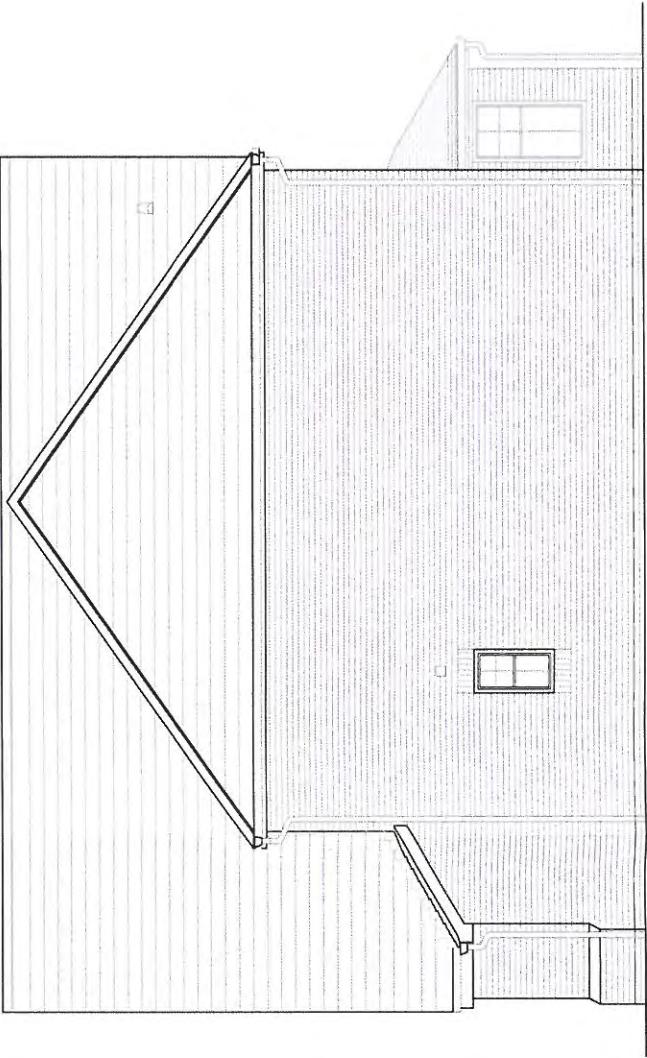
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

16 SEP 2013
16/08/12



PROJECT: NEWCASTLE POD TYPE 1 - NO 32F | 011 465 7200 | INFO@PODNEWCASTLE.CO.UK
POD NEWCASTLE
Heads Nook

DRAWING TITLE:
Type B - Elevations (Plots 1 & 7)

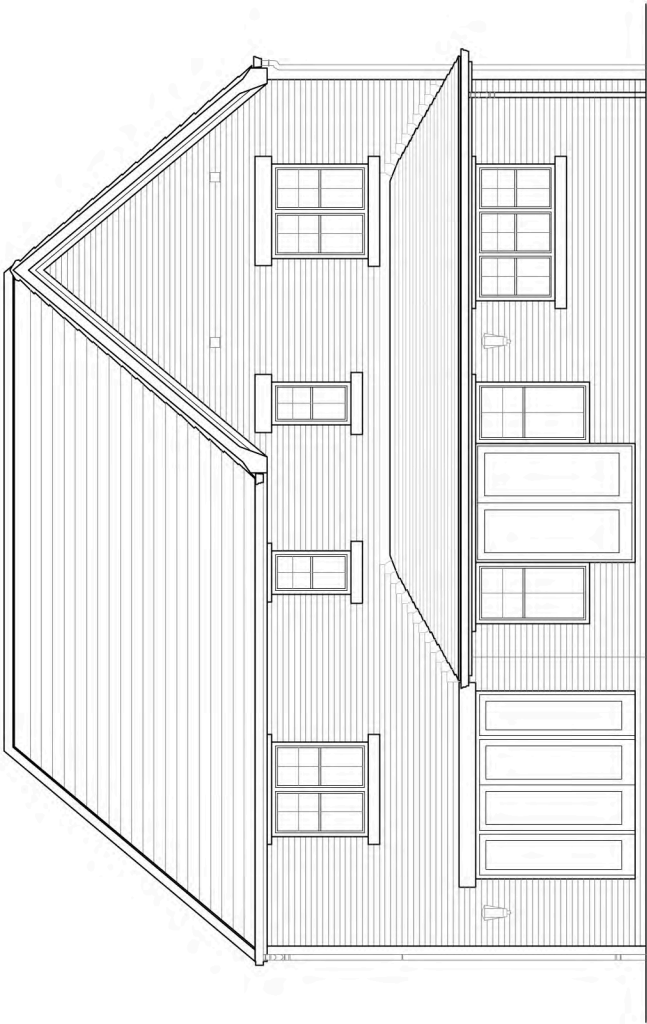
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DATE	09:16	DRAWN BY	JN
CHECKED BY	MEC	PROJECT NO.	837-REI
DRAWING NO.	SD-10.04a	REVISION	-

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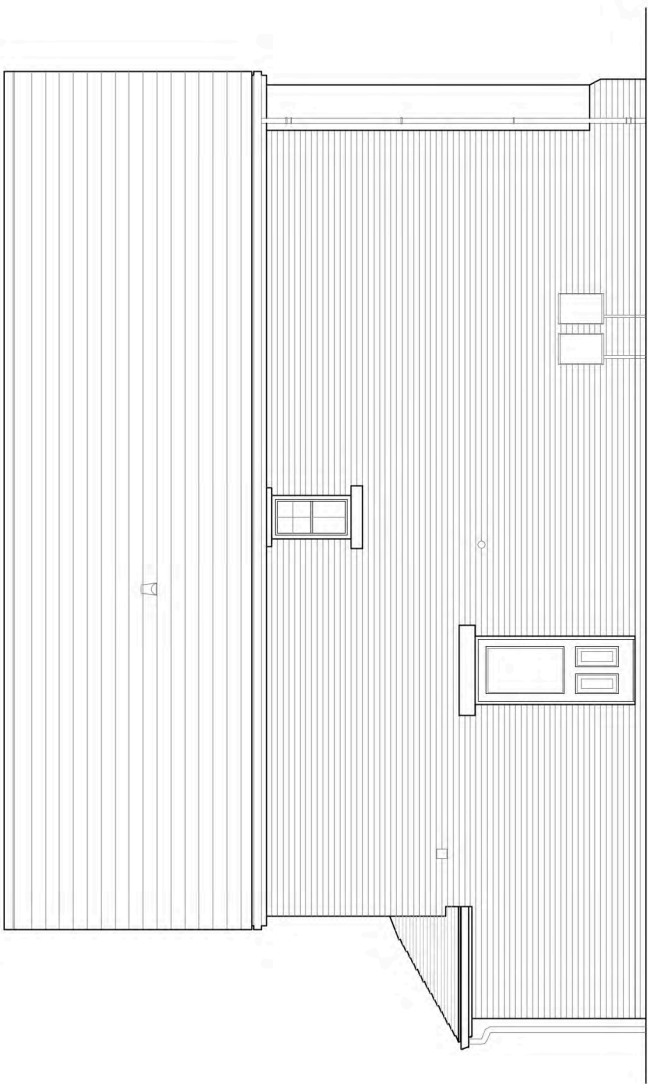
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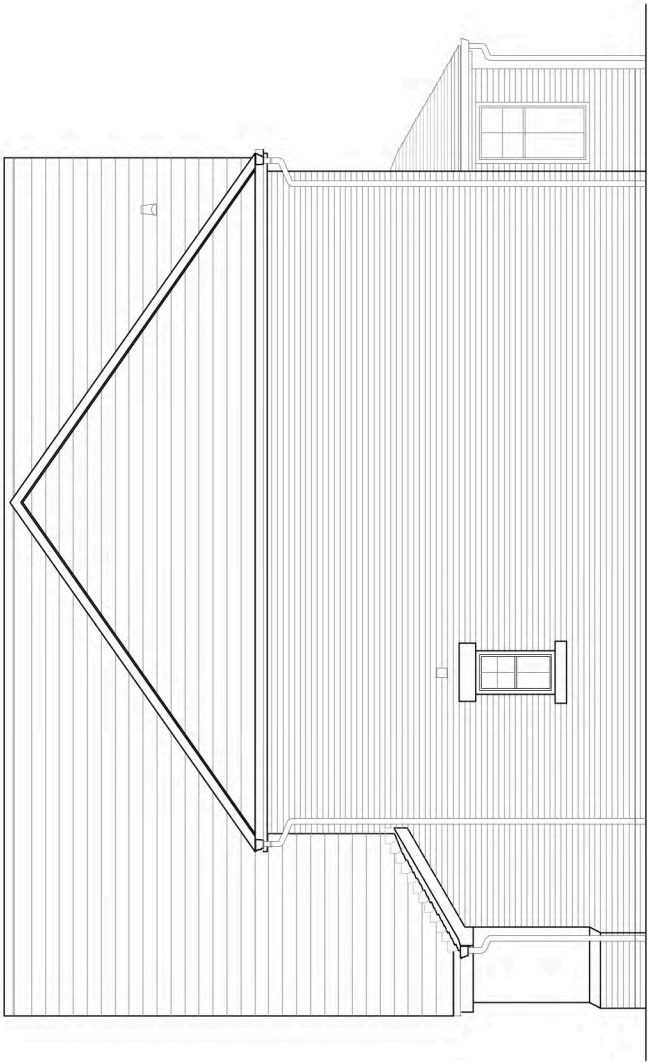
Front Elevation



Rear Elevation



Side Elevation



Side Elevation



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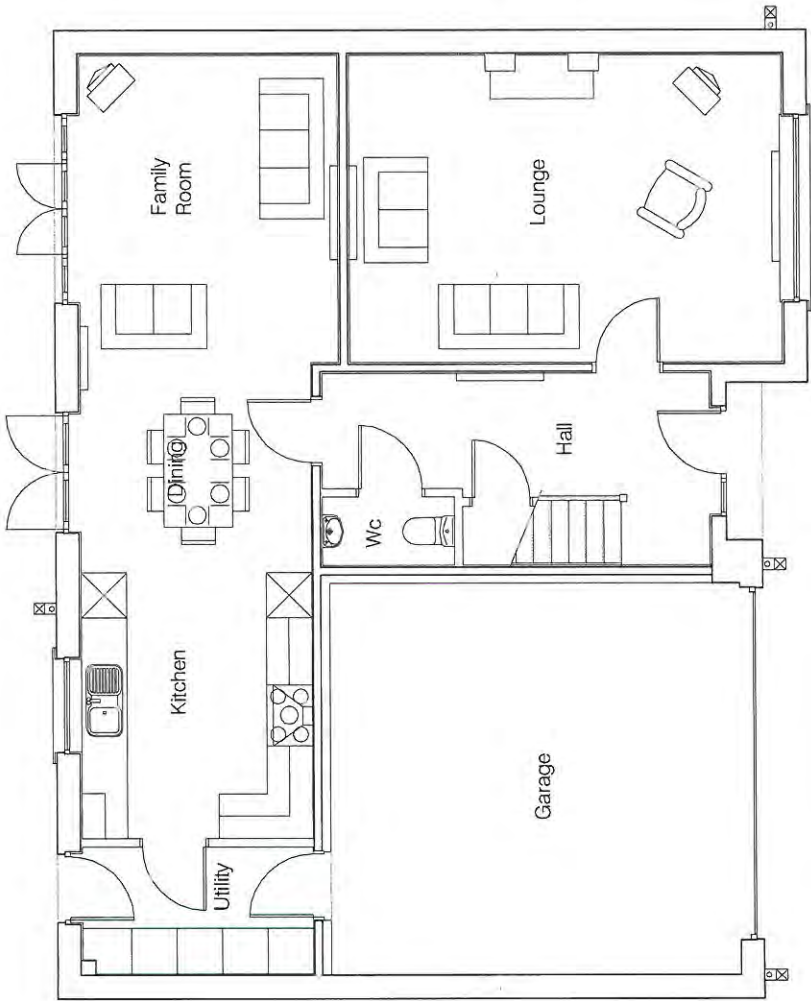
PROJECT: Heads Nook

DRAWING TITLE: Type B - Elevations (Plot 3 & 9)

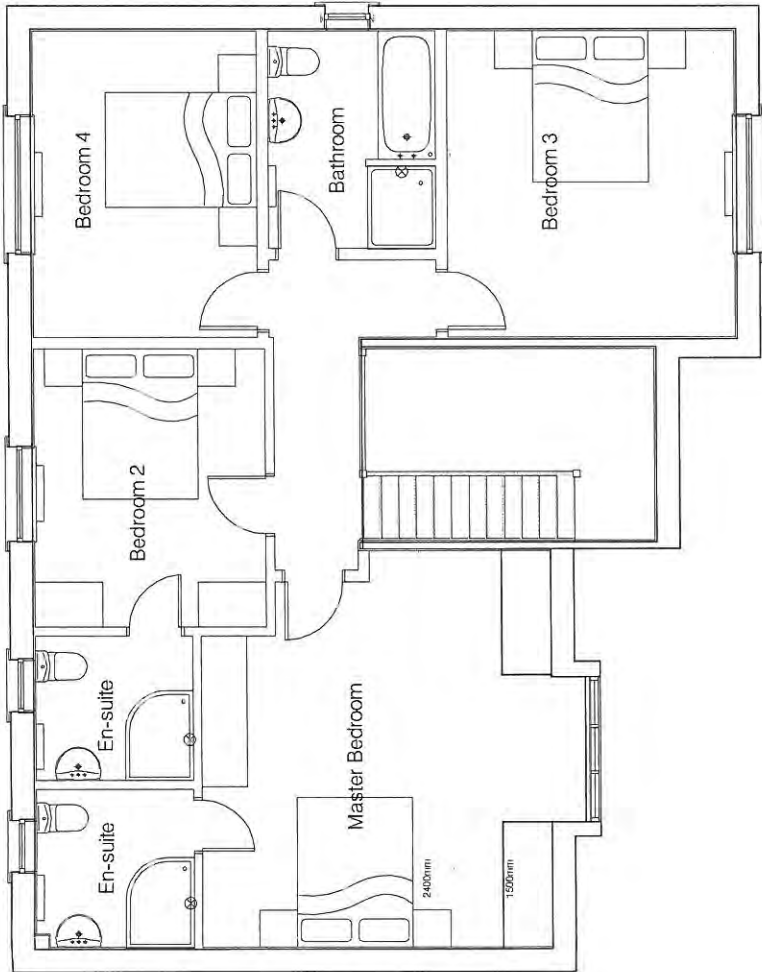
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Reiver Homes	Planning		JIN	MEC
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1:100	A3	09:16	JIN	MEC
PROJECT NO:	DRAWING NO:	REVISION:		
837-REI	SD-10.04b	-		

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REV	BY	DATE	NOTE
1	DR	10/03/2016	NOTE



Ground Floor, 833.60sqft
Garage, 302.66sqft



First Floor, 919.12sqft

09 SEP 2016
16/08/2



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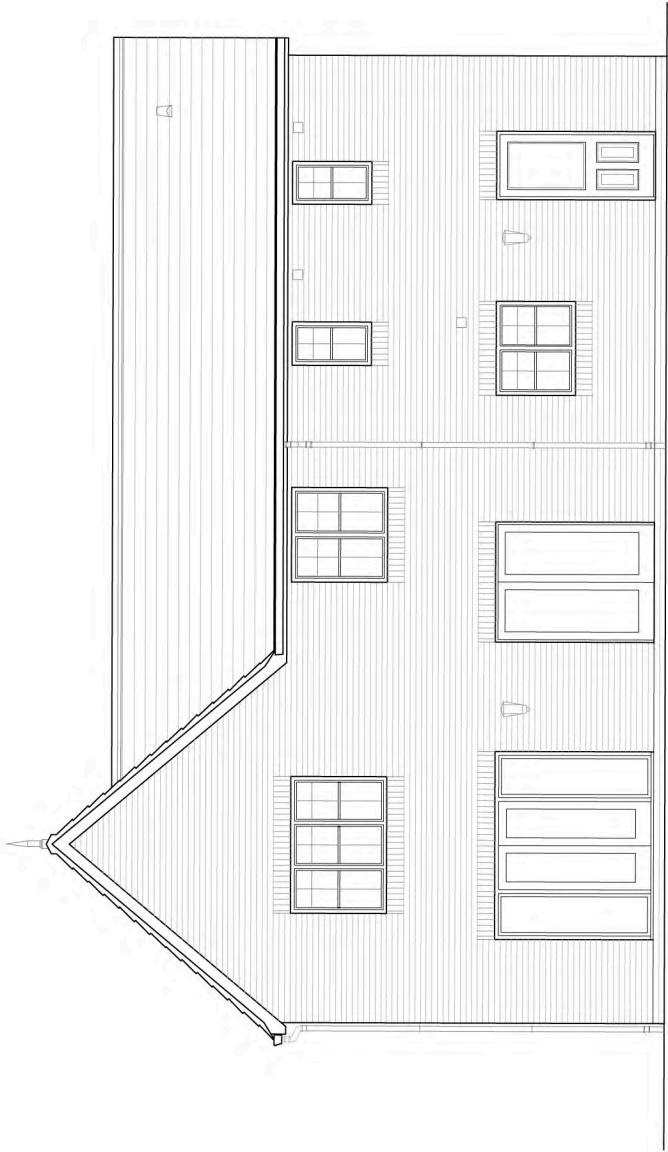
Heads Nook

Reiver Homes
Type C - Floor Plans (Plots 2, 6 & 8)

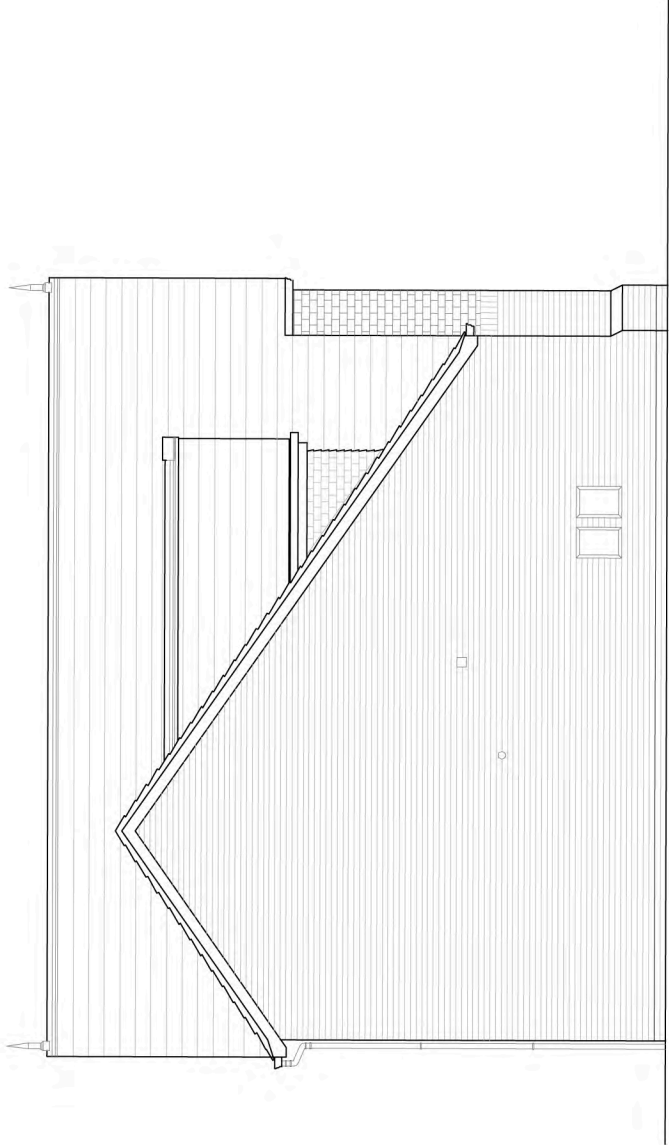
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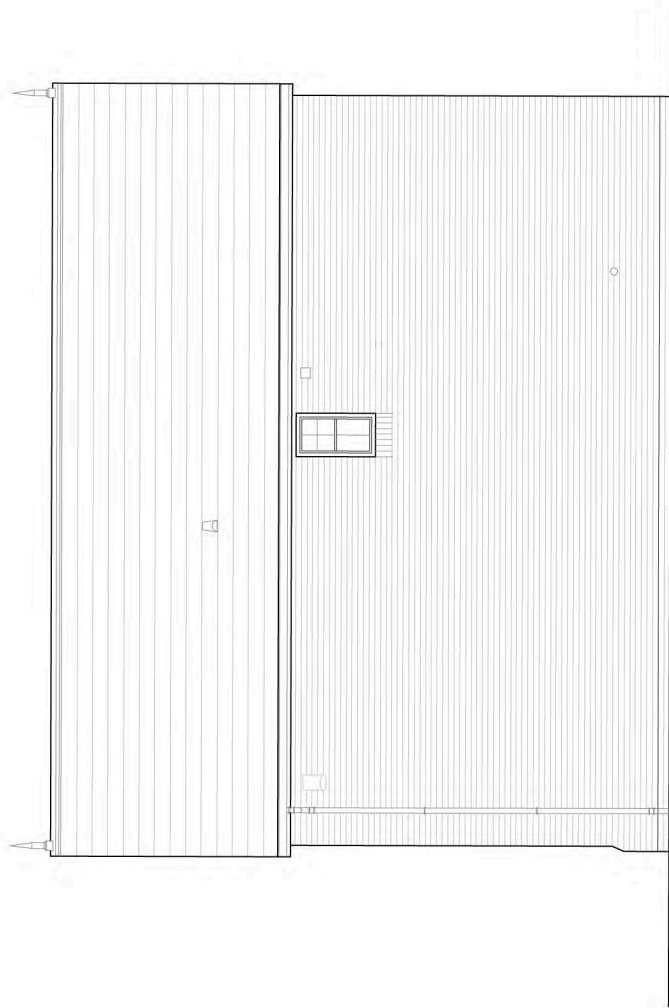
Front Elevation



Rear Elevation



Side Elevation



Side Elevation

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Heads Nook

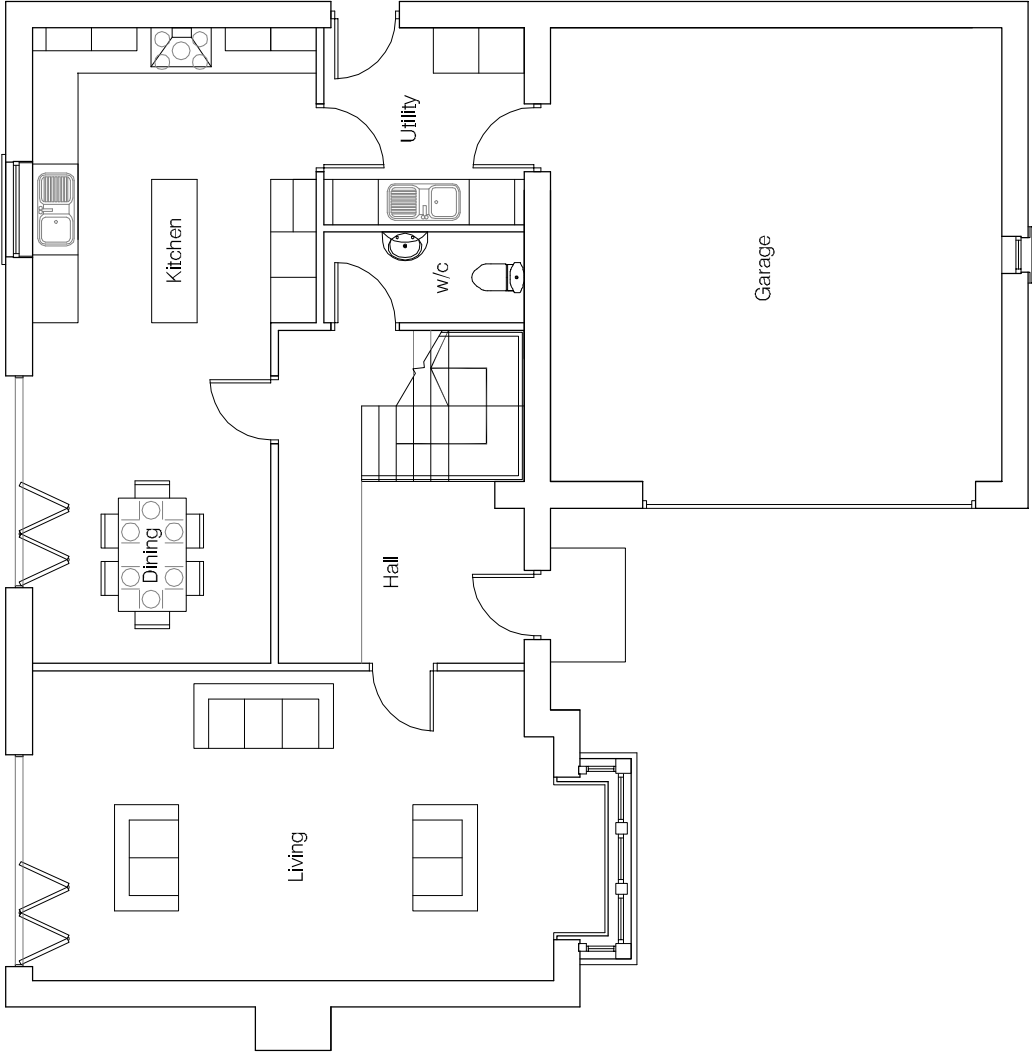
DRAWING TITLE

Type C - Elevations (Plot 6)

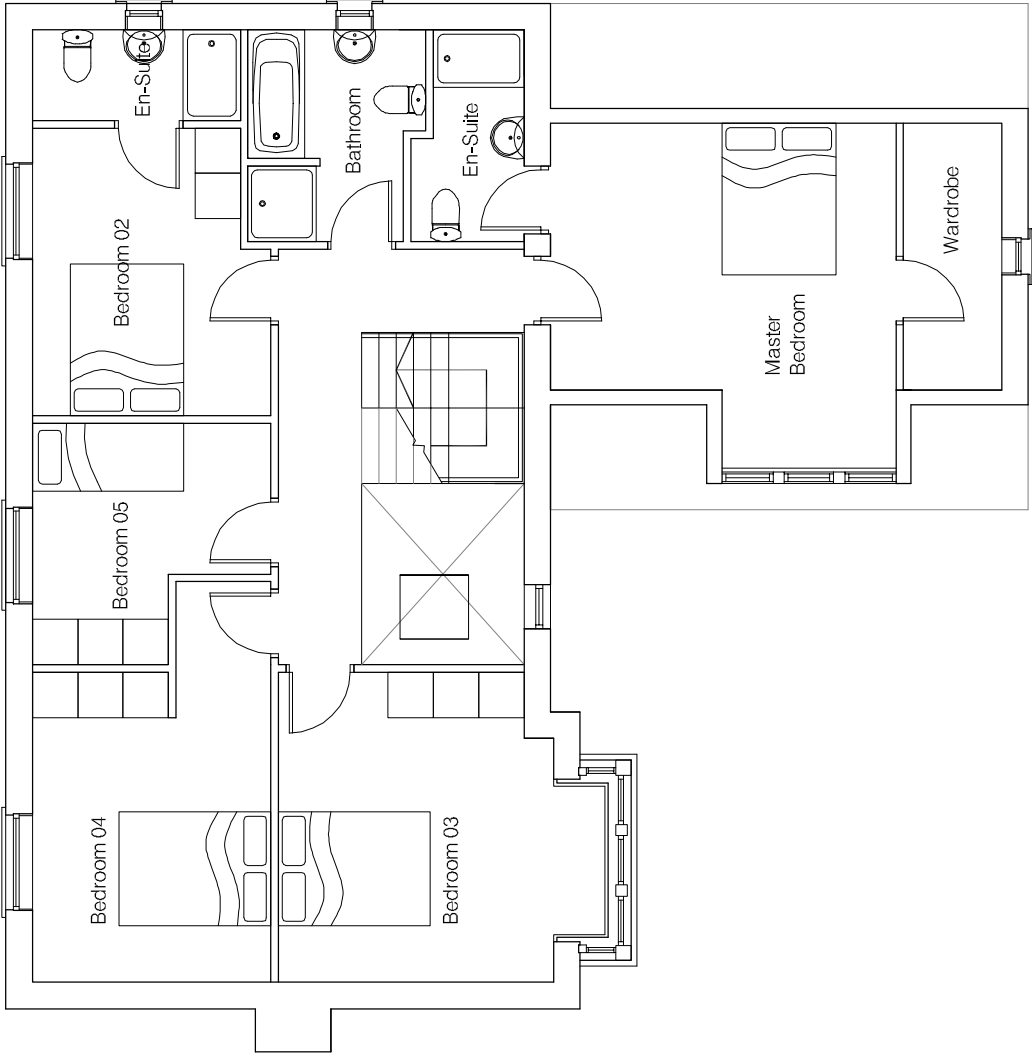
CLIENT	Rever Homes	STATUS	Planning
SCALE	1:100	DATE	09:16
PROJECT NO	837-REI	DRAWING NO	SD-10.06b
		CHECKED BY	MEC
		BY	

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REV	BY	DATE	NOTE
x	dx	12/11/24	NOTE



Ground Floor



First Floor



TOPFEE FACTORY | NEWCASTLE-UPON-TYNE | NET 20F | 011 495 7700 | INFO@PODNEWCASTLE.CO.UK

Heads Nook

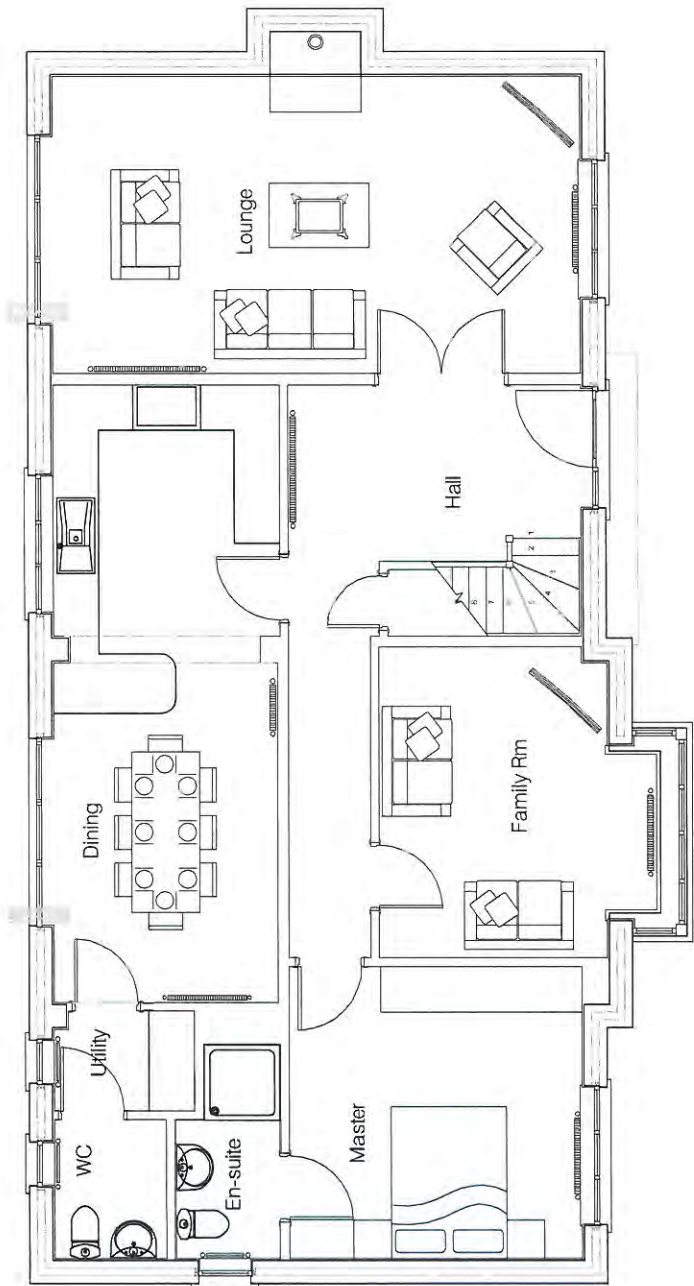
DRAWING TITLE

Type M - Floor Plans(Plots 4 & 5)

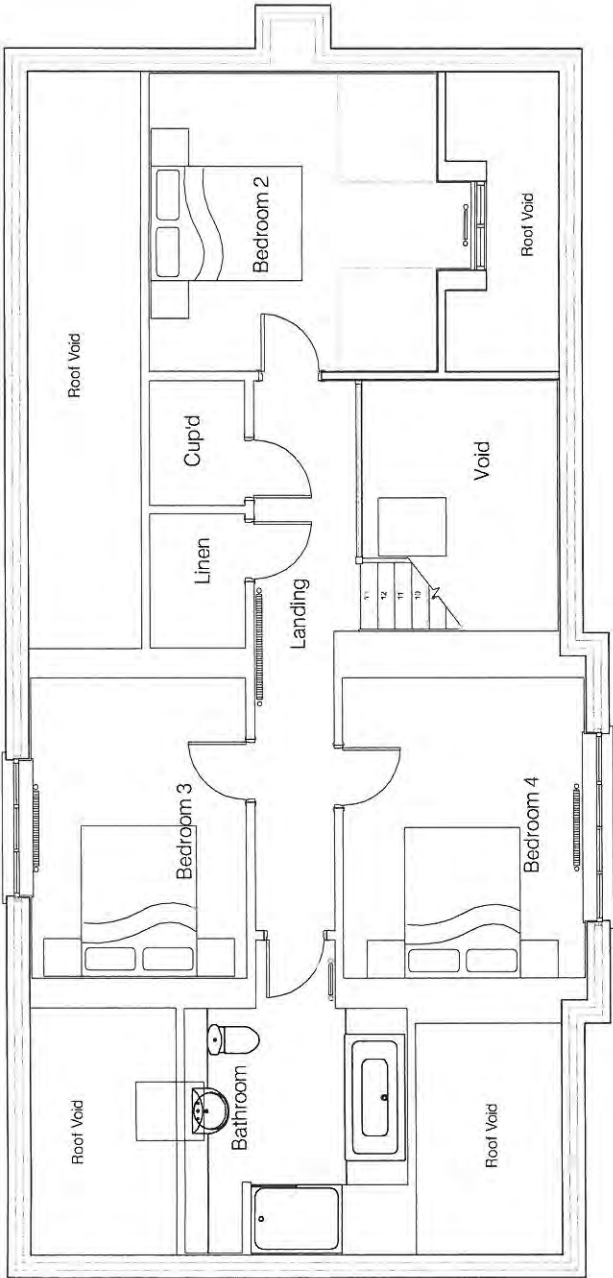
CUSTOMER:	Reiter Homes			STATUS:	Planning				
SCALE:	1:100	SHEET SIZE:	A3	DATE:	09:16	DWG BY:	JN	CHECKED BY:	MEC
PROJECT NO:	837-REI			DRAWING NO:	SD-10.25				
				REVISION:	-				

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REV	BY	DATE	NOTE
X	IX	10/10/2024	



Ground Floor, 1219.5sqft



First Floor, 733.0sqft



TOP FLOOR FACTORY | NEWCASTLE-UPON-TYNE | NE7 2DP | 0191 492 7700 | INFO@PODNEWCASTLE.COM

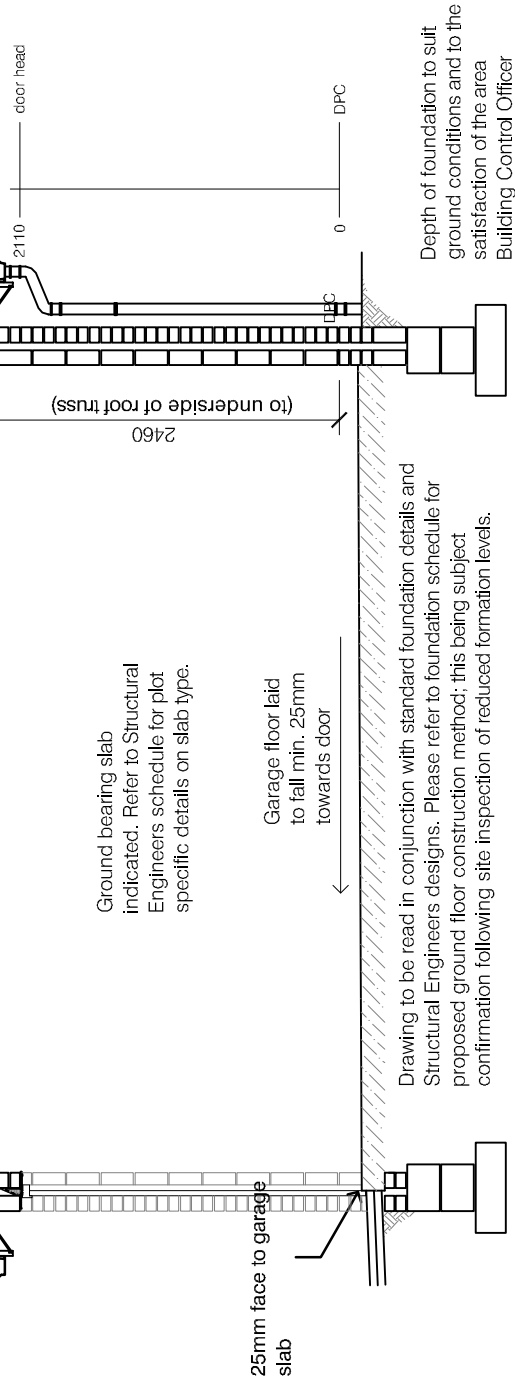
FIGURE: Heads Nook

DRAWING TITLE
Type R - Floor Plans (Plot 10)

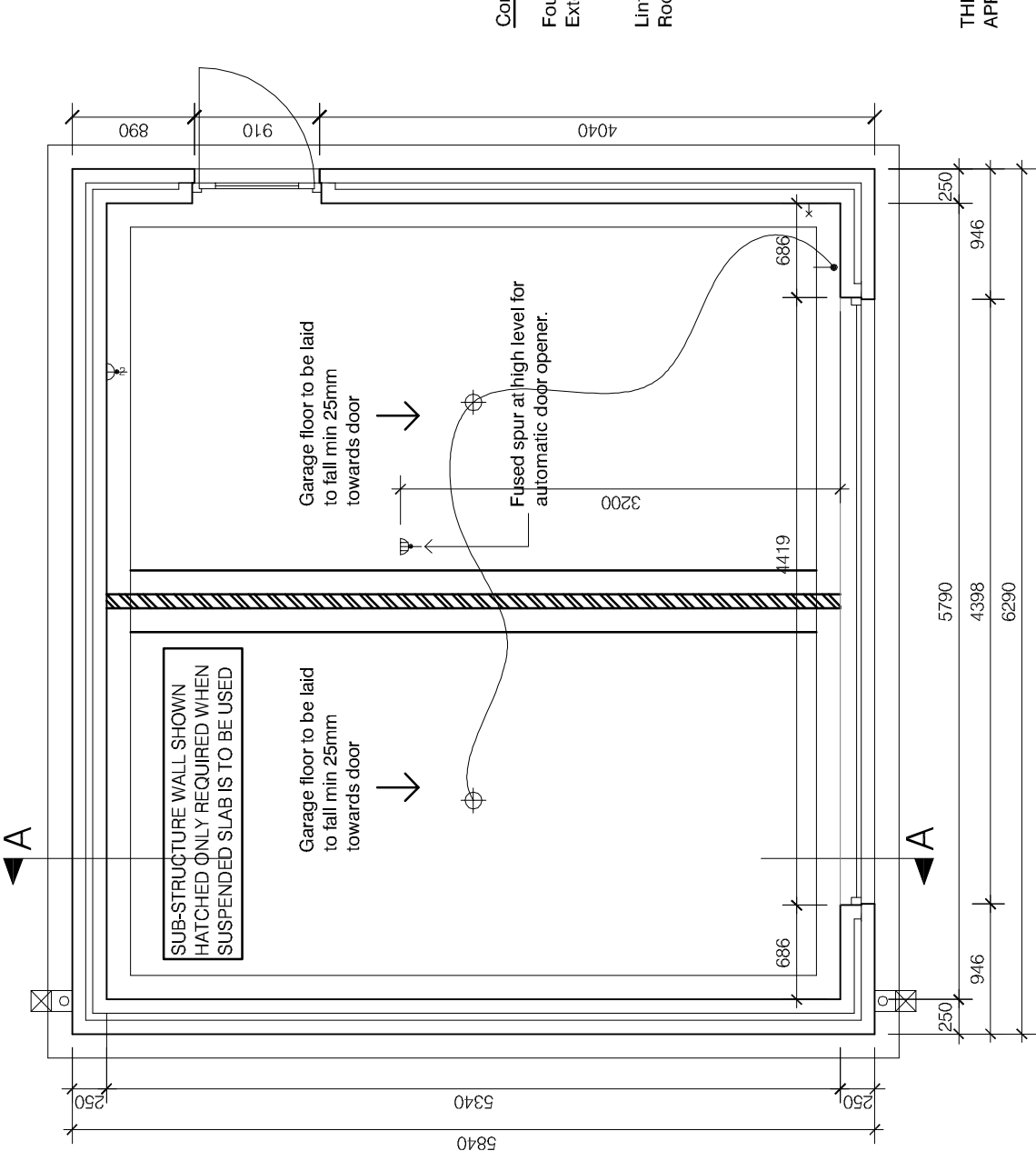
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SCALE:	1:100	SHEET SIZE:	A3
DATE:	09-16	DRAWN BY:	JN
CHECKED BY:	MEC	PROJECT NO:	837-REI
REVISION:	SD-10.27	REVISION:	-

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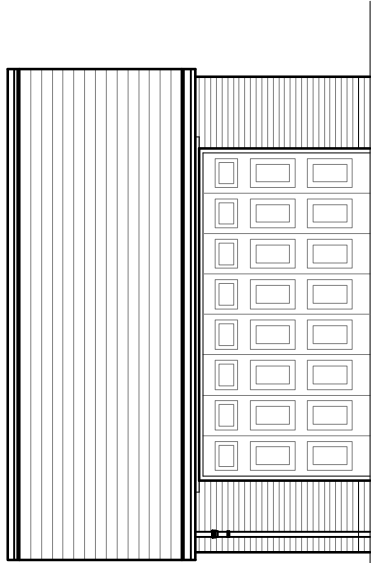
REV	BY	DATE	NOTE
X	DX	12/11/24	NOTE



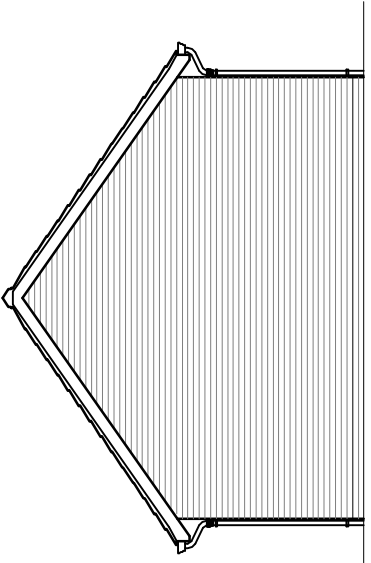
Section



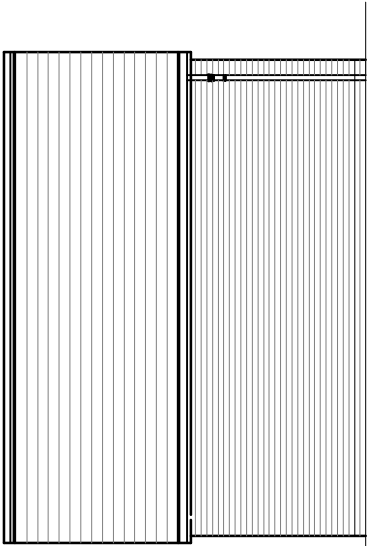
Floor Plan



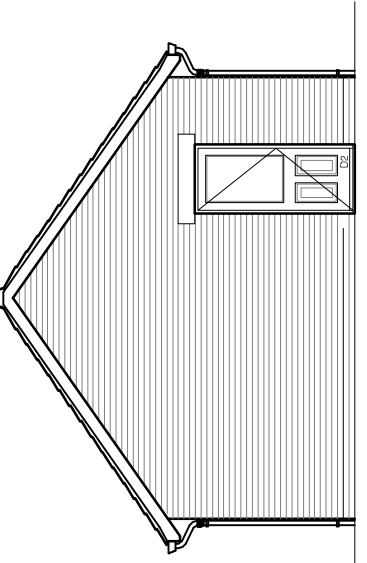
Front Elevation



Side Elevation



Rear Elevation



Side Elevation

Construction Notes

Foundations - 600x150mm concrete footing.

External Walls - 100mm Brickwork or Stone or Rendered Blockwork outer leaf - refer to elevations. 50mm clear cavity.

100mm fair faced blockwork internal leaf.

Lintel - Keystone lintel Ref HD/K-50, length x 2700.

Roof - 100x50mm soft wood wall plate.

100x38mm gable ladders.

100x25mm soft wood bracing.

175 deep foil faced PVC barge boards - black ash colour.

150 deep foil faced PVC fascia boards - black ash colour.

38x38mm soft wood noggins to support soffit.

Approved trusses at max 600mm centers at 35° pitch. Manufactured fixed and braced to BS 5268 Part 3 1985. 30x5mm galvanised MS straps @ max 2m centers over min 3 No trusses at rafter and ceiling level with solid noggins/blockings between ceiling ties/rafters and packing between the ties/rafter and wall at restraint strap positions.

The truss design is to comply with the section 7.2-D3 of the NHBC standards and Approved Document 'A' of the Building Regulations for Dead and Imposed loading to the roof.

THIS DRAWING MUST BE READ IN CONJUNCTION WITH THE APPROPRIATE ENGINEERED FLOOR SLAB DESIGN



TOFFEE FACTORY | NEWCASTLE-UPON-TYNE | NET 20P | 0191 495 7700 | INFO@PODNEWCASTLE.CO.UK

Heads Nook

DRAWING TITLE

Double Garage Plans, Elevations & Section

CUSTOMER:	Retiver Homes			STATUS:	Planning		
SCALE:	1:100	SHEET SIZE:	A3	DATE:	09:16	CHECKED BY:	MEC
PROJECT NO:	837-REI			DRAWING NO:	SD-10.29		
				REVISION:	-		

SCENE A-A

APPLICATION BOUNDARY



Plot 4
Type M

Plot 3
Type B

Plot 2
Type C

Plot 1
Type B

Plot 5
Type M

Plot 6
Type C

Plot 7
Type B

Plot 8
Type C

SCENE B-B



Plot 8
Type C

Plot 9
Type B

Plot 10
Type R

Plot 8
Type C



KEY - NTS



UNITED FACTORY | NEWCASTLE LEAPTIME | REF: 20P | 0191 495 7700 | INFO@PODNEWCASTLE.CO.UK

Heads Nook

Street Scenes

CLIENT:	Reiver Homes	STATUS:	Planning
SCALE:	1:2500	SHEET SIZE:	A1
DATE:	09-16	DRAWN BY:	JN
CHECKED BY:	CVB	REVISION:	
PROJECT NO.:	837-REI	SD-40.01	A

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REV. BY DATE NOTE
A. MCE 10/09/16 TYPED AND BOUNDARY UPDATED



TYPE: FACTORY | NEWCASTLE GARDEN TYPED | NET 20' | 0014 400 7700 | INFO@PODNEWCASTLE.CO.UK

PROJECT: Heads Nook

DRAWING TITLE: Boundary Treatment Plan

CLIENT:	Reiver Homes	STATUS:	Planning
SCALE:	1:500	SHEET SIZE:	A1
DATE:	09-16	CHECKED BY:	CVB
PROJECT NO:	837-REI	DRAWING NO:	SD-20.03
REVISION:			A



NOTES:

- All drainage construction is to be in accordance with United Utilities Standard Details and the relevant clauses from the Civil Engineering Specification for the Water Industry (CESWI) 6th Edition and Sewers for Adoption 6th Edition.
- Invert levels shown on all incoming and outgoing pipes for manholes indicate the invert levels at the intersection of the pipes within the manhole.
- CONCRETE BENCHING AND PIPE SURROUND**
Concrete shall be placed in a single continuous operation from top of base slab to top of benching and pipe surround.
- CONNECTION INTO MANHOLES**
Connections into manholes shall be constructed with the soffits at the same level unless detailed differently on the contract drawings.
- METALWORK**
Ladders, handrailing and safety chains shall be constructed as shown on UU Standard Detail STND/01/002.
All components to be fabricated in Stainless steel grade X6 Cr Ni Mo Ti 17-12-2 to BS EN 10088-1. Refer to UU Standard Detail STND/01/002 for details.
- CONCRETE SURROUND TO MANHOLES**
A concrete surround is not normally required to manholes unless installed in areas of unstable ground, under conditions of flotation or where subjected to exceptional or eccentric loads. In which cases a 150mm surround of at least 20N/mm² (GEN3) concrete shall be provided. Any joints should be staggered with pre-cast concrete joints.
- CUT ENDS OF REINFORCED CONCRETE PIPES**
Shall be treated with epoxy resin paint/mortar.
- MANHOLE ACCESSSES**
For manhole access options and details refer to UU Standard Detail STND/01/013. Double steps shall be plastic encapsulated carbon steel to BS EN 1247-2 manhole steps. Double steps shall not be used where cover-to-soffit dimension is >3.0m.
- COVER AND FRAME FOR TYPE A AND TYPE B ACCESS**
150mm deep covers are to be used in Category 1, 2 & 3 Roads.
100mm deep covers are to be used in Category 4 Roads.
Double triangular covers are to be used in carriageway.
Road category to be designated by the Highway Authority.
Frame to be set as per manufacturers specification.
Manhole cover and frame to be in accordance with BS EN 124 Class D400, class M1 mortar bed and haunch, with minimum clear opening of 600x600 unless noted otherwise.
- COVER AND FRAME FOR TYPE 3, 4 AND 5 MANHOLES**
Manhole cover to suit BS EN 124 loading with appropriate clear openings.
Manhole located in gardens and soft landscaping – Grade A15.
Manholes located in driveways and footpaths – Grade B125.
- Manhole cover and frame to be in accordance with BS EN 124 Class D400, class M1 mortar bed and haunch, with minimum clear opening of 600x600 unless noted
- ROCKER PIPES**
Start of rocker pipe to be as close to face of manhole as possible and not greater than 750mm. Rocker pipes to be used until the pipe outside diameter exceeds the effective length of the rocker pipe.
Rocker pipe effective length shall be as follows:
600mm for pipes up to 600mm ø
1000mm for 675mm ø & 750mm ø pipes
1250mm for 825mm ø & greater
- BENCHING WIDTH**
Minimum benching widths shall be as follows:
For depth to soffit < 1.5m
225mm min for all pipe sizes
For depth to soffit ≥ 1.5m
600mm min for 150mm ø to 375mm ø pipes
750mm min for 450mm ø & 525mm ø pipes
1100mm min for 600mm ø pipes or greater
- BENCHING HANDRAILINGS**
Benching handrailings are to be used where pipes are greater than or equal to 600mm ø. Refer to UU Standard Detail STND/01/002 for details.
- SEWER SAFETY CHAINS**
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- INVERT ACCESS STEPS**
Invert access steps with double steps are required where pipes are greater than 450mm ø.
- CHANNEL FITTINGS**
Proprietary channel fittings are to be used up to and including 300mm ø pipes, above which granolithic in-situ channels can be used. Incoming and outgoing "T" junctions, square junctions and 90° bends are not acceptable especially on foul systems, to be replaced by "Y" junctions, oblique junctions and 2 No. 45° bends respectively.

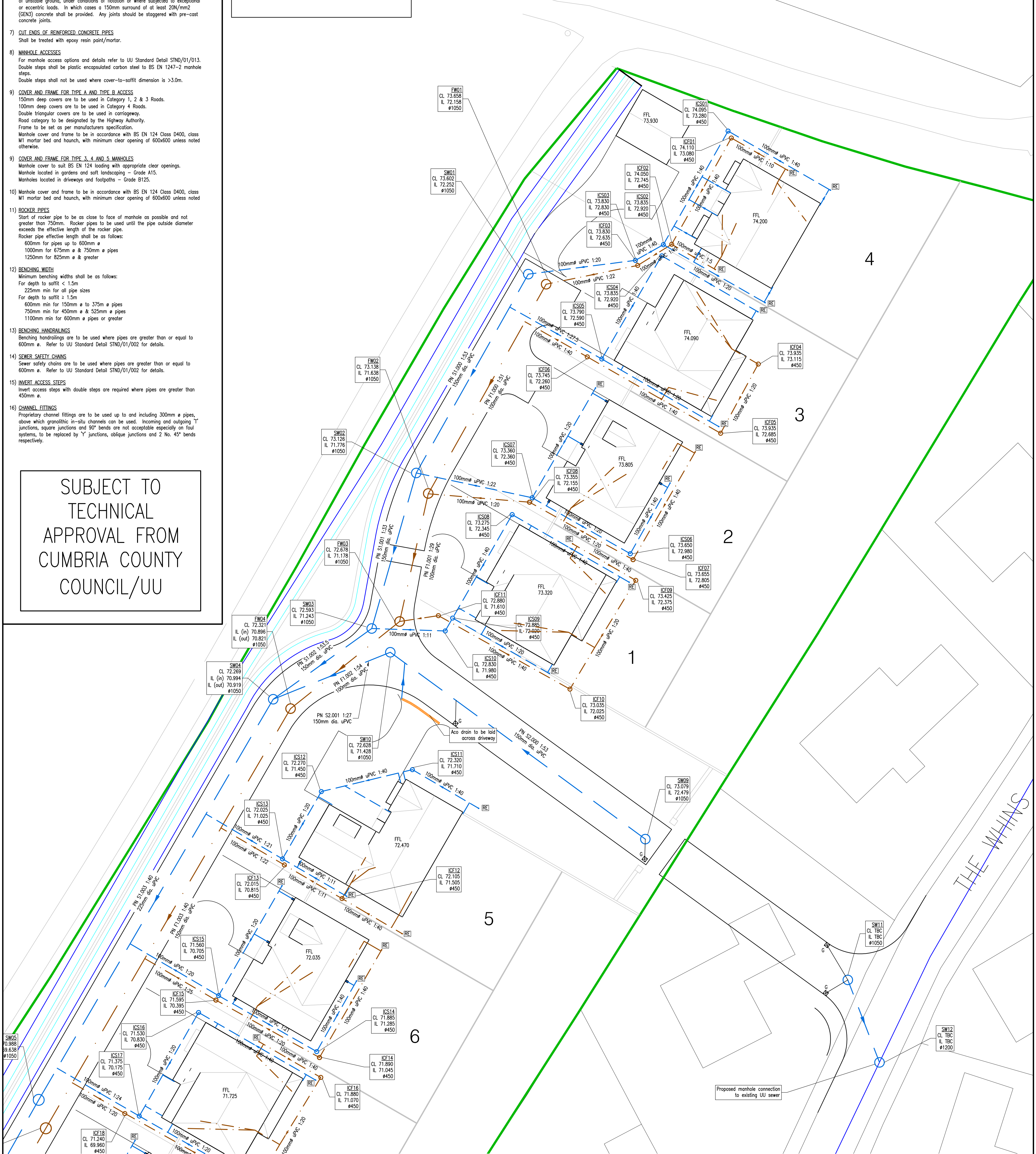
KEY:


- Proposed Surface Water Drainage
- Proposed Foul Water Drainage
- Existing Surface Water Sewer
- Existing Combined Sewer
- Site Boundary
- Proposed Swale
- Proposed Athlon H3C PCC Headwall
- 100mm ø plain ended aluminium rodding eye

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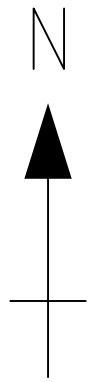
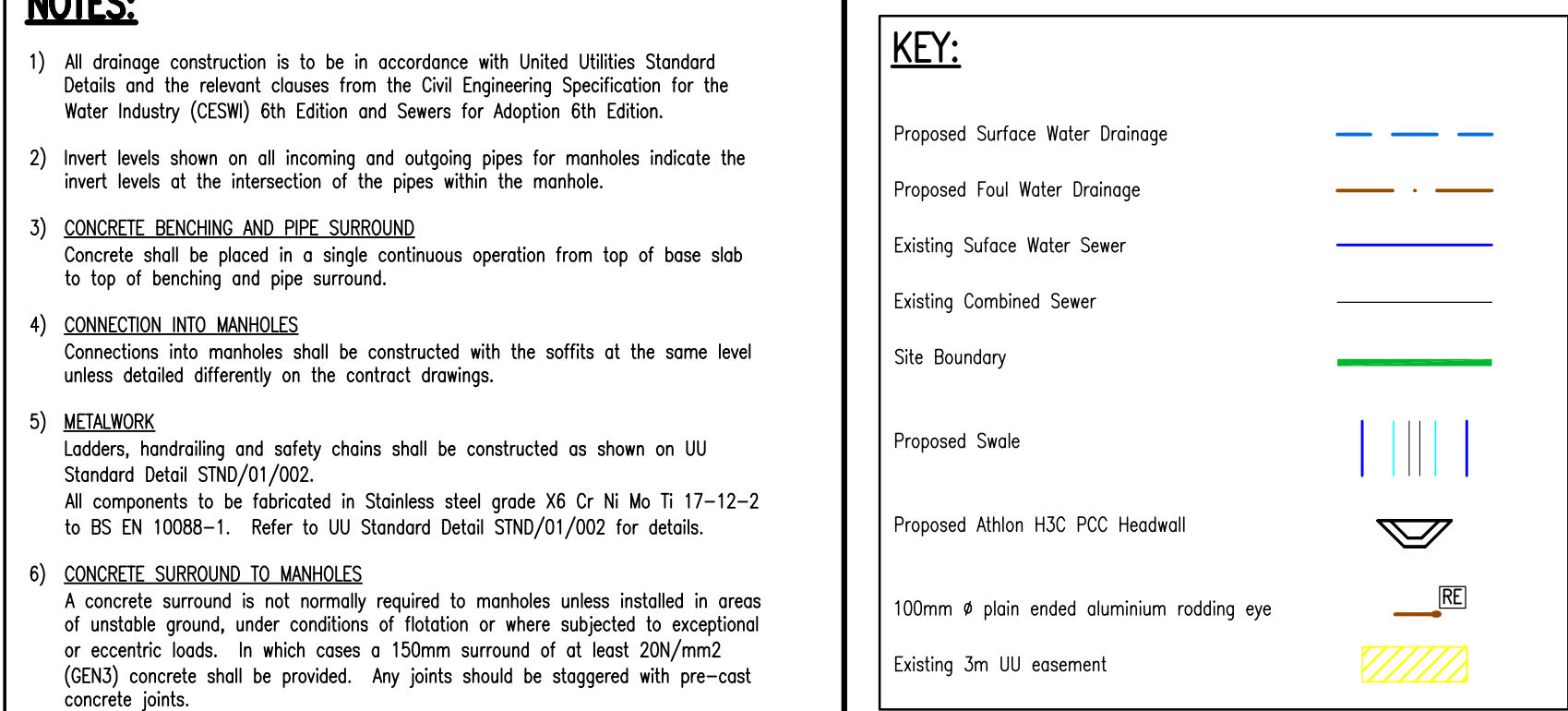
SUBJECT TO
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APPROVAL FROM
CUMBRIA COUNTY
COUNCIL/UU



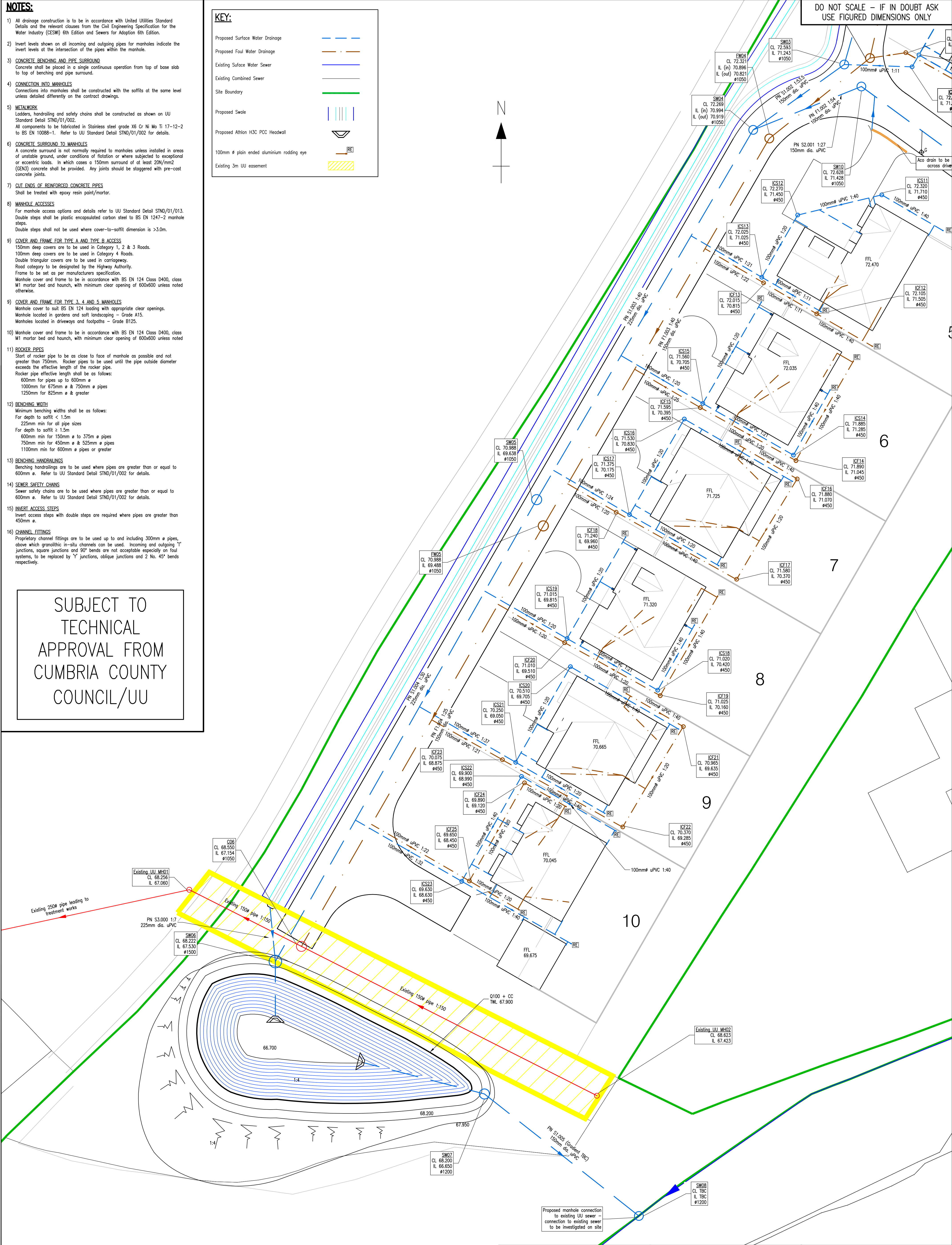
				<div>Client:</div> <div>STORY CONTRACTING</div>		<div></div> <div>R. G. PARKINS & PARTNERS LTD</div> <div>CONSULTING CIVIL & STRUCTURAL ENGINEERS</div>	
				<div>Project:</div> <div>CAIRN BECK CLOSE, HEADS NOOK</div> <div>PROPOSED HOUSING</div>		<div>Meadowside</div> <div>Kendal</div> <div>LA9 6NY</div> <div>Tel: 01539 729393</div> <div>Fax: 01539 740609</div> <div>Email: mail@rgparkins.com</div> <div>97 King Street</div> <div>Lancaster</div> <div>LA1 1RH</div> <div>Tel: 01524 32548</div> <div>Fax: 01524 843998</div> <div>Email: office@rgparkinslancaster</div>	
				<div>Drawing Title:</div> <div>NEW DRAINAGE LAYOUT PLAN</div> <div>SHEET 1 OF 2</div>		<div>Drawn by: AJH</div> <div>Checked by:</div> <div>Issue Purpose:</div>	
Revisions		Date	Initial	Suffix	Scale: 1:500	Issue Date: 04/07/16	TENDER/T.A.
© Reserved 2016						<div>Drawing Number:</div> <div>K31729/A1/101</div>	

NOTES:


- 1) All drainage construction is to be in accordance with United Utilities Standard Details and the relevant clauses from the Civil Engineering Specification for the Water Industry (CESWI) 6th Edition and Sewers for Adoption 6th Edition.
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Road category to be designated by the Highway Authority.
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1250mm for 825mm ø & greater
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Minimum benching widths shall be as follows:
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For depth to soffit ≥ 1.5m
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1100mm min for 600mm ø pipes or greater
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SUBJECT TO
TECHNICAL
APPROVAL FROM
CUMBRIA COUNTY
COUNCIL/UU

				Client:		 R. G. PARKINS & PARTNERS LTD CONSULTING CIVIL & STRUCTURAL ENGINEERS					
				STORY CONTRACTING							
				Project:		Meadowside Kendal LA9 6NY Tel: 01539 729393 Fax: 01539 740609 Email: mail@rgparkins.com					
				CAIRN BECK CLOSE, HEADS NOOK PROPOSED HOUSING		97 King Street Lancaster LA1 1RH Tel: 01524 32548 Fax: 01524 843998 Email: office@rgparkinslancaster					
				Drawing Title:		Drawn by: AJH Checked by: _____ Issue Purpose: _____					
Revisions		Date		Initial		Suffix		NEW DRAINAGE LAYOUT PLAN SHEET 2 OF 2		Scale: 1:500 Issue Date: 04/07/16 TENDER/T.A.	
© Reserved 2016										Drawing Number: K31729/A1/102	

SCHEDULE A: Applications with Recommendation

16/0860

Item No: 03

Date of Committee: 25/11/2016

Appn Ref No:
16/0860

Applicant:
Mr & Mrs Stewart

Parish:
Rockcliffe

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location: Land North of Oakwood, Harker Park Road, Harker Park, Carlisle, CA6 4HR

Proposal: Erection Of One Dwelling , With Garage/Storage Building, Stable And Equestrian Paddocks

Date of Receipt:
29/09/2016 13:02:42

Statutory Expiry Date
24/11/2016 13:02:42

26 Week Determination

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 Subject to the updated comments from Cumbria County Council, it will be recommended that this application is approved with conditions.

2. Main Issues

- 2.1 The impact of the proposal on the living conditions of neighbouring residents.
2.2 Highway safety.
2.3 The impact on the setting of a grade II Listed Building and/or visual amenity.

3. Application Details

The Site

- 3.1 This application relates to a vacant site at the junction of the A7 Carlisle/Longtown Road and Harker Park. The site is of low quality mixed scrub vegetation, incorporating two drainage ditches with hedging along the frontage of the A7. On the opposite side of the A7 there is Harker Lodge which is a grade II Listed Building.

Background

- 3.2 In 2016, under application 15/1052, full planning permission was given for the erection of four dwellings on the site.

The Proposal

- 3.3 The current application is seeking full planning permission for the erection of a single storey dwelling with three bedrooms in the roof-space; a detached garage/store; and three stables. The proposed dwelling, store/garage and stables are to be externally finished with dark red multi clay bricks and sandstone sills/lintels. The dwelling and garage/store are to have tiled roofs whilst the stables are shown to have profiled sheeting.
- 3.4 The application is accompanied by a Planning Statement which, amongst other things, explains that:
- The proposed garage/store will accommodate a range of horse drawn carts which are painted and highly decorated and require care in storage;
 - The carts are a hobby not a business venture;
 - The stables are to accommodate three ponies;
 - The remaining land will be used for grazing as open paddock;
 - A 5m wide access strip is retained adjacent to 2 Harker Park; and
 - The front garden will be enclosed by a low wall, the rear area will be enclosed in a gated yard.
- 3.5 The applicants agent has subsequently confirmed that:
- there is no intention of using the public road with horse and cart - the vehicles are vintage show carts and not suitable for use on the public road , they are take to and from shows by pick and trailer;
 - there is no intention of using the public road with horses and ponies - the applicants have land holdings in other areas where the bulk of their horses are kept;
 - the three stables and paddock will provide the applicants with somewhere to bring sick or fouling animals so they can be closely monitored - last year they lost a foal due to not being able to house and look after them in an open field;
 - the applicants will not be running any trade or business, and would accept a condition to that effect;
 - giant knot weed previously on the site has been addressed by the vendors of the site;
 - the stable will be bedded with sawdust which would absorb waste; and

- the stables and yard are to be built in robust Construct (concrete block), and the feed storage will be in a sealed container.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to 7 neighbouring properties. In response, 7 formal objections and an informal/verbal objection have been received, which make the following points:

Equestrian Use

- It does not seem sensible to have equine activities so close to the A7, where the speed limit is not always observed.
- That Harker Park has restraints on the type of animals which can be kept so it is not suited to provide stabling for horses.
- Concern about the effluent and food from the stables as there is a vermin problem at Harker Park.
- Where will the manure from the stables and yard be stacked and how will it be disposed?
- That the tiny paddocks would not be conducive to the welfare of the horses.
- Horses and ponies require at least one acre of pasture per animal, however they can be kept in a stable so long as they are regularly exercised. If the latter where will this exercise take place?
- Horses are unpredictable animals and as such a stable and paddock area so close to a busy main road would be dangerous and would add to the risk of a serious accident waiting to happen.
- That the land could be used for something other than a horse paddock in the future.

Highways

- Harker Park is a narrow road, and a cart trotting up and down would be dangerous, add to congestion and make driving and parking even more difficult.
- The entrance/exit to Harker Park Road from the A7 is dangerous and the adjacent bus stop makes matters worse.
- That the entrance is too narrow for modern traffic and needs widened.
- There should be no increase in the volume of traffic using this road.
- Any horse and cart accessing or exiting would be an accident to happen.
- Should there be a need for emergency vehicles it would make for more difficult access for the crews.
- That the objections relate to the published constraints in the Local Plan Policy CP8 (7) the potential impact on the road network.
- The staggered junction from the A7/Harker Park Road/Rockcliffe Road creates major problems for road users and that the site has been identified as a "black spot" by County Highways who imposed a 50 mile per hour speed restriction.

- The lay by servicing the bus stop, post box, telephone kiosk and bus shelter exacerbates problems giving poor sight lines.
- The A7 is an agreed Timber Transport Route to the Northern Bypass.

Other Matters

- Harker Park is a quiet residential cul-de-sac and the proposal is total unsuited to this road and is out of character with the area.
- There has been an infestation of Japanese Knot Weed on the site which has been recently sprayed.
- There are covenants on adjoining properties stating that no buildings erected on the land should be used for the purpose of business, trade or profession and the equestrian related buildings do not conform to what is stated on the Charges Register.
- The access and conditions of this site were discussed in the previous planning application 15/1052, the current application in its entirety should be governed by those conditions.
- The planning application states that there are no trees or hedges on the proposed development site; that is not so - there are established trees bordering the site to the A7.
- The Planning Statement states that the applicant owns the Woodland adjoining the site. Whilst the woodland is not the main subject of the planning application, its future has to be preserved. This has been a wood for at least three centuries and forms an important part of the rural landscape.
- The plans show that the surface water from roofs, drive, yard, turning area plus stable yard are to drain into the existing piped ditch next to No.2; the stable yard discharge cannot be allowed to foul this water way, farmers have to install slurry pits for their animal yard waste.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - We would have concerns with a horse grazing paddock next to the busy A7 road, with access to the plot from the A7 onto Harker Park, the U1309 adopted highway, which is a dead end road. Concerns would be for a vehicles pulling out onto the A7 and also turning in from the A7.

In the planning statement details requirements of a 5m access strip to the side of the site adjacent to No.2 Harker Park for future access to woodland they own and which also accommodates a piped ditch which requires to be maintained for surface water drainage to Harker Park. This currently has no field gate access and would see unsuitable for 3 accesses in close proximity to each other. The applicant should be made aware that any work to the piped ditch requires Ordinary Watercourse Consent and would need to apply for Consent from us here at the Lead Local Flood Authority.

Any vehicular access to/from the site as a whole would require to be at least 4.5m wide for the first 10m from the public highway.

No drainage has been identified on the "tsada plan 40/2016/1&2", or trial pit

testing carried out for the drainage system. We would recommend these be to be undertaken, we would require a copy of the results to see the drainage system would be sufficient for the area. details of design BRE Digest 365 should be submitted.

The Lead Local Flood Authority (LLFA) do not have any records of flooding on this site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk we would require more information

The Highway and Lead Local Flood Authority therefore recommends refusal of the application on the basis that inadequate information has been submitted with regard to visibility splays, off-street parking, and surface water drainage.

Updated comments awaited.

Rockcliffe Parish Council: - No comments.

Northern Gas Networks: - No objections but applicant should contact us to clarify presence of apparatus in the area.

United Utilities: - No comments received.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 At a local level, Policy HO2 ("Windfall Housing Development") states that new housing development on sites other than those allocated will be acceptable within Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and compliance with a number of criteria. There is also supplementary planning guidance in the form of the Cumbria Landscape Character Guidance and Toolkit (March 2011).
- 6.2 At a national level, material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014), the Community Infrastructure Levy Regulations 2010 (as amended), and Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Due regard should also be made with regard to the requirements of the public sector equality duty in Section 149 of the Equality Act 2010.
- 6.3 Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 of the "National Planning Policy Framework" (NPPF) highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means

approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in this Framework indicate development should be restricted.

6.4 Paragraph 17 of the Framework identifies 12 core planning principles including planning being a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seeking to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings; taking account of the different roles and character of different areas; contribute to conserving and enhancing the natural environment; encourage the effective use of land in urban and rural areas; focusing significant development in locations which are or can be made sustainable; and deliver sufficient community and cultural facilities and services to meet local needs.

6.5 Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:

- a) to eliminate discrimination, harassment, victimisation etc;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics include age, gender, disability and race.

6.6 In the context that the site is the subject of an extant full permission for 4 dwellings, it is considered that the main issues for this application revolve around: 1) the impact on the living conditions of neighbouring residents; 2) highway safety; and 3) the impact on the setting of a grade II Listed Building (Harker Lodge) and/or visual amenity.

Living Conditions

6.7 When considering the impact on the living conditions of neighbouring residents, the submitted layout plan shows a separation distance between the existing dormer bungalow at Oak Wood and the proposed dwelling at about 31.2 metres. The equivalent distance between the nearest wall of Oakwood and the proposed garage/store/stables is approximately 10.4 metres. Based on the foregoing and with Oak Wood lying to the south of the application site, it is considered that the proposal will not be detrimental to the living conditions of the occupiers of Oak Wood in terms of losses in privacy, overshadowing or losses in daylight/sunlight.

- 6.8 When considering the impact of the proposal on the living conditions of the occupiers of 2 Harker Park the separation distance between the respective gable ends is 21.2 metres. On this basis it is considered that the proposal will not be detrimental to the living conditions of the occupiers of 2 Harker Park in terms of losses in privacy, overshadowing or losses in daylight/sunlight.
- 6.9 In the case of Drive Cottage and 1-3 Harker Park on the opposite side of the road the proposed dwelling could lead to losses in sunlight, however, this would be limited to the period during the middle of winter when the sun is at its lowest. This impact is mitigated because the proposed length of the dwelling is 15 metres set within an overall frontage of nearly 50 metres. As such, it is considered that the proposal will not cause sufficient harm to the living conditions of the occupiers of Drive Cottage and 1-3 Harker Park that merits the refusal of permission.
- 6.10 It is recognised that the proposed development will lead to greater noise and disturbance but this is also considered to be of such a level as not to merit the refusal of permission.
- 6.11 Reference has been made to the potential nuisance caused by vermin and issues associated with odour. In the case of the former, the control of vermin will be in the self-interest of the applicants. The applicants having already confirmed that they intend to make secure any feed. In the case of the latter, a condition can be imposed requiring the submission of details on how manure would be stored and disposed of.
- 6.12 Based on the foregoing, it is considered that the proposed development will not cause sufficient harm to the living conditions of existing neighbouring residents sufficient to merit the refusal of permission.

Highway Safety

- 6.13 Based on the additional information provided on behalf of the applicants, it is considered that the equine related vehicle movements associated with the proposed development should be at relatively low levels. The nature and level of use can also be controlled by the imposition of relevant conditions. Nevertheless, an updated report will be presented to Members following receipt of the awaited comments from the Highway Authority in response to the additional information from the applicants.

Setting of Listed Building/Visual Amenity

- 6.14 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising their powers in respect of listed buildings. As such, considerable importance and weight must be given to the desirability of preserving Harker Lodge and its setting when assessing this application. As well as Harker Lodge it is recognised that there are two grade II Listed Buildings further away in the form of Garden Cottage and Harker Farm.
- 6.15 Harker Lodge is a relatively substantial property the significance of which, with regard to its setting, is dependent upon the existing parkland and agricultural

land as well as the reduced scale of the neighbouring properties. In this context, it is considered that the proposal (in terms of its location/physical separation, scale/massing and intervening structures) would not be detrimental to the immediate context of Harker Lodge. These factors, to a greater degree are also pertinent with regard to Garden Cottage and Harker Farm.

- 6.16 The Cumbria Landscape Character Guidance and Toolkit (March 2011) identifies the site as falling within the Cumbria Landscape Character Sub type 5s: Urban Fringe. In this backdrop, the application site is not in an isolated location, but rather neighboured by immediate development and the A7. The current proposal will not extend the existing cluster but, rather, is physically integral and visually linked to the existing form of Harker Park. On this basis the proposal will consolidate development but that, in itself, does not necessarily mean that it would either be detrimental to the visual amenity or the character of the area.

Conclusion

- 6.17 The principle of the proposed development is acceptable. The proposal can be accommodated on the site without detriment to the character/setting of any Listed Building within the immediate vicinity or visual amenity; and it is considered not to impact on the living conditions of neighbouring residents sufficient to merit the refusal of permission. Pending the updated comments from the County Council, the application will be recommended for approval.

7. Planning History

- 7.1 Under application 15/1052 full permission was given for the erection of four dwellings together with an access road.

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 approved documents for this Planning Permission comprise:
1. the submitted planning application form received 29th September 2016;
 2. the Location and Block Plan (drawing ref 40/2016.1A) received 11th November 2016;
 3. the Floor Plans and Elevations (drawing ref 40/2016.2A) received 11th November 2016;
 4. the Planning Statement received 29th September 2016;
 5. the Notice of Decision; and

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

Reason: To define the permission.

3. The stables and associated yard and paddock shall be used only for private use for the stabling of horses/ponies and storage of associated equipment and feed and shall at no time be used for any commercial purposes including for livery, stabling, equestrian tuition or leisure rides.

Reason: To safeguard the living conditions of the occupiers of the neighbouring properties.

4. The garage hereby permitted shall not be used except for private and domestic purposes and shall at no time be used for any commercial or business purposes whatsoever.

Reason: To safeguard the living conditions of the occupiers of the neighbouring properties.

5. No more than three horses/ponies and their foals are to be kept on the site at any one time without the prior written approval of the local planning authority.

Reason: In order to prevent an over intensive use of the site and thereby safeguard the living conditions of the occupiers of the neighbouring properties.

6. Prior to the construction of the stables hereby permitted details of where and how manure is to be stored and ultimately disposed of shall be submitted to and approved in writing by the local planning authority. No horse shall be kept on the site otherwise than in accordance with the approved details.

Reason: To safeguard the living conditions of the occupiers of the neighbouring properties.

7. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to the local planning authority for approval prior to the occupation of the dwelling hereby permitted and shall be maintained operational thereafter.

Reason: In the interests of highway safety and to minimise potential hazards.

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

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

9. Before the dwelling hereby permitted is occupied its respective off-street parking provision together with vehicular access thereto shall be provided in accordance with the approved plans. The access and parking provision shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that the dwelling is provided with parking to the satisfaction of the local planning authority.

10. No vegetation suitable for nesting birds shall be cleared or removed during the period 1 March to 15 August in any calendar year unless a breeding bird survey of the area to be cleared or removed has been undertaken (in accordance with a scheme previously submitted to, and approved in writing by, the Local Planning Authority) and the findings of the survey satisfies the standards and/or measures set out in the approved scheme.

Reason: In order not to disturb or deter the nesting of any birds.

11. For the duration of the development works existing hedgerows to be retained shall be protected in accordance with details submitted to and approved in writing beforehand by the local planning authority. The local planning authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect hedges during development works.

12. Samples or full details of all materials to be used on the exterior of the dwelling, garage/store and stables hereby permitted shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To safeguard the character of the area.

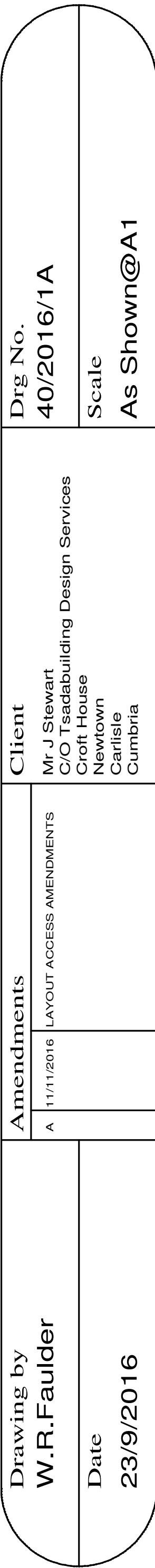
13. Details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence.

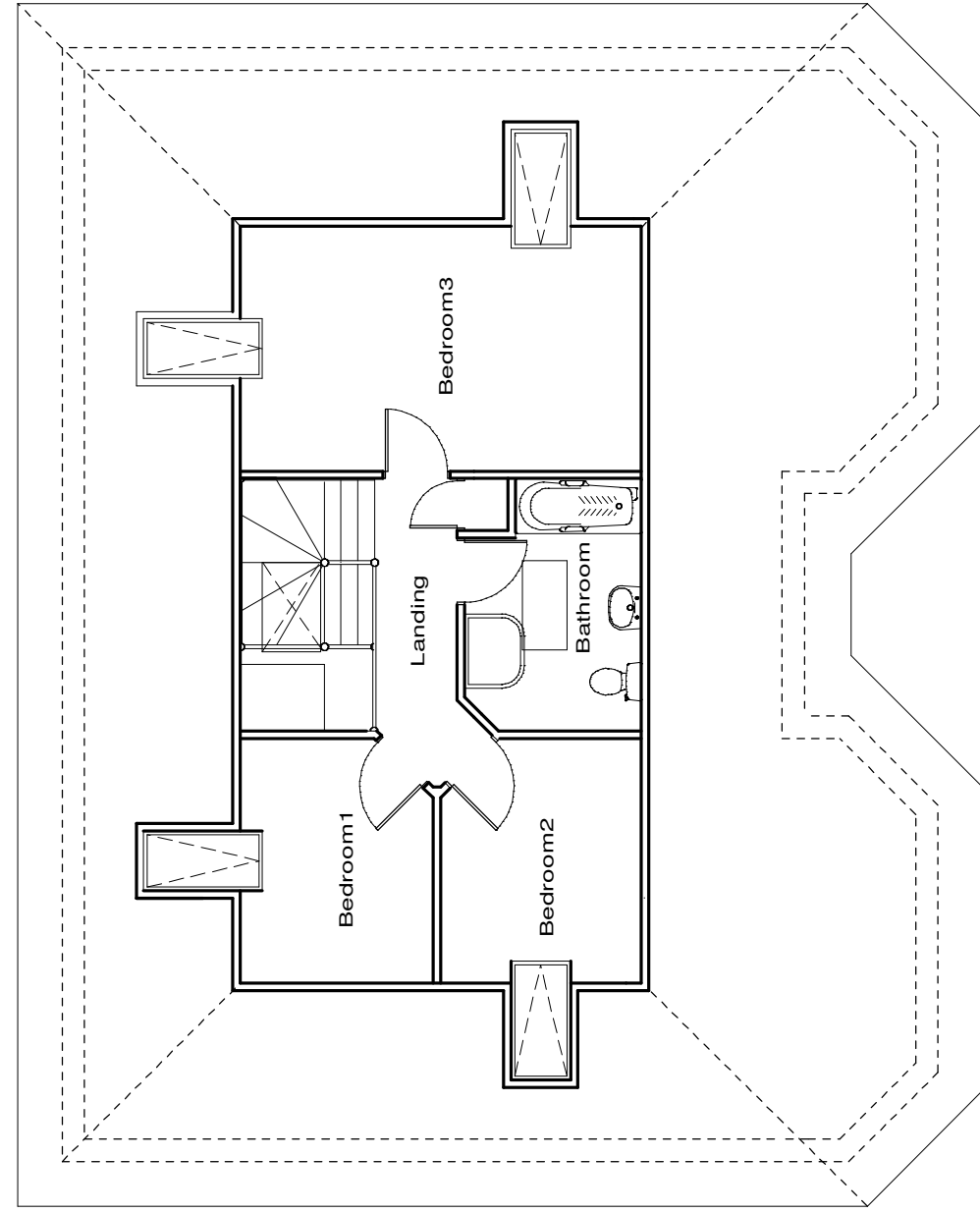
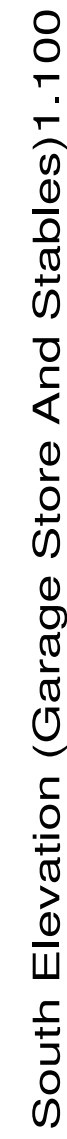
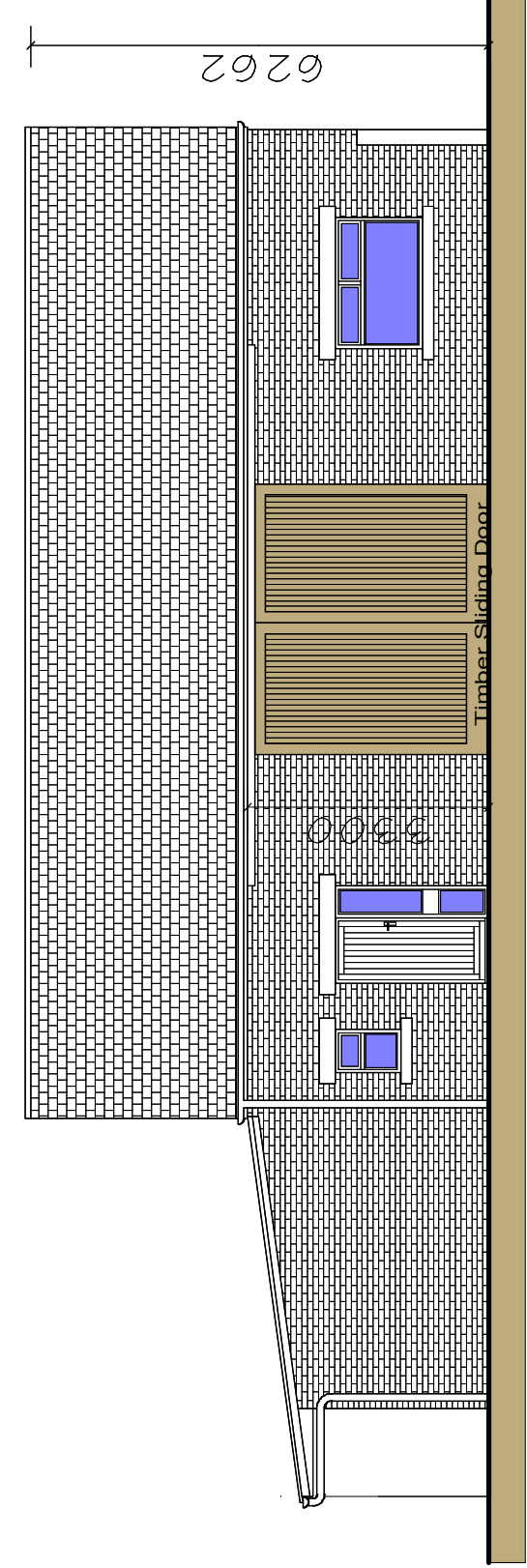
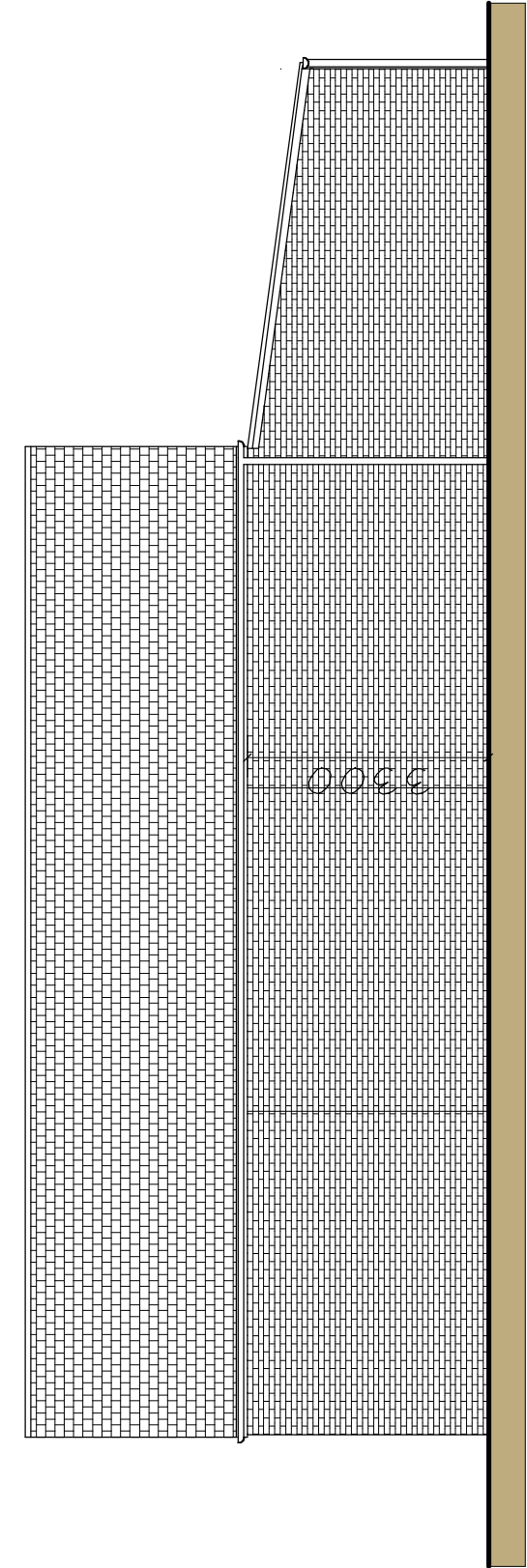
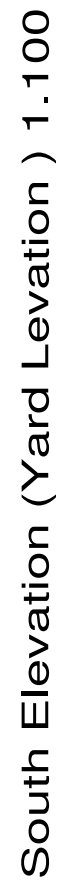
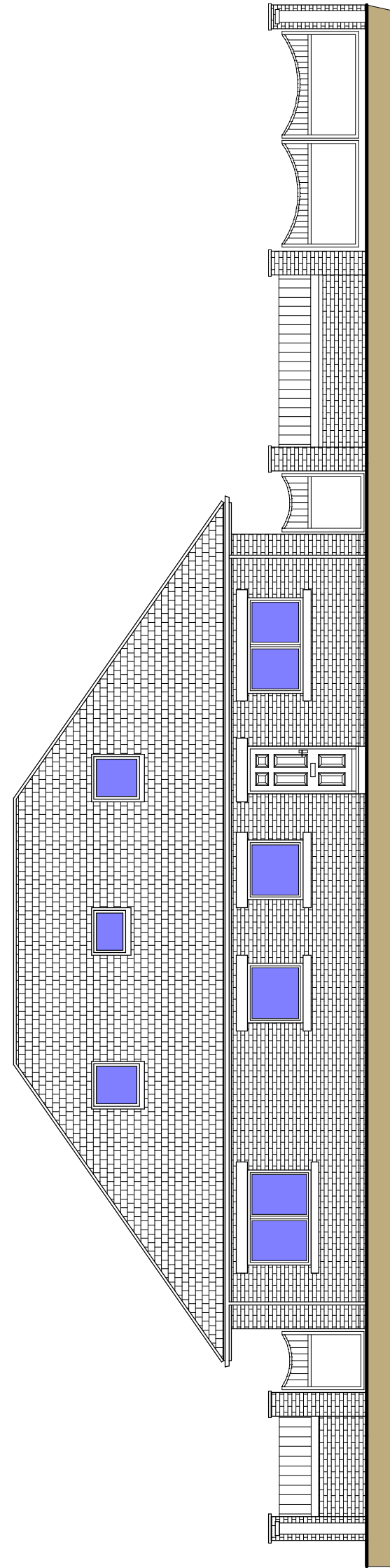
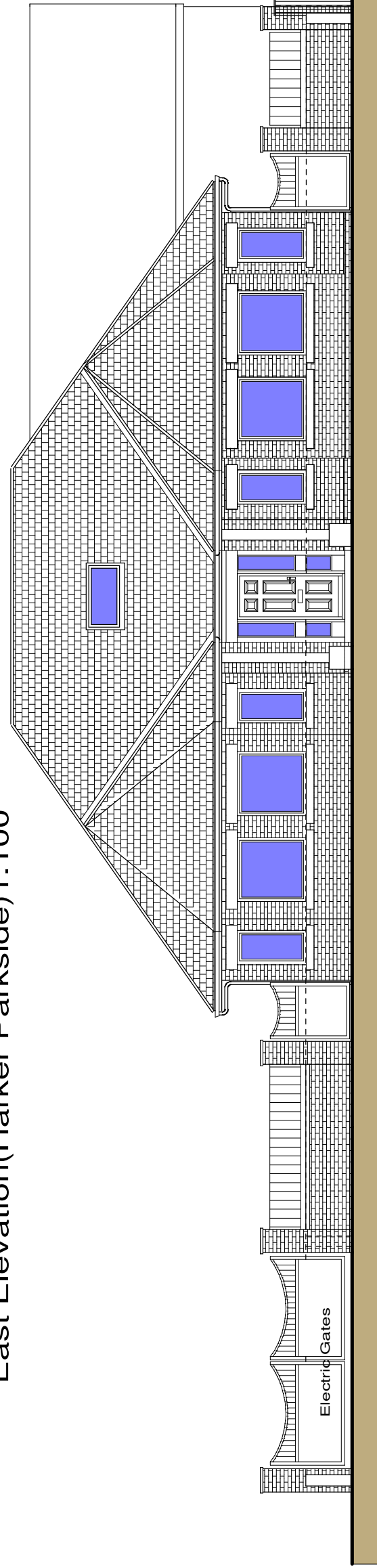
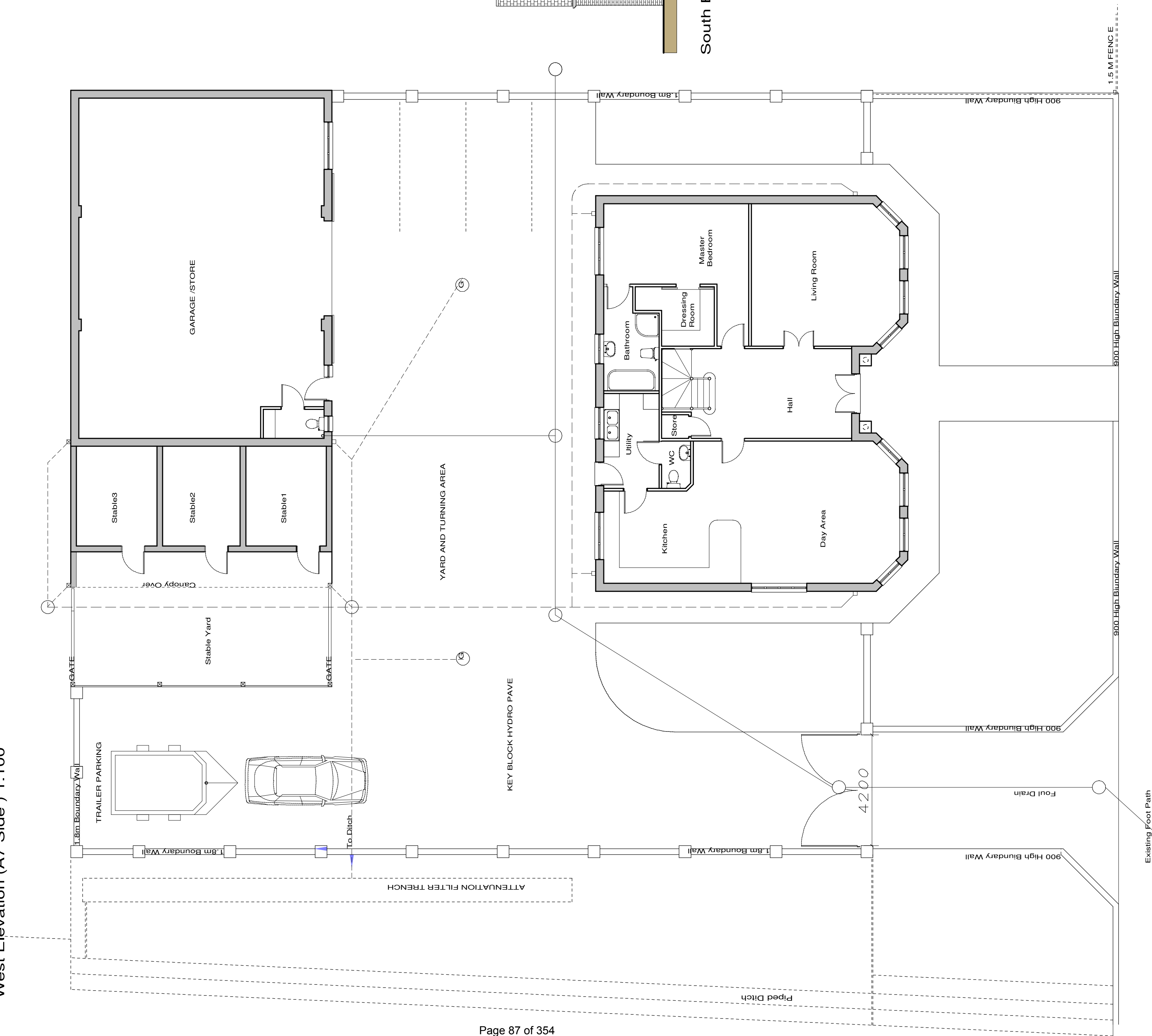
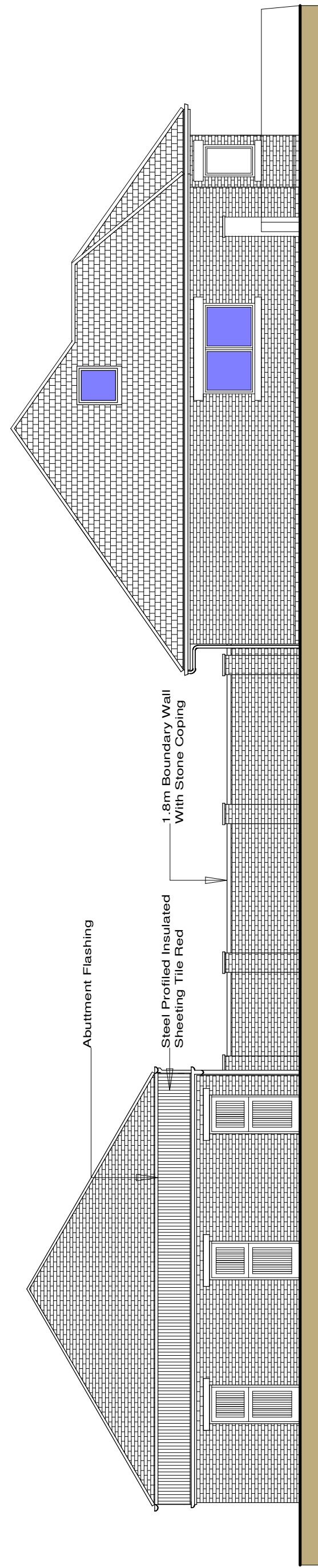
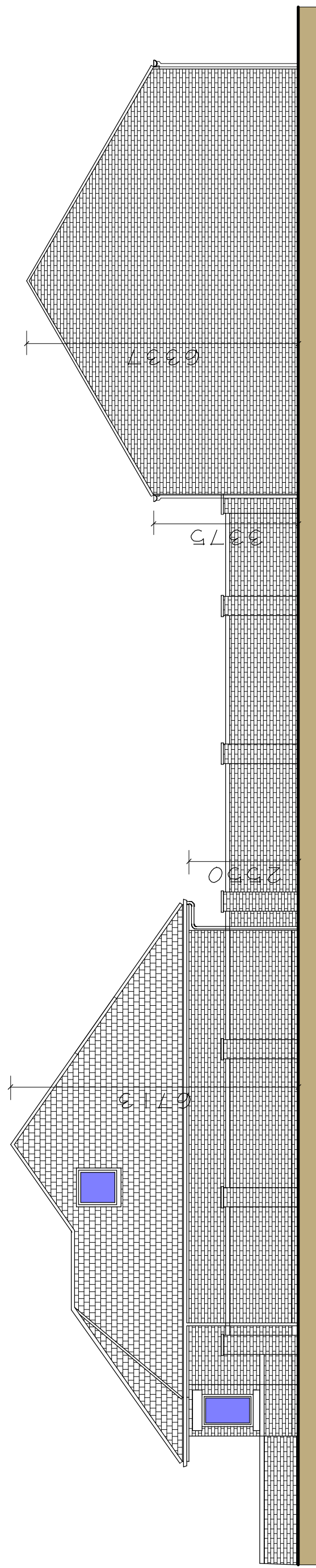
Reason: To ensure that materials to be used are acceptable.

14. Notwithstanding the submitted details, and prior to the commencement of any development hereby approved, a scheme for the disposal of foul and surface water (including provision and implementation of any necessary surface water regulation systems) shall be submitted to and be approved in writing by the Local Planning Authority. The dwelling hereby permitted shall not be occupied until it is connected to the foul and surface water drainage

scheme in accordance with the approved plans and retained thereafter.

Reason: To reduce the risk of flooding, safeguard local watercourses, avoid pollution of the water environment, and to reduce the likelihood of overloading and pollution of the existing drainage system.





TSADA BUILDING DESIGN SERVICES

Croft House, Newtown Irthington, Carlisle, Cumbria. CA6 4PF
Telephone: (01228) 791807
Mobile: 07436801368

Job title

Proposed Detached Dwelling With Garage, Stables And Paddock
On Land To North Of Oakwood, Harker, Carlisle

FLOOR PLANS AND ELEVATIONS

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Drawing by W.R.Faulder	Amendments		Client Mr J Stewart C/O Tsada Building Design Services Croft House Newtown Cardiff Cumbria	Drwg No. 40/2016.2A
	Date 23/9/2016			

SCHEDULE A: Applications with Recommendation

16/0249

Item No: 04

Date of Committee: 25/11/2016

Appn Ref No:
16/0249

Applicant:
Harrison Northern

Parish:
Carlisle

Agent:
Swarbrick Associates

Ward:
Harraby

Location: Land between Tyne Street and Chertsey Mount, Carlisle

Proposal: Erection Of 30no. Dwellings

Date of Receipt:
24/03/2016

Statutory Expiry Date
23/06/2016

26 Week Determination
22/09/2016

REPORT

Case Officer: Stephen Daniel

1. Recommendation

- 1.1 It is recommended that this application is approved with conditions and subject to a S106 Legal Agreement to secure:
- a) the provision of the proposed level of affordable units (three units that would be made available by discounted sale, with the discount set at 30% below open market value, and three properties would be available for affordable rent);
 - b) a financial contribution of £16,320 towards improving children's play space in the locality;
 - c) the maintenance of the informal open space within the site by the developer.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Would Be Acceptable
- 2.3 Impact On The Settle-Carlisle Conservation Area
- 2.4 Impact On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.5 Proximity Of Commercial Properties
- 2.6 Highway Matters
- 2.7 Impact On Trees And Hedges

- 2.8 Biodiversity
- 2.9 Archaeology
- 2.10 Affordable Housing
- 2.11 Open Space Provision
- 2.12 Foul And Surface Water Drainage
- 2.13 Other Matters

3. Application Details

The Site

- 3.1 The application site covers an area of 0.63ha and includes a field (0.52ha), a piece of undeveloped land that adjoins the field to the south (0.07ha) and Tree Road, which provides access to the site. The field contains an outbuilding in the north west corner. The land slopes gently upwards from the north west to the south east. The northern site boundary consists of a hedge together with a number of trees. Along the southern site boundary there are three sections of hedge all of which are in poor condition. A number of trees lie on the western site boundary.
- 3.2 Residential properties on Chertsey Mount and a courtyard development lie immediately to the north of the site, with residential properties on Brookfield Gardens adjoining the site to the east. A track adjoins the northern site boundary and this provides vehicular access to the rear of the properties on Chertsey Mount and Brookfield Gardens and terminates at a parking area to the rear of Brookfield Gardens.
- 3.3 The site sits at a higher level than the access track and parking area to the rear of Brookfield Gardens and is higher than the adjacent dwellings. The Settle-Carlisle Conservation Area adjoins the site to the north, with properties on Chertsey Mount being within the Conservation Area.
- 3.4 Swallow Hilltop Hotel adjoins the site to the south and this building sits at a higher level than the site. Irthing Vale Foods and a car repair workshop adjoin the western site boundary. Irthing Vale Foods has a refrigeration unit attached to its northern elevation and an evaporator attached to the rear.
- 3.5 The site is accessed via Tree Road which is connected to London Road (A6) via Tyne Street. Tree Road is unlit and unadopted. Tyne Street is an adopted road, which varies in width, has a footway on its eastern side and contains street lighting. Tyne Street currently provides access to the rear of residential properties on Brookfield Gardens, Chertsey Mount and London Road Terrace, as well as a number of commercial premises in Berlin Street and Tyne Street and a United Utilities Depot. The northern end of Tyne Street, between London Road and Harraby Street, lies within the Settle-Carlisle Conservation Area.

The Proposal

- 3.6 The proposal is seeking full planning permission for the erection of 30 dwellings on the field. Of these, 22 would be two bedroom units and 8

would contain three bedrooms. The two and three bedroom properties would have the same footprint and would be the same height (9m to the ridge).

- 3.7 The dwellings would be provided within 7 separate blocks as follows:
- Block 1 would contain 6 two bedroom dwellings;
 - Block 2 would contain 4 three bedroom dwellings;
 - Block 3 would consist of 2 two bedroom properties;
 - Blocks 4 & 5 would contain 4 two bedroom dwellings;
 - Block 6 would consist of 6 two bedroom units;
 - Block 7 would contain 4 three bedroom dwellings
- 3.8 Each of the dwellings would have an entrance porch, a kitchen/ dining area, a lounge, a toilet and a store to the ground floor and two bedrooms and a bathroom to the first floor. The three bedroom units would have an en-suite bedroom in the roofspace and this would be served by a dormer window and a rooflight in the front roofslope and two rooflights in the rear roofslope. The dwellings would be finished in render, with artstone sills and lintels under natural slate roofs.
- 3.9 Each dwelling would have a small rear garden. In total, 44 car parking spaces would be provided within the development, with 21 of these being in-curtilage and the remainder being provided in parking bays adjacent to the road. Each dwelling would have one dedicated parking space (Plot 16 would have two) with the remaining 13 spaces being communal.
- 3.10 An area of open space would be provided on vacant land that adjoins the field. This would cover an area of 700 sq m and would incorporate an informal play area and some landscaping.
- 3.11 The existing hedge along the northern site boundary would be retained, with new hedges being planted along the southern and eastern site boundaries. A number of existing trees would be retained with some new trees being planted. Some trees would be removed but these are largely of poor quality.
- 3.12 Foul drainage would connect to the existing mains drainage system. Ground conditions are not suitable for soakaways and the proposal would utilise on-site attenuation and a hydraulic brake to limit outflow to 5 l/s or less for discharge to the combined drainage system.
- 3.13 Tree Road would be upgraded to adoptable standard, with a shared surface and street lighting being provided. A number of improvements would be made to Tyne Street, including the creation of a shared surface, the installation of priority signage, carriageway widening, footway improvements and the provision of lighting.

4. Summary of Representations

4.1 This application has been advertised by means of site and press notices as well as notification letters sent to thirty-six neighbouring properties. In response, 32 letters of objection have been received from 28 households.

4.2 The letters of objection make the following points:

Highway Issues

- Tyne St is currently used by residents of Brookfield Gardens, London Rd Terrace, Chertsey Mount, Network Rail, Irthing Vale Foods, as well as a number of other businesses and pedestrians and is often congested;
- Tyne St is barely able to cope with the existing high levels of traffic that local businesses and residents generate;
- the existing usage of Tyne St is already dangerous - increasing the amount of traffic will increase the potential for a serious accident and will be a danger to pedestrians;
- Tyne St narrows to one car width - it cannot be widened as it is part of a bridge over the railway line;
- the entrance to Tyne St is very narrow and potentially dangerous to on coming traffic and pedestrians;
- when turning into Tyne St from London Rd visibility is poor and drivers cannot see if there is another vehicle on the narrow section of road - cars frequently have to brake suddenly to avoid collisions;
- often vehicles have to stop suddenly on London Rd to let vehicles out of Tyne St;
- the extra traffic using Tyne St could lead to cars reversing out onto London Rd;
- it is often difficult to turn into Tyne St from London Rd due to waiting traffic;
- extra cars using Tyne St will hold up traffic on London Rd which is already busy;
- vehicles turning into Tyne St frequently drive on the pavement;
- Tyne St would not be able to cope with added sustained heavy traffic that this development would incur;
- HGVs have difficulty using Tyne St and have frequently struck the wall and on occasions debris has landed on the railway line;
- Harraby St is very narrow so cars cannot turn round and have to back out

into Tyne St;

- the extra traffic on Tyne St will be very dangerous for cars exiting Harraby Street due to poor visibility;
- the road surface on Tyne St is in poor condition and will get worse with increased traffic;
- the site has been unsuitable for development by the Council because of the poor access;
- there have been several occasions in the last two years when refuse vehicles have not been able to access the area due to obstructions;
- a fire engine or ambulance would have problems using the proposed access;
- the extra traffic will cause delays at the Tyne St/ London Rd junction which will affect access for emergency vehicles;
- there is a blind bend at the junction of Tyne St and Tree Rd and another road leads from this bend and this provides access to commercial properties;
- recycling is not collected from existing properties as the vehicle is too big to use the access;
- for pedestrians on London Rd crossing Tyne St, visibility of outgoing vehicles in Tyne St is poor due to stone walls and this is dangerous;
- extra traffic will have an adverse impact on existing commercial premises operating in the area;
- already concerned about access by a fire engine/ ambulance;
- concerned about construction traffic using Tyne St to access the site;
- once construction starts with large vehicles obstructing the road along with utility companies digging up the road access will not be achievable for existing residents;
- access to the site should be via Hilltop Heights;
- the Traffic Statement refers to Tyne St as lightly trafficked - this statement doesn't reflect the nature of the road;
- the Traffic Survey underestimates the likely impact of the proposal and the number of new journeys;
- the Traffic Survey should be carried out over a longer period to get a truer picture of existing traffic movements;

- the TRICS data is based on edge of town data but London Rd is a major route into Carlisle and is often at a standstill at peak periods;
- since the Traffic Survey was undertaken at least one local business has expanded;
- the plans show a shared surface for vehicles and pedestrians on Tyne St which would be dangerous for all pedestrians, but especially the elderly and those with young children;
- the Traffic Survey suggests the use of vehicles marshals for HGVs which is evidence that the road is not a safe access for dwellings;
- there is a lack of parking within the development - the proposal has 40 parking spaces for 30 two and three bedroom properties which is inadequate as there are likely to be two cars per dwelling;
- due to a lack of parking cars are likely to park in the road which has safety implications;
- parking in the surrounding area is limited;
- in 1973 development of this land was turned down due to the inadequate access - the access is the same but the amount of traffic on the roads which has nearly doubled and is predicted to rise by another 30% by 2020;

Impact on the Character of the Area

- the proposal will lead to the loss of a greenfield site which forms an important part of the character of the area;
- the field provides a valuable amenity for local residents;
- the site is an urban farm which has been there for over a century;
- given the range of brownfield sites in the city this greenfield site should not be developed;
- it looks like the trees in the lane are to be cut down which will devastate bird life and change the character of the area;
- the hedge that runs the length of the site is ancient/ medieval and is arguably the only remaining hedge of its age in the centre of the city and is surely worth keeping;
- the proposal would adjoin the Settle- Carlisle Conservation Area and the proposed dwellings, which would have rendered walls and tiled roofs, would be a complete contrast to brick Victorian dwellings on Chertsey Mount that lie in the Conservation Area;
- the dwellings are too tall and will look out of place;

- the proposed dwellings would be tiny and would be out of place with adjacent large Victorian properties;
- the gardens of the properties are very small;
- the proposed dwellings would be twice the density of Brookfield Gardens and Chertsey Mount;
- the Carlisle District Local Plan Preferred Options Consultation states 20 dwellings on this land;
- the development does not have any cohesive interface with the existing properties - the layout excludes and disengages with the adjacent development;
- the site is known as Gallows Hill and has significant historical value;
- the site is part of the city's history and should be preserved;
- a Roman burial ground was found in the area of Gallows Hill and it contained fortifications which were used in the siege of Carlisle;
- the archaeological survey appears inadequate in scope and is likely to have missed various historic remains and features which are highly likely in an area with such documented history;

Residential Amenity

- the proposed dwellings are 2.5 storeys high and would be located directly behind existing dwellings - on the plan it looks like they are less than 10m away and this will cause loss of privacy;
- the site is higher than the adjacent dwellings and the new dwellings would tower over the existing dwellings and directly overlook existing gardens;
- the houses will be dominant and oppressive when viewed from neighbouring properties;
- the new dwellings would lie to the south of the existing dwellings and would block out the sun completely in winter;
- the height of the dwellings would block out the sun completely in winter;
- the noise and dust during construction will adversely affect existing residents;
- the submitted plans don't show the extensions (refrigeration units) to commercial premises which would be close to some of the proposed dwellings;
- one of the proposed dwellings would only be 2-3m from the Irthing Vale

Foods and would be next to evaporators/ refrigeration equipment which is a highly unsuitable location for a dwelling;

- the site is unsuitable for residential development due to the proximity of commercial businesses, some of which start operations from 5am;

Other Matters

- understand that two previous applications have been made for development on this site using Tyne St as the access - both were rejected because the access was deemed not adequate;
- bats use the land and a bat survey should be carried out;
- the field, trees and hedges provide habitat for a significant amount of wildlife and this will all be destroyed;
- concerned about the impact of surface water on existing properties;
- is the current drainage system adequate?;

- 4.3 County Cllr Webber objects to the proposal as Tyne St is far too narrow, does not have a footway and there have been incidents in the past.

Cllr Sherriff considers that access via Tyne Street will cause problems with traffic on London Rd.

- 4.4 Following receipt of amended plans, 10 letters of objection have been received, which make the following points:

- the width of Tyne St cannot be made wider and all the so called improvements won't change the fact that it is a dangerous junction;
- the proposed plans do not mitigate the risk to either public on foot or in vehicles and an alternative access should be considered;
- the cosmetic changes proposed do nothing to alter the fundamental road width issues, lack of visibility, lack of pedestrian refuge and other safety issues;
- fail to see how the changes made address the issues of pedestrian and driver safety which have been highlighted previously;
- the proposed shared space does not provide enough safe space for pedestrians;
- the revised access doesn't address the fundamental fault of the scheme which is the site access through Tyne St;
- by removing the footpath and replacing it with painted lines Tyne St will pose an greater risk to pedestrians and cyclists;

- do not take away the pavement - it is an accident waiting to happen;
- the risk to pedestrians will be greater if there is not a designated footpath;
- incoming traffic will not respect white lines as much as they respect an actual pavement and may turn into Tyne St faster putting lives at risk;
- taking away the footpath will encourage traffic to cut the corner more when entering Tyne St from London Rd;
- the Highway Authority states that a delineated footpath is unsuitable due to the potential high volumes of traffic;
- the revised plans show a one way system in Tyne St which is controlled by non-enforceable priority signage which relies on the courtesy of drivers - this is not a reliable way to control traffic turning off a very busy road;
- vehicles giving way to those on the priority section of Tyne St will be trapped at the junction with London Rd and will have to reverse out onto London Rd to enable existing traffic to exit Tyne St;
- the priority signage will cause cars to back up;
- on the plan there is one small vehicle holding space allocated for vehicles turning off London Rd into Tyne St - multiple HGVs use this access junction on a daily basis and this small holding bay is clearly inadequate;
- the new development will have 32 car parking spaces for 30 dwellings which will be inadequate;
- traffic lights on London Rd and Tyne St would reduce the risk as traffic would be managed in a responsible way and drivers would not be left to take risks;
- no account is taken of the vehicles from Brookfield Gardens and Chertsey Mount which use Berlin St;
- the plans do not take into account the need for give way signs for traffic coming from Berlin St and Tree Rd;
- residents of Brookfield Gardens and Chertsey Mount have recently been sent letters from the Council's Waste Management Service threatening the removal of the refuse service because of safety/ access problems on the network of roads behind Tyne St;
- the visual impact mock ups provided do not give a perspective from Brookfield Gardens looking onto the development. The existing dwellings would be at-least 1.5m lower than the ground level of the proposed dwellings;
- the Transport Statement predates several recent collisions on the junction of

Tyne St and London Rd.

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - no objections, subject to conditions;

Local Environment - Environmental Protection: - no objections - Phase 2 investigation recommended in the Desk Top Study will need to be undertaken. Noise Assessment should be undertaken to assess the impact of commercial premises;

Local Environment, Waste Services: - no objections - applicant would need to pay for the provision of refuse bins;

Northern Gas Networks: - no objections;

Natural England: - no objections - the application is unlikely to affect any statutorily protected sites or landscapes;

Cumbria County Council - Drainage: - no objections, subject to conditions;

United Utilities: - no objections, subject to conditions;

Open Spaces Society: - no comments received;

Green Spaces: - requested a contribution of £16,320 towards upgrading existing children's play space in the locality;

Network Rail: - no planning comments to make - highlighted a number of issues which the developer would need to comply with;

Cumbria County Council - (Archaeological Services): - no objections.

6. Officer's Report

Assessment

- 6.1 The relevant planning policies against which the application is required to be assessed are Policies SP1, SP6, SP7, SP9, HO2, HO4, IP1, IP2, IP3, IP6, IP8, CC5, CM4, HE2, HE7, GI3 and GI6 of the Carlisle District Local Plan 2015-2030.
- 6.2 The proposal raises the following planning issues:
 - Whether The Proposal Is Acceptable In Principle
- 6.3 Paragraph 14 of the NPPF states 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'.
- 6.4 The site lies within the urban area of Carlisle and is adjoined by residential

and commercial properties to all sides. The new Local Plan (2015-2030) identifies the site as white land, which is not designated for any particular use. It is within walking/ cycling distance of a range of services including shops and employment opportunities. London Road (A6) lies in close proximity to the site and this is a main route into Carlisle City Centre. There are two bus stops on London Road in close proximity to the Tyne Street junction and these are served by regular bus services into the city centre.

- 6.5 In light of the above, it is clear that the site is in a sustainable location and as a consequence developing the site for residential use would be acceptable in principle.

1. Whether The Scale And Design Would Be Acceptable

- 6.6 The proposal would consist of 30 dwellings set within seven blocks, which would vary from two to six dwellings. Six of the blocks would face each other across the new road that would serve the development, with one block being sited so that it faces back up the road.
- 6.7 Each dwelling would have a small porch to the front with the three bedroom dwellings having small flat roof dormers in the front roofslopes. The dwellings would be finished in render, with artstone sills and lintels, under slate roofs. Each dwelling would have a small rear garden. Some dwellings would have in-curtilage parking to the front with some parking being provided in parking bays adjacent to the road.
- 6.8 The Council's Heritage Officer has been consulted on the proposal and has no objections to the revised plans for the dwellings. The roofs were shown as concrete tiles on the original plans but following discussions with the Council's Heritage Officer these have been changed to slate and dormers have been added to eight of the properties (although roof heights have remained unchanged) to add some variation and visual interest.
- 6.9 A number of objectors have raised concerns about the proposed dwellings, which they consider would not be in keeping with the adjacent Victorian properties, in terms of scale, the density of the development and the materials used. The new development would, however, be sited to the rear of these properties and would be separated from them by hedges, trees and an access track/ parking area. The increased density is considered to be acceptable given the sustainable location of the site and the given the desire of the developer to provide low cost housing. The use of render is considered to be acceptable and would provide a contrast to the brick Victorian dwellings.
- 6.10 The hedge along the northern site boundary would be retained, with new hedges being planted along the southern and eastern site boundaries. A number of existing trees would be retained with new trees being planted within the development.
- 6.11 A new area of informal open space would be created to the south of the development and this would incorporate some additional planting.
- 6.12 The Council's Heritage Officer is keen to retain the two large gate stoops that adjoin the field gate that provides access into the site. A condition has

been added to the permission to ensure that these are incorporated into the scheme.

- 6.13 In light of the above, the scale and design of the proposal would be acceptable.

2. Impact On The Settle-Carlisle Conservation Area

- 6.14 Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of conservation areas. This states *"with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*.
- 6.15 Policy HE7 (Conservation Areas) of the Local Plan requires new development within conservation areas to preserve or enhance the character and appearance of the conservation area.
- 6.16 Para 133 of the NPPF states that where a development will lead to substantial harm or total loss of significance of a designated heritage asset local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or a number of criteria are satisfied. Para 134 of the NPPF deals with proposals that will lead to less than substantial harm to the significance of a designated heritage asset and states that this harm should be weighed against the public benefits of the proposal.
- 6.17 The site adjoins the Settle-Carlisle Conservation Area, which includes dwellings on Chertsey Mount. The site lies to the rear of these properties and would be separated them by landscaping and an access track. The Council's Heritage Officer has been consulted on the application and has no objections to the revised proposals for the dwellings, which have taken account of his comments on their design.
- 6.18 The northern end of Tyne Street lies within the Settle-Carlisle Conservation Area. This section of road, which is currently tarmac, is to be changed to a shared service as part of the application and the pavement would be removed, including the sandstone kerbs. The Council's Heritage Officer is concerned about the loss of the sandstone kerbs and is keen for the setts in the road, which have been tarmaced over, to be exposed.
- 6.19 This issue has been discussed with County Highways who consider that the setts would be very uneven with many low points resulting in standing water/ ice in wintry conditions and would not be suitable for vehicular traffic. If the setts are relayed this is a slow process, would be expensive and would result in the road being closed to all vehicles for a significant period of time.
- 6.20 County Highways does, however, consider that the sandstone kerbs could be re-used within the shared surface. If this is the case the proposed road surface would be similar to the current road surface. If the setts can be used, this would lead to an improvement to the existing road surface. A

condition has been added to the permission which requires the details of the materials for the new shared surface to be agreed with the Local Planning Authority.

- 6.21 Some new signage would be introduced and this might have a small adverse impact on the conservation area. This adverse impact, which would not be significant, would be outweighed by the benefits of developing the site, which is in a sustainable location, for thirty dwellings, six of which would be affordable.

3. Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.22 A number of objections have been received from the occupiers of neighbouring properties which raise concerns about overlooking, loss of privacy, loss of light and overshadowing, given the elevated nature of the site.
- 6.23 Block 1 would lie to the rear of a courtyard development and would be separated from it by an access track that serves the rear of the properties on Chertsey Mount and Brookfield Gardens. The majority of the properties have blank gable walls facing the site although Hill Top Cottage does have a window to the rear of Unit 6. Unit 6 has been designed so that there is no window at first floor level in the rear elevation. The Old Smithy has windows in the front elevation but the oblique angle between these windows and the windows in the rear of Units 3 to 5 would limit overlooking. Whilst there might be some overlooking of the garden areas from first floor bedroom windows this would be limited and these gardens are already overlooked from neighbouring properties.
- 6.24 Blocks 2 and 3 (Units 7 to 12) would lie to the rear of properties on Chertsey Mount. These properties have two-storey off-shoots and the windows in the rear of these would face the rear elevations of the proposed dwellings. A window in the rear of Unit 12 would be 19.5m away from an existing window, with a window in the rear of Unit 11 being 20.5m away from an existing window, with other windows having greater separation distances. These distances are considered to be acceptable, particularly given that each dwelling would only have a single bedroom window at first floor level in the rear elevation.
- 6.25 Block 4 (Units 13 to 16) would face the rear of properties on Brookfield Gardens. Unit 13 would be 20.7m from the rear of an existing dwelling, with the other units in this block being further away. A gable end of this block would also lie to the rear of properties on Chertsey Mount but this would not contain any windows and would be a minimum of 14.9m away.
- 6.26 Blocks 5 and 6 would have a rear elevation facing the rear elevation of the hotel, which sits at a higher level than the site. The dwellings would be a minimum of 18.3m away from the rear of the hotel and this distance is considered to be acceptable.
- 6.27 In light of the above, the proposed separation distances between the existing and proposed dwellings are considered to be acceptable and would

ensure that there is no significant loss of privacy or loss of light to the existing dwellings.

- 6.28 In relation to overshadowing, there might be some overshadowing of the rear gardens/ yards of the dwellings on Chertsey Mount and within the adjacent courtyard at certain times of the day, at certain times of the year. A number of these areas will already be affected by overshadowing from existing buildings within the yards. During the summer months, when the gardens/ yards are more widely used, overshadowing would be limited.
- 6.29 In light of the above, the proposal would not have a significant adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Proximity Of Commercial Properties

- 6.30 The applicant has submitted a noise assessment which considers the impact of the adjacent commercial premises on the proposed dwellings. This noted that there was potential for the extraction unit on Irthing Vale Foods to impact adversely on the noise environment at the nearest proposed dwellings. The report, therefore, recommends that the garden of Plot 1, which would lie adjacent to Irthing Vale Foods, should be screened from the adjacent commercial building by the construction of a 3m high acoustic barrier. The report also notes that there is potential for unacceptable noise levels in Plot 1 if the upstairs rear bedroom window is opened for ventilation and summer cooling. A trickle ventilator should be used for this room and this should be a sound attenuating type.
- 6.31 A condition has been added to the permission to ensure that the development is carried out in strict accordance with the recommendations of the Noise Report.

6. Highway Matters

- 6.32 A number of objectors have raised concerns about the proposed access to the site which would be via Tyne Street and Tree Road. These concerns are summarised in the Summary of Representations.
- 6.33 A Transport Statement was submitted with the application and this was revised in August 2016. Traffic surveys were carried out in 2015 which indicated the levels of traffic using Tyne Street. During the morning peak period, 31 vehicles arrived (approx. 1 vehicle every 2 minutes) and 19 departed (approx. 1 vehicle every 3 minutes). During the evening peak period 8 vehicles arrive (approx. 1 vehicle every 7.5 minutes) and 17 vehicles depart (approx. 1 vehicle every 3.5 minutes).
- 6.34 A video survey identified that the delay to vehicles turning onto the A6 London Road was minimal, with right turners experiencing the highest delay. In the morning peak period the average right turner delay was 18 seconds and in the evening peak period 22 seconds. However, most vehicles turned left towards the City Centre rather than right. The video survey also confirmed that no vehicles turning left into Tyne Street blocked back onto

the A6.

- 6.35 Proposed development traffic generations were derived from the TRICS database. The analysis indicated that during the morning peak period 6 vehicles (1 vehicle every 10 minutes) would arrive and 13 depart (approx. 1 vehicle every 4.5 minutes). During the evening peak period 12 vehicles (1 vehicle every 5 minutes) would arrive and 5 vehicles depart (1 vehicle every 12 minutes). The impact on the A6 London Road would be negligible for this amount of generated traffic.
- 6.36 The Transport Statement indicates that no accidents were reported for a 3 year period up to September 2015.
- 6.37 The Highway Authority has been consulted on the application and has raised no objections to the proposal subject to the imposition of a number of conditions, which would ensure that Tyne Street and Tree Road are improved. Whilst the Highway Authority accept that Tyne St has a pinch point, a priority traffic calming signing scheme is proposed giving priority to motorists entering, with further enhancements / improvements proposed to sections of carriageway & footways with works to be undertaken in accordance with section 278 of the Highways Act 1980.
- 6.38 With regard to Tree Road, in order for the road to be adopted by Cumbria County Council the entire section leading to the proposed residential development would need to be brought up to adoptable standard (constructed including street lighting) by way of a Section 228 Agreement. The construction would have to be in accordance with Cumbria County Councils specification at the applicant's expense and not simply upgraded with these works being completed prior to the works being carried out on the proposed new residential development by way of a Section 38 Agreement.
- 6.39 Due to the local resident's concerns, the City Council has commissioned an independent highway consultant to assess the proposal, with particular reference to the geometric restrictions of the local highway network. His findings are detailed below.
- 6.40 The approach to the A6 junction is 3m at its narrowest point. The proposals include widening the carriageway by incorporating the footway into the access and creating a shared space. As part of the shared surface a 1.3m wide route will indicate a pedestrian route. This, in effect, allows the approach to widen to approximately 4.4m in total, including the pedestrian route.
- 6.41 The proposal is also to allow priority to vehicles turning in to Tyne Street from the A6 London Road. New traffic signage would be erected at either end of the narrow stretch advising drivers on who has priority.
- 6.42 The narrow stretch of Tyne Street is approximately 28m in length. Vehicles turning left into Tyne Street are able to see along the narrow section once they have entered the junction bellmouth. There is space in the bellmouth for an arriving vehicle to wait in order to allow an oncoming vehicle to clear

the narrow section.

- 6.43 From the other end of the narrow section, a vehicle can clearly see through the whole section and would see a vehicle that has entered the bellmouth and is therefore able to give that vehicle priority.
- 6.44 The TS video survey and accident data indicate that the junction currently works safely and that under current traffic conditions the access works well. However, would this still be the case with the additional generated traffic?
- 6.45 The additional traffic would result in a total of 37 vehicles arriving and 32 vehicles departing during the morning peak period. This would mean that in approximately every 2 minutes a vehicle would arrive and depart.
- 6.46 In the evening peak period the number of potential arrivals would total 20 vehicles with 22 departures. This means that approximately every 3 minutes a vehicle would arrive and depart.
- 6.47 The independent highway consultant considers that post development this junction would still work safely. The reasons for this are as follows:-
- the narrow section of Tyne Street is fairly short in length, a vehicle passing through this section would do so in a few seconds. Therefore should a left turning vehicle arrive, it would potentially only need to wait a few seconds for an oncoming vehicle to clear the narrow section.
 - should a group of vehicles wish to turn left into Tyne Street, an oncoming vehicle already within the narrow section would only cause a slight delay by a few seconds. Any second oncoming vehicle should be able to see that a vehicle has turned left and should therefore give-way to the arriving vehicles.
 - the proposed improvements to the narrow section should help manage traffic movements.
 - the majority of traffic arriving and departing will be drivers who know the roads constraints, as they will either be drivers who work or live here. They will know to be cautious and will know that arriving traffic will have priority through the narrow section.
 - it is unlikely that drivers (eg visitors) who do not know Tyne Street would arrive during the peak commuting periods, ie 8am to 9am and 5pm to 6pm. These drivers are likely to visit during the quieter traffic periods between 9am and 5pm and therefore are less likely to meet oncoming vehicles. Regular visitors would quickly learn to drive carefully on approaching the narrow section.
- 6.48 In relation to the Tyne Street/Tree Road Corner, traffic flows would be considerably lower than those surveyed at the A6 London Road junction, though some vehicles would pass this point to access Network Rail's depot and some business units.
- 6.49 Due to the tight corner and poor forward visibility around the corner, vehicles

approaching from Tree Road already approach with caution and slowly, as do vehicles intending to turn left from Tyne Street to Tree Road.

- 6.50 A traffic mirror has been placed opposite the junction, it is understood that it is a private mirror and attached to private property, and therefore outside of Cumbria Highways control. However the mirror works well in helping drivers approaching the corner to see around it.
- 6.51 The independent highway consultant considers that due to the cautious nature of drivers approaching the junction/corner and the considerable benefit obtained by the traffic mirror that the additional generated traffic would not have an adverse impact at this location. This view has also considered the following:-
- the local traffic flows at this location would be lower those surveyed.
 - the majority of drivers would know the highway network as they would either be living at the development or work in one of the local units.
 - visitors who may not know the local highway would probably be on the local network during quieter traffic periods outside of the peak commuting periods.
 - the traffic mirror helps improve the safety of the junction.
 - Tree Road, as part of the improvement works would be widened which would help vehicles pass each other.
- 6.52 It is recommended that Cumbria Highways consider this location as being suitable for a traffic mirror and if the existing mirror needs replacing in the future, that Cumbria Highways erect a pole with attached mirror within the highway boundary, opposite the corner.
- 6.53 The report concludes that:
- in conjunction with the traffic management proposed at this location, the development traffic should not create too much of an adverse impact at this location.
 - the Tyne Street/Tree Road junction/corner should be able to cope with the development proposals, with the location of an existing traffic mirror being of great help to turning traffic.
 - drivers who regularly drive the local highway network will become aware of the issues associated with the narrow section of Tyne Street and the poor forward visibility at the corner with Tree Road, and that they will drive appropriately to the road conditions.
 - Cumbria Highways recommendation is supported.
- 6.54 In light of the above, the proposal would not have an adverse impact on the existing highway.

7. Impact On Trees And Hedges

- 6.55 A Tree and Hedge Survey Report has been submitted with the application. A number of trees would be removed from the site to make way for the development but these are largely of poor quality. Some trees would be retained and new trees would be planted as part of a landscaping scheme.
- 6.56 The three hedges along the southern site boundary, which are of poor quality, would be removed, with a new hedge being planted along this boundary. A new hedge would also be planted along the eastern site boundary. The hedge along the northern site boundary would be retained.
- 6.57 The Council's Tree and Landscape Officer has been consulted on the application and has raised no objections to the proposal subject to the imposition of conditions. These would ensure that the trees and hedges to be retained within the site and the trees adjacent to the site in third party ownership would be protected during construction and that a landscaping scheme is submitted.

8. Biodiversity

- 6.58 A Phase One Habitat Survey and Scoping Survey for European Protected Species has been submitted with the application. This identifies that the field is of low conservation value. Whilst some trees and hedges would be lost due to the development, new trees and hedges would be planted to mitigate for their loss.
- 6.59 The report suggests some wildlife enhancement measures that could be incorporated into the scheme (e.g bird and bat boxes, provision of wildlife areas and habitat corridors, use of native species) and a condition has been added to cover this issue.

9. Archaeology

- 6.60 The application is accompanied by an Archaeological Desk Based Assessment and an Archaeological Evaluation Report. During the archaeological evaluation five trenches totalling 270m² were excavated across the field. The aim was to identify the presence or absence of archaeological remains. Several sherds of medieval pottery were recovered from the topsoil and these may indicate possible domestic use of the site during this period. Whilst of interest these are not significant and the archaeological evaluation concludes that there are no significant archaeological remains present in the proposed development area.
- 6.61 A number of objectors have made reference to the historic interest of the site and consider that the archaeological survey that has been submitted with the application is inadequate. The County Archaeologist, however, has no objections to the proposal and does not wish to make any comments or recommendations. He considers that the results of the archaeological evaluation show that it is very unlikely archaeological assets of any significance will be disturbed by the construction of the proposed development.

10. Affordable Housing

- 6.62 The application site lies within Affordable Housing Zone B and within this zone Policy HO4 of the Local Plan requires 20% of units to be affordable. This equates to six dwellings for a development of 30 dwellings. Policy HO4 stipulates that 50% of these affordable dwellings should be for rent and 50% should be for sale at a discounted rate (30% below the market value).
- 6.63 The Council's Housing Officer considers that the mix of two and three bedroom units in the application is acceptable in terms of meeting the affordable housing need. He has requested that three of the two bedroom units should be for affordable rent and two three bedroom units and one two bedroom unit should be for discounted sale.
- 6.64 A Section 106 Agreement will be used to deliver the affordable housing and to ensure that the dwellings remain affordable in perpetuity.

11. Open Space Provision

- 6.65 The applicant is providing a play area immediately to the south of the new housing. This would be an informal play area and the submitted plans show a grass area with logs, stepping stones and some trees. The exact details of the play area will be determined at a later stage and a condition has been added to cover this issue. The developer will need to maintain this open space and this will be secured through the Section 106 Agreement.
- 6.66 The Council's Green Spaces Manager has also requested that the developer should make a contribution to the provision of play equipment in the local area. He has requested a £16,320 contribution for improving the play area in the locality. This money would be secured through the Section 106 Agreement.

12. Foul And Surface Water Drainage

- 6.67 Foul drainage would connect to the existing mains drainage system. Ground conditions are not suitable for soakaways and the proposal would utilise on-site attenuation, with hydraulic brake to limit outflow to 5 l/s or less for discharge to the combined drainage system.
- 6.68 The Lead Local Flood Authority and United Utilities has been consulted on the application and has raised no objections, subject to the imposition of conditions.

13. Other Matters

- 6.69 An objector has stated that they have received a letter from the Council's Waste Services which threatens to remove the refuse service because of safety and access problems. The Council's Waste Services team has confirmed that this matter was due to overhanging branches which were causing access problems but these have been cut back and this is no longer an issue. The Council's Waste Services team has confirmed that there would be no issues with their vehicles accessing the proposed development.

Conclusion

- 6.70 The proposal is in accordance with the principles of the NPPF as the application site is located in a sustainable location. The scale, layout and design of the development are acceptable and it is considered that the development would not have a significant adverse impact upon the Settle-Carlisle Conservation Area or the living conditions of the occupiers of neighbouring properties. Subject to suitably worded planning conditions and a S106 Agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, trees and hedgerows, archaeology or biodiversity. The level of affordable housing is also considered to be acceptable.
- 6.71 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 S106 Agreement to secure:
- a) the provision of the proposed level of affordable units (three units that would be made available by discounted sale, with the discount set at 30% below open market value, and three properties would be available for affordable rent);
 - b) a financial contribution of £16,320 towards improving children's play space in the locality;
 - c) the maintenance of the informal open space within the site by the developer.

7. Planning History

- 7.1 There is no planning history relating to this site.

8. Recommendation: Grant Subject to S106 Agreement

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

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

2. The approved documents for this Planning Permission comprise:
- 1. the submitted planning application form received 21st March 2016;
 - 2. the Drainage Attenuation Location Plan (drawing ref 15-C-14262/100) received 21st March 2016;
 - 3. the Site Plan as Existing (drawing ref 1600-01 Rev B) received 5th July 2016;
 - 4. the Block Plan as Proposed (drawing ref 1600-04 Rev C) received 29th September 2016;
 - 5. the Site Plan as Proposed (drawing ref 1600-02 Rev A) received 5th July 2016;

6. the Floor Plans and Elevations (drawing ref 1600-03 Rev A) received 5th July 2016;
7. the Floor Plans and Elevations (drawing ref 1600-06 Rev A) received 5th July 2016;
8. the London Road and Tyne Street Access (drawing ref 1600-08 Rev B) received 29th September 2016;
9. the Transport Statement (Report No. A093419/AS) received 11th October 2016;
10. the Response to CCC Comments on Transport Statement received 5th July 2016;
11. the Phase 1: Desk Top Study Report received 23rd March 2016;
12. the Phase One Habitat Survey and Scoping Survey for European Protected Species received 21st March 2016;
13. the Planning Statement received 21st March 2016;
14. the Archaeological Evaluation Report received 21st March 2016;
15. the Archaeological Desk-Based Assessment received 23rd March 2016;
16. the Tree and Hedge Survey Report received 21st March 2016;
17. the Noise Assessment received 5th July 2016;
18. the Notice of Decision; and
19. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: To ensure that the external appearance of the building is acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. Prior to the commencement of development, details of the proposed hard surface finishes to all external areas shall be submitted for approval in writing by the Local Planning Authority. The approved scheme shall then be implemented in accordance with these details.

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

5. Samples or full details of the proposed windows to be used in the dwelling hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall then be implemented in accordance with these details.

Reason: To ensure that the external appearance of the building is acceptable and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

7. No works or development shall take place until a scheme of tree and hedge protection has been submitted to, and agreed in writing, by the Local Planning Authority. The tree and hedge protection shall be implemented in accordance with the agreed scheme, prior to commencement of any works or development on site, and maintained to the satisfaction of the local authority for the duration of the development.

Within the fenced off area;

5. No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- 1 No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- 2 No alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority.
- 3 No materials or vehicles shall be stored or parked within the fenced off area.
- 4 No alterations to the natural/existing ground level shall occur.
- 5 No excavations will be carried out within the fenced off area.
- 6 The tree and hedge protection fencing must be maintained to the satisfaction of the Local Planning Authority at all times until completion of the development.

Reason: To ensure that existing trees are protected in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

8. Prior to commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The Arboricultural Method Statement shall include:
- i) Facilitation tree works;
 - ii) Excavations and the requirement for specialised trenchless techniques for the installation of services;
 - iii) Installation of access roads – materials and design;
 - iv) Preparatory works for new landscaping;
 - v) auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input or supervision;
 - vi) A programme for the phasing of the works.

The approved Arboricultural Method Statement shall be implemented in its agreed form, unless the local planning authority gives written approval to any variation.

Reason: To ensure that existing trees are protected in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

9. Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be at a scale of 1:200 and shall include:
- i) The exact location and species of all existing trees and other planting to be retained;
 - ii) An outline specification for ground preparation for landscaped areas outside of the ecological areas;
 - iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
 - iv) All proposed boundary treatments with supporting elevations and construction details;
 - v) All proposed hard landscaping elements and paving, including layout, materials and colours;
 - vi) The proposed arrangements and specifications for initial establishment maintenance and long term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To ensure that existing trees are protected in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the building is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policies HE7 and SP6 of the Carlisle District Local Plan 2015-2030.

11. No development shall commence until full details of the wildlife

enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

12. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 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 SP6 of the Carlisle District Local Plan 2015-2030.

13. 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.

Site investigations should follow the guidance in BS10175.

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.

14. The carriageway, footways, footpaths, cycle ways etc including the carriageway & clearance strip on the entire section of Tree road leading to the proposed residential development shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

15. The carriageway, footways, footpaths, cycle ways etc shall be designed,

constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

16. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

17. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage and to support Local Transport Plan Policies LD5, LD7 & LD8.

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

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

19. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

20. The recommendations of the road safety audit should be carried out prior to the occupation of the first dwelling.

Reason: To ensure that the proposed new access road is constructed within a reasonable timescale, in the interests of highway safety (and general amenity) and to support Local Transport Plan Policies LD5, LD7 & LD8.

23. The dwellings shall not be occupied until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

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

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience.

25. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

26. 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 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.

The development shall be completed in accordance with the approved details.

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.

27. Prior to the commencement of the development, a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:

- 7 The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

28. No development shall commence until a construction surface water management plan has been agreed in writing with the Local Planning Authority.

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

29. Prior to the commencement of development, a plan shall be submitted for approval in writing by the Local Planning Authority, which shows the sandstone gate stoops (that adjoin the existing field gate) being retained and re-used within the development.

Reason: To protect the character of the area, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

30. Prior to the commencement of development, details of the proposed materials to be used in the construction of the shared surface which is to be installed on Tyne Street shall be submitted for approval in writing by the Local Planning Authority. The shared surface on Tyne Street shall then be constructed in accordance with these details.

Reason: To ensure that the proposal does not have an adverse impact on the Settle-Carlisle Conservation Area, in accordance with Policy HE7 of the Carlisle District Local Plan 2015-2030.

31. Prior to the occupation of any of the dwellings, the details of the acoustic fence to be installed adjacent to Plot 1 and the trickle vents to be installed in Plot 1, referenced in the Noise Report, shall be submitted for approval in writing by the Local Planning Authority.

Reason: To ensure satisfactory living conditions for the future occupiers of Plot 1, in accordance with Policy SP6 of the Carlisle District Local Plan 20015-2030.

32. Prior to the occupation of the twentieth dwelling hereby permitted the open space and associated recreational provision as indicated on the Site Plan as Proposed (Dwg 1600-02 Rev A, received 5 July 2016) shall be fully implemented in accordance with details to be approved beforehand in writing by the Local Planning Authority.

Reason: To ensure that open space is provided on space, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

33. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

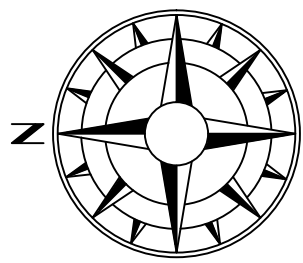
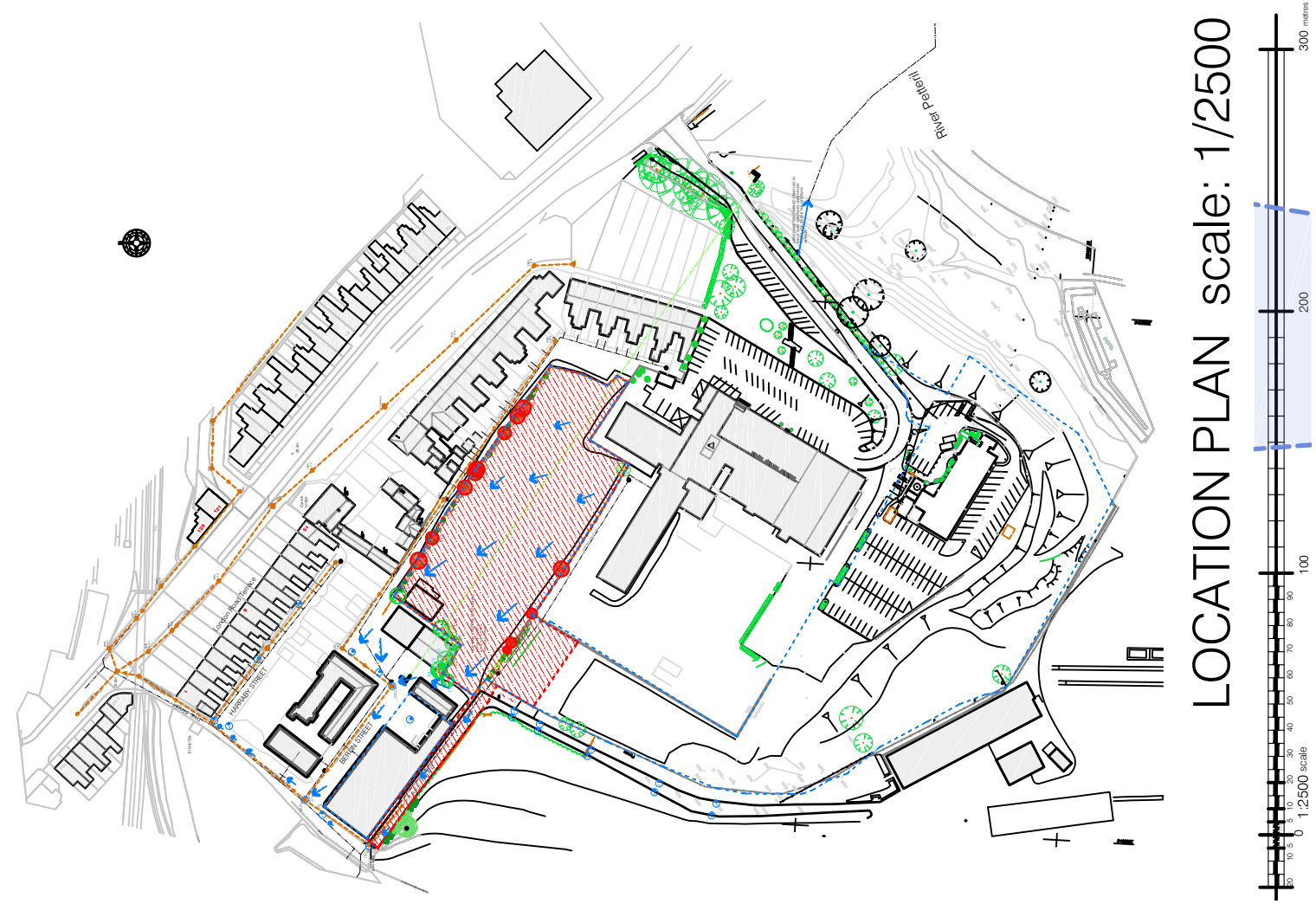
Reason: In order that the approved development overcomes any problems associated with the topography of the area and that it meets the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.



CLIENT HARRISON NORTHERN		A.L. DAINES PARTNERS	
TITLE HILLTOP HEIGHTS DRAINAGE ATTENUATION LOCATION PLAN		Consulting Civil and Structural Engineers	
DRAWN	SCALE 1:500 @ A3	28 Castle Street, Carlisle, Cumbria CA3 8TP Tel: 01228 532428 Fax: 01228 532428 mail@aldaines.co.uk	
DATE	DRAWING NO. 15-C-14262/100		

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Revisions	Description	Date
A	Site boundary amended at south eastern end of site to reflect title plan issued by Network Rail	21.04.16
B	Adjacent property to northwest of housing site amended to include extension	
	Existing surface drains around site added.	02.06.16



DRAWING BASED UPON TOPOGRAPHICAL SURVEY OF THE SITE BY
EDMONDSON SURVEYS LIMITED
REF: E1636/03/A DATED: 24.10.11

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Harrison Northern

CLIENT:

Harrison Northern, Fairfield House
105 Scotland Road Carlisle CA3 9HL

PROJECT:

Proposed residential development at
Hilltop Hotel, Carlisle CA1 2NP

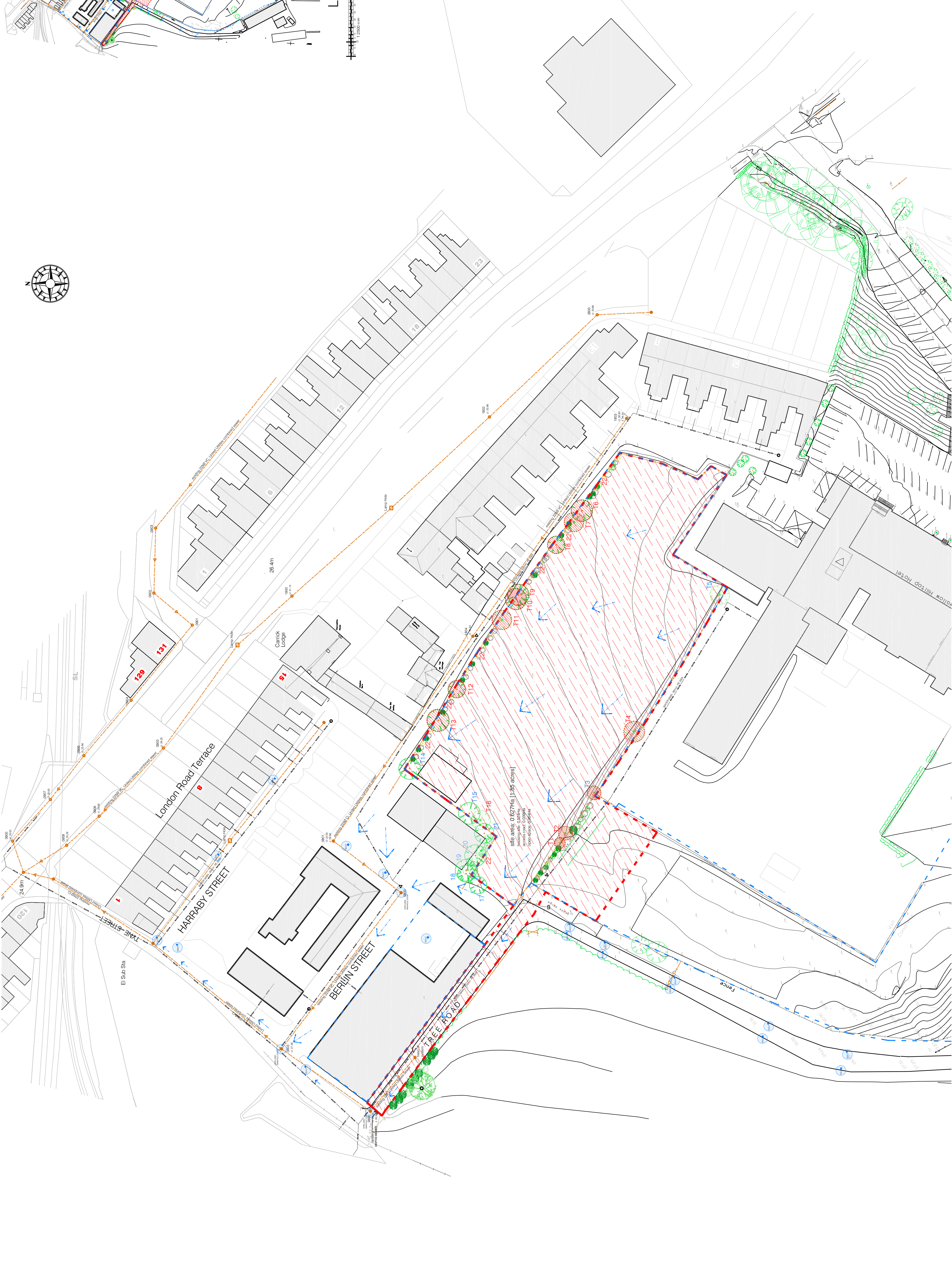
DRAWING:

SITE PLAN - as existing

DRG NO: **1600-01** rev.B

Scale: 1:500, 1:2500 @ A1 Date: June 2015

14



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Revisions	Description	Date
A	Site boundary amended at south eastern end of Tree Road to reflect title plan issued by Network Rail	21.04.16
	Property at corner of Tyne Street and Tree Road now in ownership of the applicant outlined in blue	
	Proposed residential development of housing site amended to include extension	
	Three bedroom properties changed to plots	
	7, 8, 9 + 10 along with plots 27, 28, 29 + 30	
	Acoustic barrier added to western boundary Plot 1	13.06.16
	Proposed residential development of housing site amended to include extension	20.06.16
	By White Cottage details added as provided	
B	Shared surface at Tyne Street amended to show existing footway by dashed line	18.07.16
C	Addition of a 1.3m wide delineated section of footway on the east side of Tyne Street between Parraby Street and London Road and a ramp on Tyne Street part to the corner with Tree Road	23.08.16

DRAWING BASED UPON TOPOGRAPHICAL SURVEY CONDUCTED BY HARRISON NORTHERN LTD REF: E163603/A DATED: 24.10.11



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Harrison Northern

CLIENT:

Harrison Northern, Fairfield House

105 Scotland Road Carlisle CA3 9HL

PROJECT:

Proposed residential development at

Tree Road, Cherry Mount, Carlisle CA1 2NP

DRAWING:

BLOCK PLAN - as proposed

DRG NO: 1600- 04 rev.C

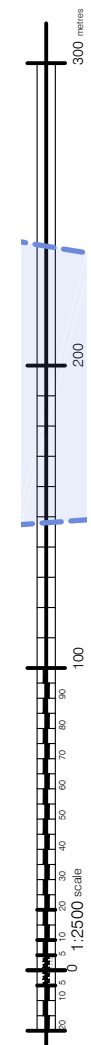
Scale: 1:500 @ A1 Date: January 2016

14

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LOCATION PLAN scale: 1/2500



OUTLINE DRAINAGE STRATEGY

Foul - to existing United Utilities mains drainage system
Surface - as porosity tests confirm ground conditions are not suitable for soakaways, the proposal is to utilise on-site attenuation/retention with hydraulic brake to limit outflow to 5 litres/ second or less for discharge to United Utilities combined drainage system (subject to agreement).

STREET LIGHTING

Locations shown are indicative only and subject to detailed design consultations with Cumbria County Council for compliance with the current Cumbria Design Guide.

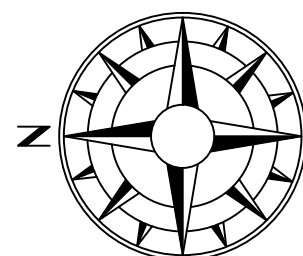
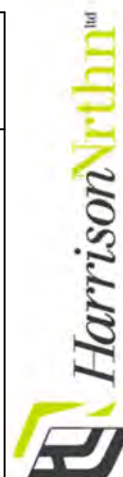
ACOUSTIC MEASURES

Refer to report by LA Environmental Consultants, ref: HN/TR/001 dated May 2016.

The proposed acoustic fence along the western boundary of Plot 1 will have a superficial mass of at least 10 kg/m². The panels will be rigidly mounted and with no gaps between the adjacent panels or the fence and the ground. The barrier will be designed (e.g. through the use of cover strips), so that gaps do not develop between adjacent panels through warping or shrinkage.

The vibrations on all plots are to be double glazed [4 mm/(6–16) mm/4 mm] to achieve a sound reduction index (dB) $R_w + C_{tr}$ of 25 and resultant internal noise level dB(A) of <30 . In all cases windows can be operable but should be well sealed when closed.

Revisions	Description	Date
A	Site boundary amended at south eastern end of Tree Road to reflect title plan issued by Network Rail. Adjacent property to northwest of housing site amended to include extension. Three bedroom properties changed to plots 7, 9, + 10 along with plots 27, 28, 29 + 30. Acoustic barrier added to western boundary Plot 1 and acoustic measures noted.	21.04.16 09.05.16 13.06.16



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Harrison Northern

CLIENT:

Harrison Northern, Fairfield House
05 Scotland Road, Carlisle CA3 9HL

PROJECT:

Proposed residential development at

Free Road, Chertsey Mount, Carlisle CA1 2NP

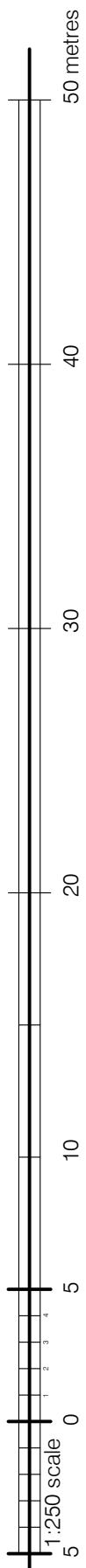
DRAWING: SITE PLAN - as proposed

ORG NO: . . .

1600-02 rev.A

Scale: 1:250 @ A1 Date: January 2016

A1



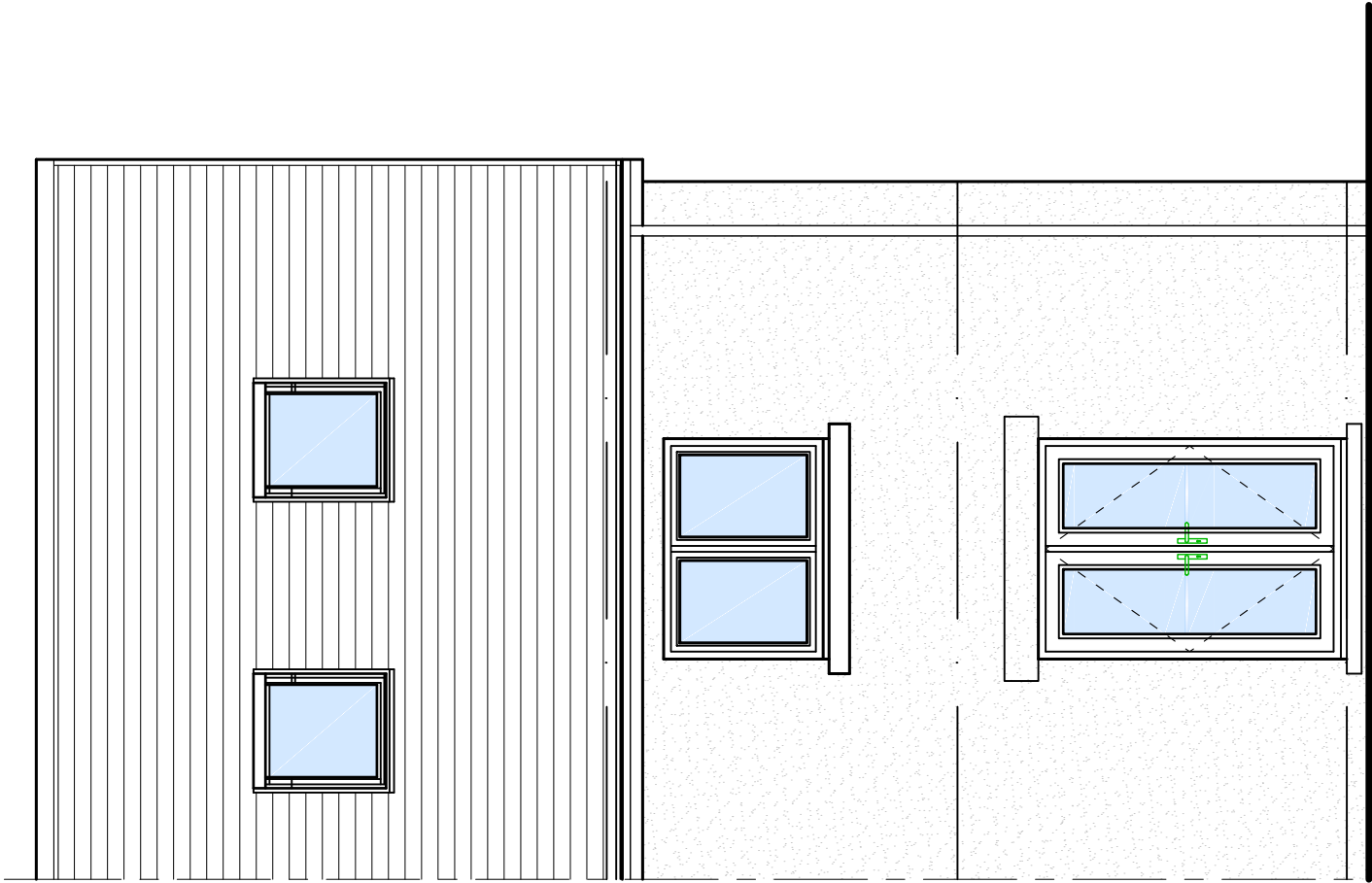
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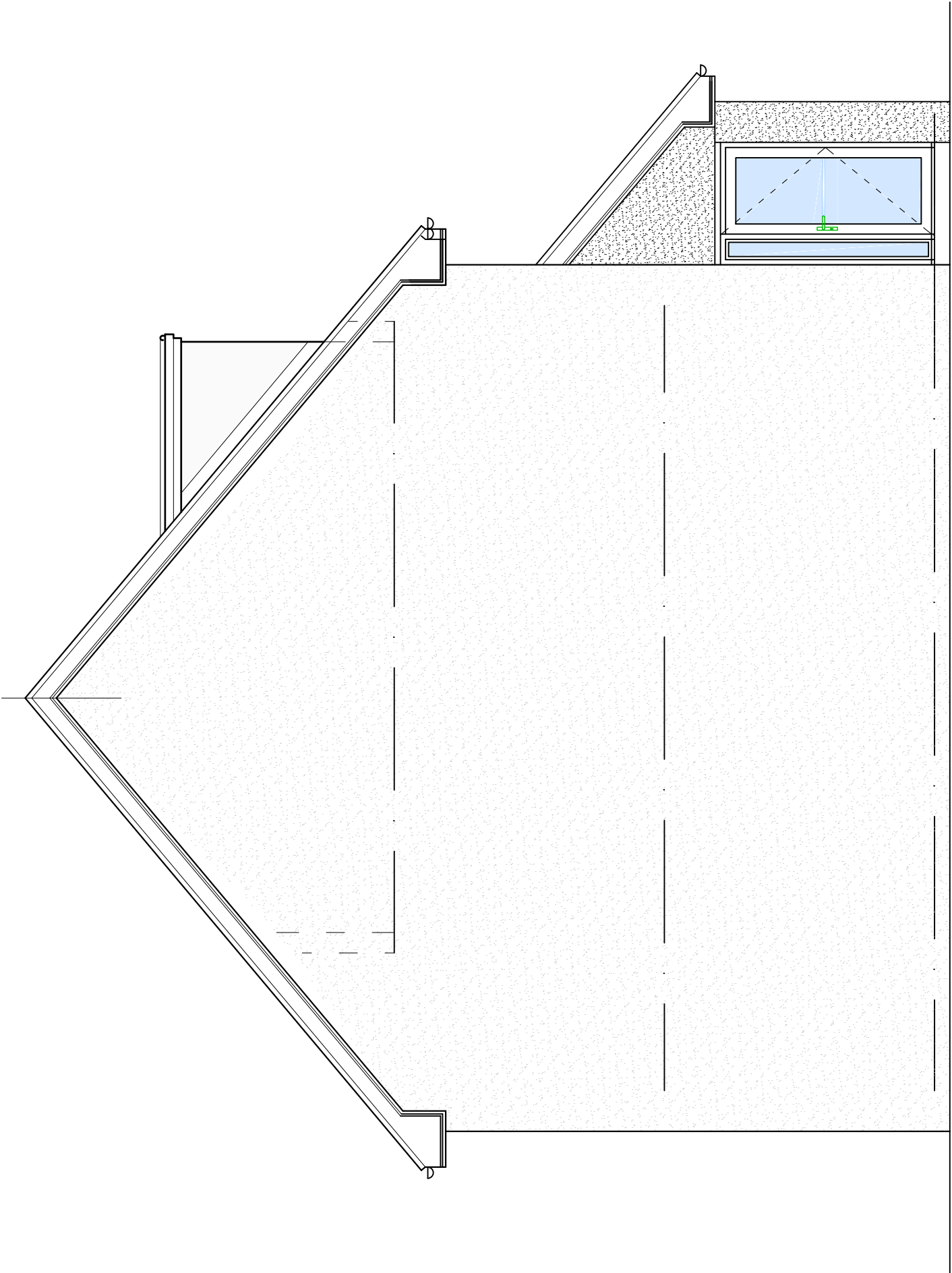
PROPOSED FINISHES

ROOFS: natural slate.
WALLS: render finish
WINDOWS: upvc. or timber casement and reversible.
DOORS: upvc. or timber.
R.V. GOODS: aluminum either self-finish or powder coated.
CAR PARKING: permeable concrete block sets.

Revisions	Description	Date
A	Roof coverings changed to slate Roof coverings changed to slate 7.8.9 + 10 along with plots 27, 28, 29 + 30 and dormer windows added.	10.05.16



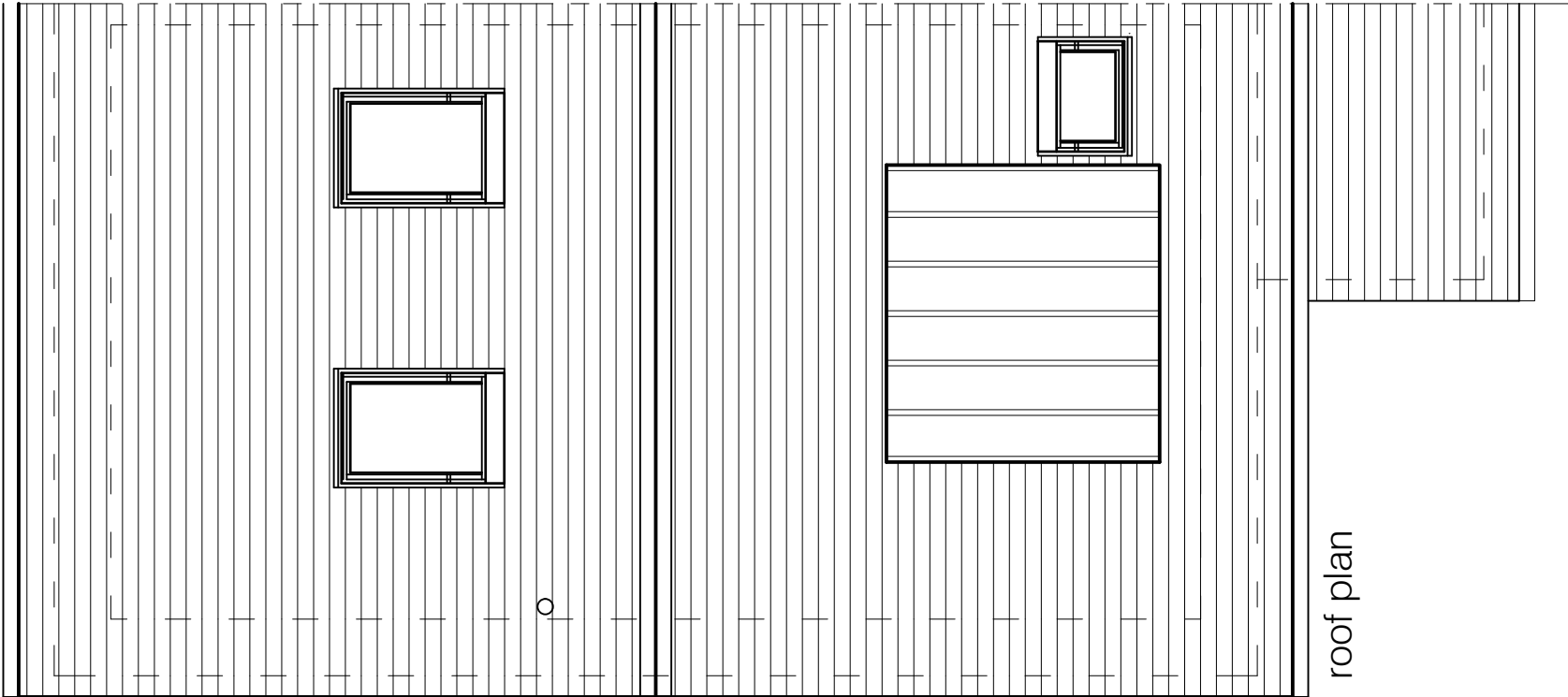
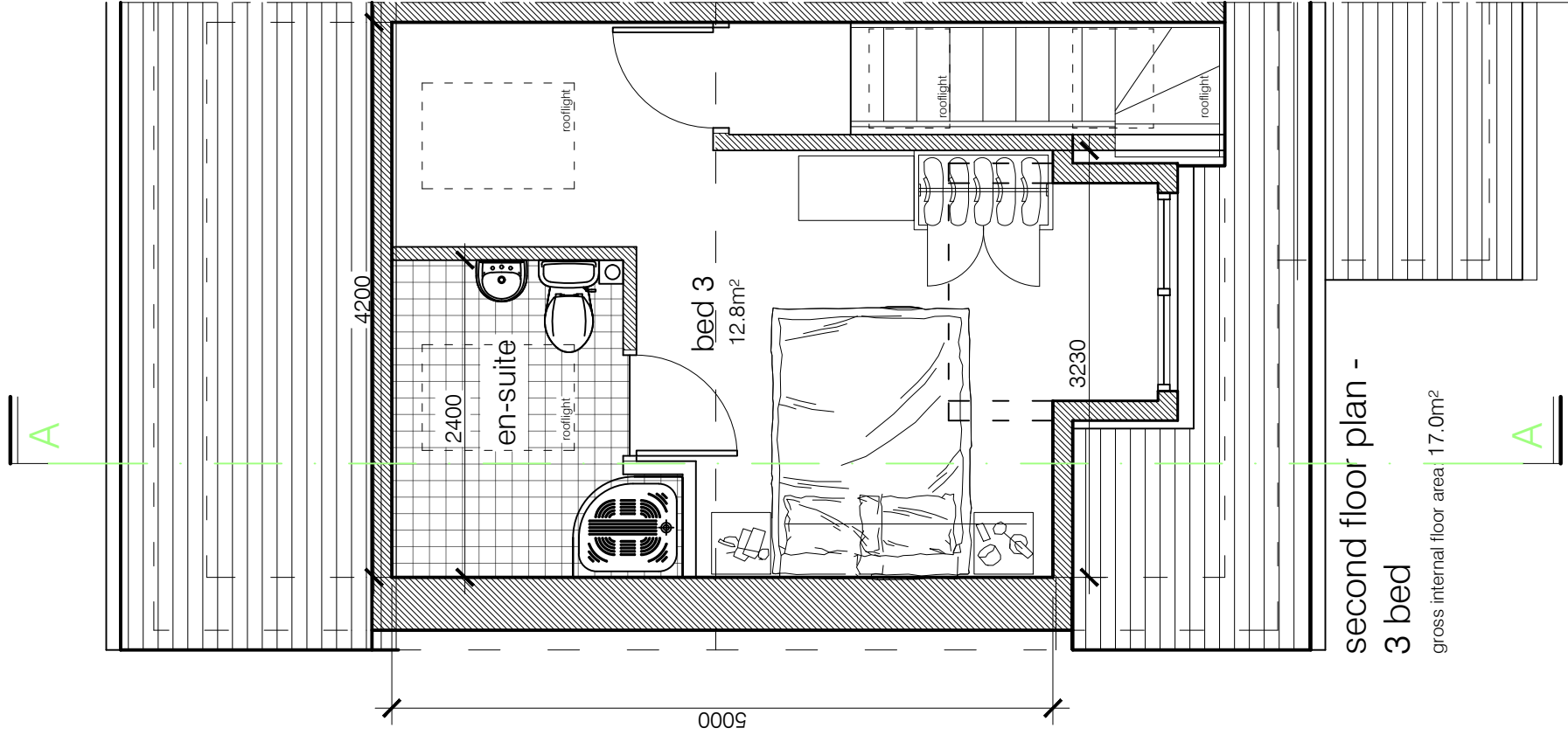
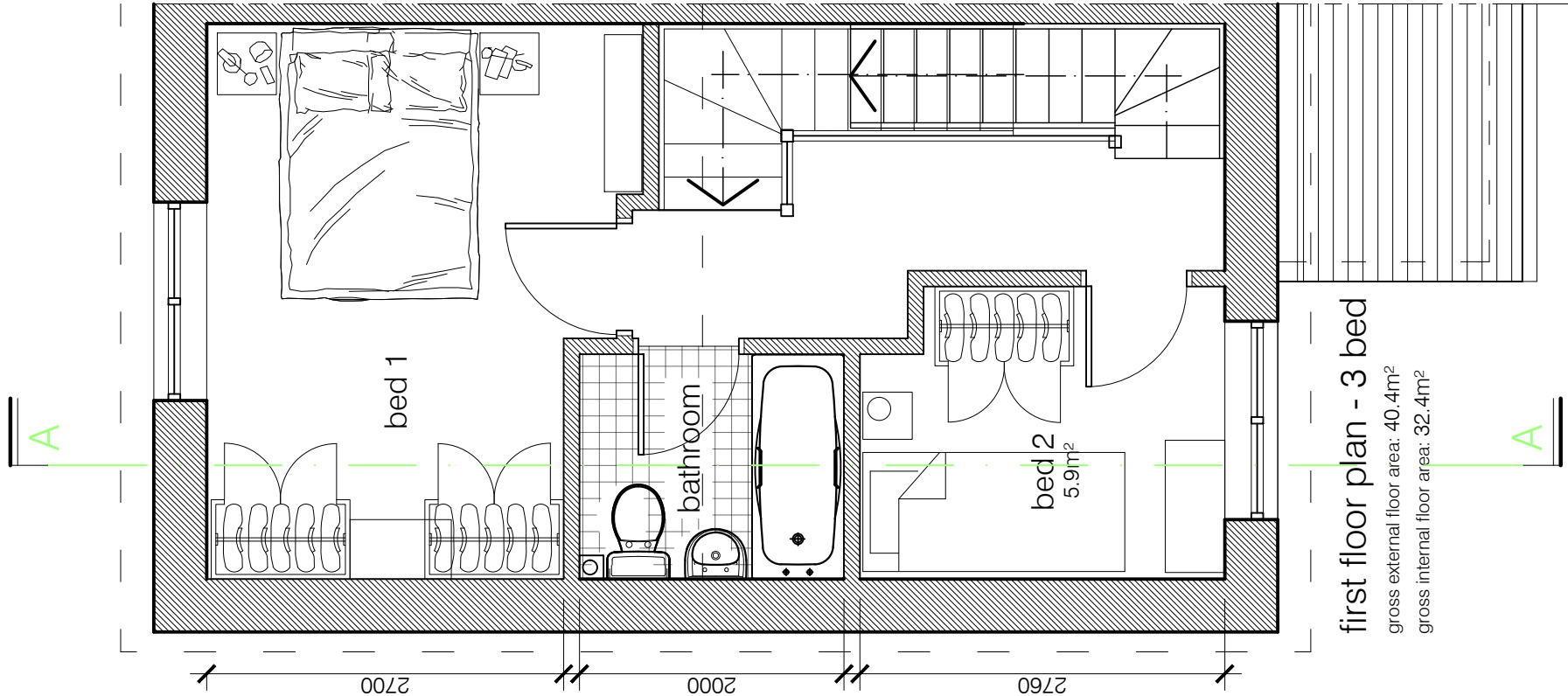
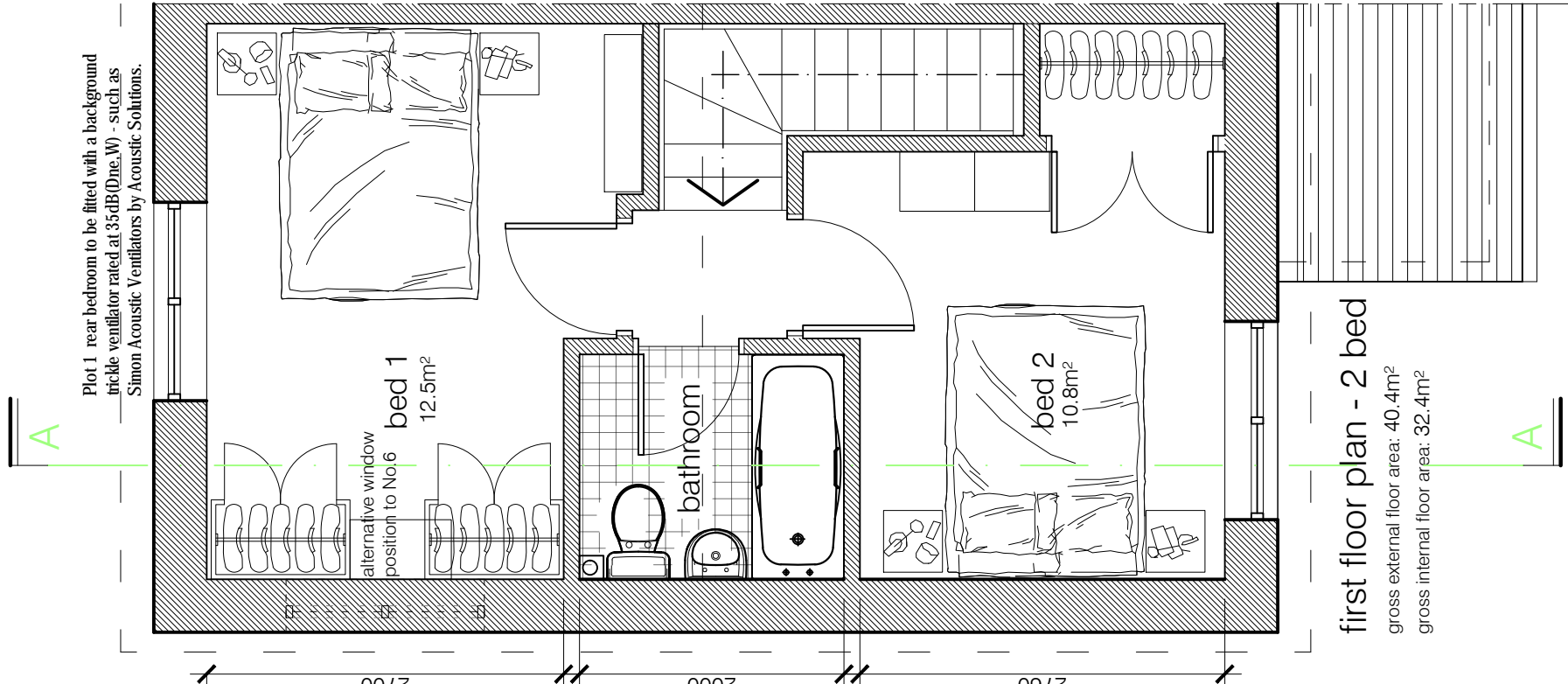
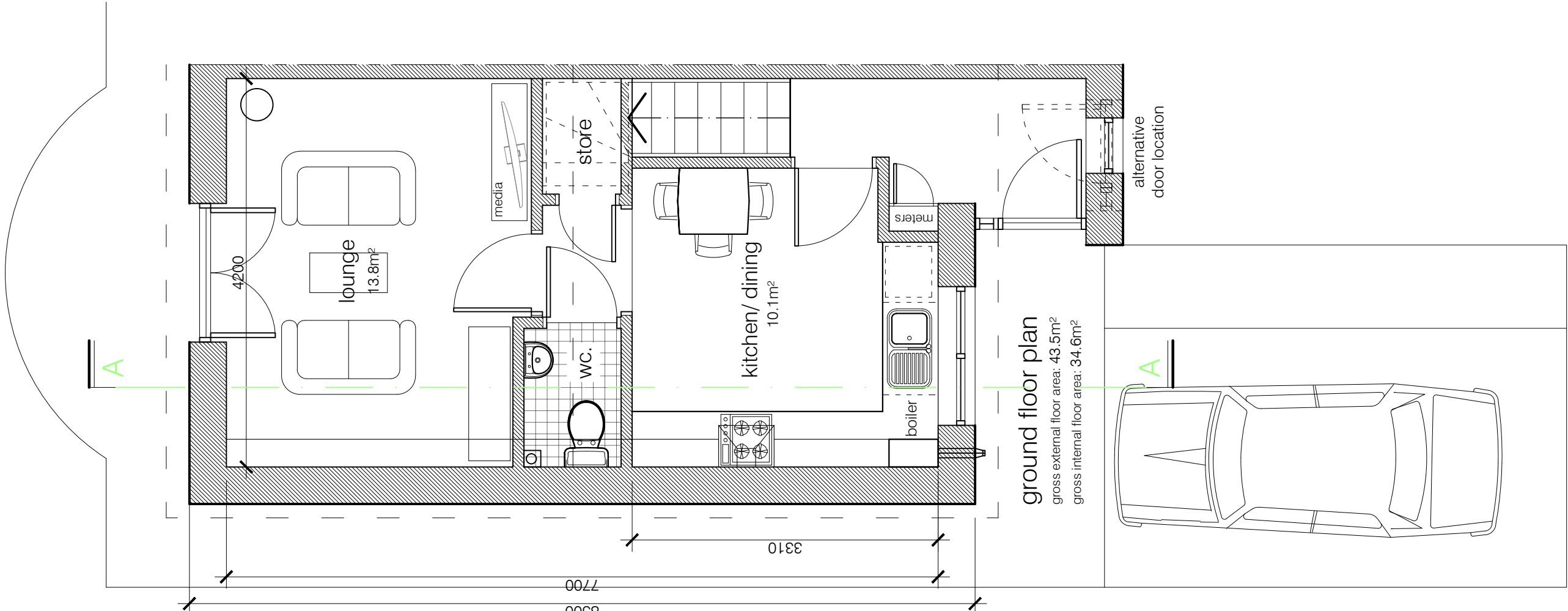
rear elevation



end elevation



front elevation



roof plan



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Harrison Northern

CLIENT:
Harrison Northern, Fairfield House
105 Scotland Road Carlisle CA3 9HL

PROJECT:

Proposed residential development at
The Road, Cherry Mount, Carlisle CA1 2NP

DRAWING: FLOOR PLANS AND ELEVATIONS - as proposed

DRG NO: 1600- 06 rev.A

Scale: 1:50 @ A1 Date: December 2015 1/1

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TYNE STREET TO LONDON ROAD - existing



TYNE STREET TO LONDON ROAD - proposed priority signage and shared surface treatment



LONDON ROAD TO TYNE STREET - existing



LONDON ROAD TO TYNE STREET - proposed priority signage and shared surface treatment

Revisions	Description	Date
A	Shared surface at Tyne Street amended to show existing footway by dashed line	18.07.16
B	Addition of a 1.3m wide delineated section of footway on the east side of Tyne Street between Carrick Lodge and Carrick Lodge	28.09.16
	Tyne Street road to the corner with Tree Road.	
	Priority signs added to illustrations.	

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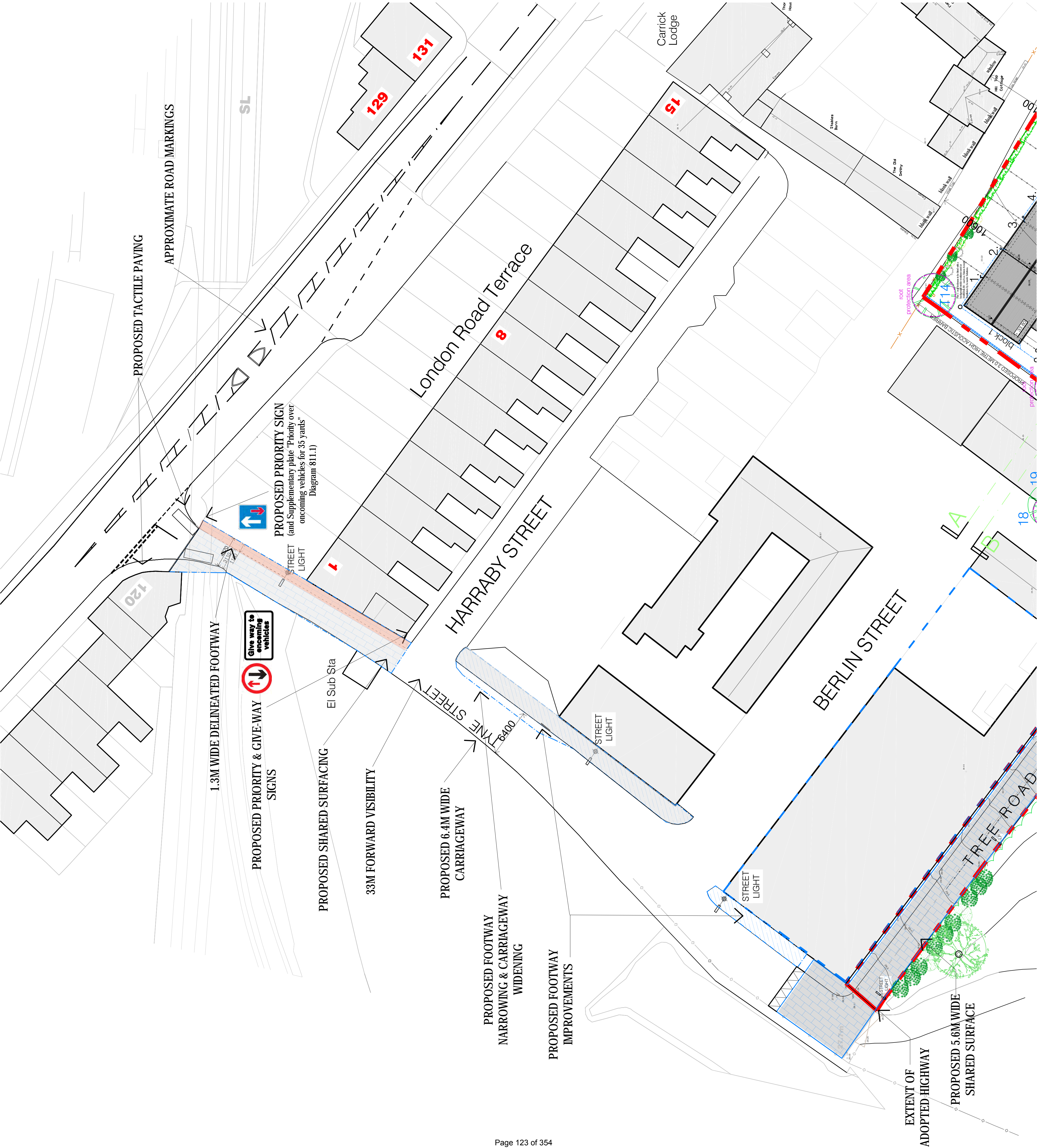
PROJECT:
Proposed residential development at
Tyne Road, Cherryfield Mount, Carlisle CA1 2NP

DRAWING:
London Road and Tyne Street Access

DRG NO: **1600- 08** rev.B

Harrison Northern
Planning application

Scale: 1:200 @ A1 Date: July 2016 1V



Date: 6th October 2016
Ref: MG/1657 - PP

Stephen Daniel
Development Manager
Economic Development
Carlisle City Council
Civic Centre
Carlisle CA3 8QG

Dear Stephen

Re: Planning Ref: 16/0249; Land Between Tyne Street and Chertsey Mount, Carlisle

Thank you for inviting Modal Group Ltd to provide independent advice with regards the operation of the local highway associated with the proposed 30 unit residential development at land adjacent to Tree Road, Chertsey Mount, Carlisle.

This letter has been prepared following a site visit and inspection of the documents and drawings listed as part of the Planning Application 16/0249.

This letter considers the suitability of the development with particular reference to the geometric restrictions of the local highway network.

Transport Statement

A Transport Statement has been prepared on behalf of the client by White Young Green Transport (WYG), with the latest revision dated August 2016. In addition Swarbrick Associates, Architects, have produced a site layout drawing.

The site is accessed via Tyne Street which forms a junction with the A6 London Road. The site is within Carlisle and located south east of the city centre.

Tyne Street already serves a number of residential properties, industrial and business units as well as a Network Rail Depot, with 3 roads feeding off it; Harraby Street, Berlin Street and Tree Road.

The proposed development site is located off Tree Road. The site is currently a field and is bordered by residential properties to the north and east (accessed via Berlin Street) and the Milton Hilltop Hotel to the south which has its own separate access onto the A6.

Tyne Street is currently adopted highway, however it is understood that Tree Road is not adopted, however the proposals include improving Tree Road between the site and Tyne Street to an adoptable standard.

Tyne Street varies in width from between 3m and 5m, with the narrowest section on the approach to the A6 London Road junction. Tyne Street has a footway on one side and is lit with street lighting. Harraby Street, Berlin Street and Tree Road are unlit. The condition of all roads are generally poor.

The junction between Tyne Street and Tree Road is a 90 degree bend, however turning traffic is aided by the positioning of a private mirror that allows vehicles to see around the corner.

Traffic surveys were carried out in 2015 which indicated the levels of traffic using Tyne Street. During the morning peak period, 31 vehicles arrived (approx. 1 vehicle every 2 minutes) and 19 departed (approx. 1 vehicle every 3 minutes). During the evening peak period 8 vehicles arrive (approx. 1 vehicle every 7.5 minutes) and 17 vehicles depart (approx. 1 vehicle every 3.5 minutes).

A video survey identified that the delay to vehicles turning onto the A6 London Road was minimal, with right turners experiencing the highest delay. In the morning peak period the average right turner delay was 18 seconds and in the evening peak period 22 seconds. However, most vehicles turned left towards the City Centre rather than right.

The video survey also confirmed that no vehicles turning left into Tyne Street blocked back onto the A6.

Proposed development traffic generations were derived from the TRICS database. The analysis indicated that during the morning peak period 6 vehicles (1 vehicle every 10 minutes) would arrive and 13 depart (approx. 1 vehicle every 4.5 minutes). During the evening peak period 12 vehicles (1 vehicle every 5 minutes) would arrive and 5 vehicles depart (1 vehicle every 12 minutes).

The impact on the A6 London Road would be negligible for this amount of generated traffic.

The TS indicates that no accidents were reported for a 3 year period up to September 2015. We have carried out an independent check and find this to be accurate.

Tyne Street

The approach to the A6 junction is 3m at its narrowest point. The proposals include widening the carriageway by incorporating the footway into the access and creating a shared space. As part of the shared surface a 1.3m wide route will indicate a pedestrian route. This, in effect, allows the approach to widen to approximately 4.4m in total, including the pedestrian route.

The proposal is also to allow priority to vehicles turning in to Tyne Street from the A6 London Road. New traffic signage will be erected at either end of the narrow stretch advising drivers on who has priority.

The narrow stretch of Tyne Street is approximately 28m in length. Vehicles turning left into Tyne Street are able to see along the narrow section once they have entered the junction bellmouth. There is space in the bellmouth for an arriving vehicle to wait in order to allow an oncoming vehicle to clear the narrow section.

From the other end of the narrow section, a vehicle can clearly see through the whole section and would see a vehicle that has entered the bellmouth and is therefore able to give that vehicle priority.

The TS video survey and accident data indicate that the junction currently works safely and that under current traffic conditions the access works well. However, would this still be the case with the additional generated traffic?

The additional traffic would result in a total of 37 vehicles arriving and 32 vehicles departing during the morning peak period. This would mean that in approximately every 2 minutes a vehicle would arrive and depart.

In the evening peak period the number of potential arrivals would total 20 vehicles with 22 departures. This means that approximately every 3 minutes a vehicle would arrive and depart.

Having given this some considerable thought, we think that the junction should still work safely. The reasons are as follows:-

1. The narrow section of Tyne Street is fairly short in length, a vehicle passing through this section would do so in a few seconds. Therefore should a left turning vehicle arrive, it would potentially only need to wait a few seconds for an oncoming vehicle to clear the narrow section.
2. Should a platoon of vehicles wish to turn left into Tyne Street, an oncoming vehicle already within the narrow section would only cause a slight delay by a few seconds. Any second oncoming vehicle should be able to see that a vehicle has turned left and should therefore give-way to the arriving vehicles.
3. The proposed improvements to the narrow section should help manage traffic movements.
4. The majority of traffic arriving and departing will be drivers who know the roads constraints, as they will either be drivers who work or live here. They will know to be cautious and will know that arriving traffic will have priority through the narrow section.
5. It is unlikely that drivers (eg visitors) who do not know Tyne Street

would arrive during the peak commuting periods, ie 8am to 9am and 5pm to 6pm. These drivers are likely to visit during the quieter traffic periods between 9am and 5pm and therefore are less likely to meet oncoming vehicles. Regular visitors would quickly learn to drive carefully on approaching the narrow section.

Tyne Street/Tree Road Corner

The approaches to this junction/corner is of sufficient width to accommodate passing vehicles, however the corner itself is a 90 degree bend and only allows one vehicle to turn safely.

At this point in the local highway network, the majority of local traffic would already have turned off Tyne Street to the existing residential properties and some industrial units. Therefore the traffic flows would be considerably lower than that surveyed at the A6 London Road junction, though some vehicles would pass this point to access Network Rails depot and some business units.

Due to the tight corner and poor forward visibility around the corner, vehicles approaching from Tree Road already approach with caution and slowly, as to vehicles intending to turn left from Tyne Street to Tree Road.

A traffic mirror has been placed opposite the junction, it is understood that it is a private mirror and attached to private property, and therefore outside of Cumbria Highways control. However the mirror works well in helping drivers approaching the corner to see around the corner.

It is our view that due to the cautious nature of drivers approaching the junction/corner and the considerable benefit obtained by the traffic mirror that the additional generated traffic would not have an adverse impact at this location. This view has also considered the following:-

1. The local traffic flows at this location would be lower than that surveyed.
2. The majority of drivers would know the highway network as they would either be living at the development or work in one of the local units.
3. Visitors who may not know the local highway would probably be on the local network during quieter traffic periods outside of the peak commuting periods.
4. The traffic mirror helps improve the safety of the junction.
5. Tree Road, as part of the improvement works would be widened which would help vehicles pass each other.

We would recommend that Cumbria Highways consider this location as being suitable for a traffic mirror and if the existing mirror needs replacing in the

future, that Cumbria Highways erect a pole with attached mirror within the highway boundary, opposite the corner.

Site Access from Tree Road

Tree Road and the access road into the site will become a through Road with the side road being the section of Tree Road that serves Network Rails depot.

We consider this to be acceptable as the greater traffic flow would be between Tree Road and the residential development.

Conclusions

The proposals are for 30 residential dwellings via an existing junction at the A6 London Road. Traffic would then use Tyne Street and Tree Road to access the site.

Tyne Street is narrow at its approach to the A6 London Road junction. We consider that in conjunction with the traffic management proposed at this location that the development traffic should not create too much of an adverse impact at this location.

The Tyne Street/Tree Road junction/corner should be able to cope with the development proposals, with the location of an existing traffic mirror being of great help to turning traffic.

Drivers who regularly drive the local highway network will become aware of the issues associated with the narrow section of Tyne Street and the poor forward visibility at the corner with Tree Road, and that they will drive appropriately to the road conditions.

We therefore support Cumbria Highways recommendation.

Yours Sincerely

A large black rectangular box redacting the signature of Petros Price.

Petros Price
BSc (Hons) MSc (Eng) DIC CMILT
Director
Modal Group Ltd

SCHEDULE A: Applications with Recommendation

16/0032

Item No: 05

Date of Committee: 25/11/2016

Appn Ref No:
16/0032

Applicant:
Persimmon Homes
Lancashire

Parish:

Agent:

Ward:

Location: Land to north east of Windsor Way, Carlisle, Cumbria

Proposal: Erection Of Road To Serve New Housing Estate (Application 14/0778)
Including Crossing For Public Footpath

Date of Receipt:
19/01/2016

Statutory Expiry Date
15/03/2016

26 Week Determination
30/11/2017

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

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

2. Main Issues

- 2.1 whether the proposal will be detrimental to highway safety and accessibility.
2.2 whether the proposal will be detrimental to the living conditions of the existing neighbouring residents.
2.3 whether the proposal will be detrimental to wildlife/biodiversity.

3. Application Details

Background

- 3.1 In November 2015, under application 14/0778, the Development Control Committee gave authority to the Director (Economic Development) to issue an approval for the erection of 277 dwellings on land to the north east of Windsor Way. This decision was subject to the satisfactory completion of a Section 106 Agreement regarding:

- 30% of the proposed dwellings (i.e. 83 units) to be affordable of which 41 are to be rented and 42 shared ownership or discounted sale;
- the installation of the traffic control signals on Windsor Way/ Kingstown Road Junction with the details submitted prior to construction starting on site and in place prior to the plastering of the 20th dwelling;
- the payment of an education contribution of £14,500 per primary school pupil generated by the development (i.e. £997,568);
- the enabling of access to the field (part of registered title number CU284260) adjacent to the south east of the development site; the management/maintenance of open space inclusive of the attenuation basins and environmental protection area;
- the payment of a Cycle Way Contribution of £25,000 to the provision of an offsite link between the application site and Greymoor Hill;
- the payment of a Travel Plan contribution of £6600;
- the payment of £7,500 to cover the costs of a Traffic Regulation Order; and
- the payment of £81,671 regarding the off-site sports provision.

3.2 This decision reached by Members was also subject to the imposition of a series of conditions.

3.3 Also in November 2015, Cumbria County Council (as the Commons Registration Authority) received an application to register land at California Lane as a town or village green.

3.4 During a subsequent Committee Meeting on the 22nd April 2016, pending the completion of the Section 106 Agreement and the County Council's decision on the application to register a section of California Lane as a town green, Members agreed to the re-wording of conditions 3 and 4. Condition 3 stating:

"The development hereby permitted shall be undertaken such that prior to the construction of any dwelling on plots 199-275 a road connection from Newfield Park crossing California Lane shall be completed (inclusive of footways and associated works to the existing Public Right of Way) to base course standard in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority. Thereafter, no dwelling hereby permitted on plots 199 to 275 shall be occupied until the road connection from Newfield Park crossing California Lane has been completed to an adoptable standard and the internal estate roads are connected to Newfield Park in accordance with the approved details."

Condition 4 saying:

"Prior to the commencement of the development hereby permitted there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. That phasing plan shall include the phasing of the overall development hereby permitted in terms of:

1. *the provision of pedestrian and cyclist connectivity to an adoptable*

standard with particular regard to California Lane and Tarraby Lane prior to the occupation of any dwelling hereby permitted on plots 132 to 198 and in accordance with details approved beforehand;

- 2. the provision of pedestrian, cyclist and vehicular connectivity to an adoptable standard with particular regard to Drumburgh Avenue and Windsor Way prior to the occupation of any dwelling hereby permitted on plots 132 to 198 and in accordance with details approved beforehand;*
- 3. the full construction of the estate road and footway serving plots 46, 47 and 276 up to the common boundary with the adjoining land to the south;*
- 4. the provision of visitor parking spaces;*
- 5. the construction of the roads and footways to finished wearing course standard;*
- 6. the provision of the open spaces/informal play areas inclusive of the attenuation basins and Environmental Protection Area;*
- 7. the internal provision of footpaths and cycleways; and*
- 8. the provision of suitable accessing arrangements for recyclable/waste collection vehicles.*

The development shall thereafter proceed only in accordance with the approved phasing plan/ programme and associated details or such variation to that plan/ programme and/or details as may subsequently be agreed in writing by the Local Planning Authority."

- 3.5 Following an oral hearing held on the 12th July 2016 and receipt of a report prepared by Mr J Marwick of Trinity Chambers, the Members of the County Council's Development Control and Regulation Committee rejected the application to register land at California Lane as a town or village green during their meeting on the 5th October 2016.

The Proposal

- 3.6 In the context that the Section 106 Agreement associated with application 14/0778 has yet to be completed, and the decision notice also still to be issued, the current application has been submitted to seek full permission for the design of the proposed road connection from Newfield Park crossing California Lane in lieu of the details which would have been required to discharge condition 3.
- 3.7 The submitted plans show the provision of a 5.5 metre wide access with 2 metre wide pavements on either side that continues from Newfield Park across California Lane into the site subject of application 14/0778. In addition to the submitted plans, the application is accompanied by a Design and Access Statement that explains, amongst other things, that:
- the design incorporates a dropped crossing with appropriate safety measures to stop users of California Lane straying on to the road unaware;
 - the road will be designed to fully adoptable standards with footways

- either side;
- the proposal will allow the site to be fully accessible.

4. Summary of Representations

4.1 The application has been advertised in the form of press and site notices and the direct notification of the occupiers of 165 neighbouring properties in response to which 52 objections have been received on the following grounds:

- Newfield Park/Newfield Drive junction and estate roads were never designed to take the volume of traffic now proposed nor is the Newfield Drive/A7 junction;
- the only access to the development subject of application 14/0778 should be through Windsor Way;
- the crossing and temporary stopping up of the right of way at California Lane;
- the public footpath/California Lane is subject to a town village green application;
- California Lane is widely used by people of all ages as a safe and environmentally friendly alternative to the main road - the proposed road will prejudice this recreational resource and threaten public safety;
- proposal will spoil the tranquility, safety, health and quality of life of the existing residents;
- Newfield Park has narrow roads with sharp bends that are often obstructed with parked cars - some of the cul de sacs do not have pavements;
- access from Brampton Road would make more sense as it would help to control the traffic flow on an already busy Kingstown Road;
- need to consider a new road serving future new builds in the vicinity of the driving range and proposed Story Homes development to exit onto Scotland Road;
- the application refers to Newfield Drive and not Newfield Park;
- unsuitability of Newfield estate to accommodate a significant increase in traffic during the construction and operational phases;
- the northern end of the City has seen a disproportionate level of new developments;
- California Lane seems to be part of a Roman road;
- no "stopping up" order has been issued nor advertised on site to legally end any public rights over this area cut by the proposed access;
- under no circumstances should this proposal be considered until the application for the Village Green status has been considered;

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - The layout details shown on the submitted plan are considered satisfactory from a highway perspective and therefore the Highway Authority has no objection to the proposed development. However, it is recommended that an advisory note is attached regarding the applicant seeking all the necessary consents.

Stanwix Rural Parish Council: - A significant number of local residents have raised serious concerns with regard to the proposal, these mainly concern:

- a decision pending on possible Village Green Status;
- Newfield Park/Drive road system would be unable to satisfactorily cope with the extra traffic; and
- impact on Public right of Way/Roman Road.

The Parish Council is supportive of these concerns and directs attention to its comments in respect of previous application 14/0778.

The Parish Council also notes the comments of the Cumbria County Council Countryside Access Officer regarding the stopping up of the PRow as being required under planning regulations.

Should members be minded to grant permission then the Parish Council requests that a condition protecting nesting birds should be imposed. The Parish Council also seek the imposition of the following conditions:

- to require, at the developer's expense, the installation of a raised table at the intersection with the Public Right of Way, in order to calm traffic and protect pedestrians;
- to require during construction, at the developers expense, an archaeological survey and/or watching brief, in order to protect any archaeological remains as may be present in the vicinity of the Roman Road;
- to ensure maximum protection in respect of the hedgerows to be bisected, including measures to restrict disturbance to wildlife interests especially during the nesting season; and
- to protect the hedge boundary with Blaylock Riggs Common Land.

The Ramblers: - No comments received.

Cumbria County Council - (Footpaths): - That section of Public Footpath 109003 which is to have the new road built across it will need to be lawfully stopped up before the road is built under planning regulations.

Cumbria County Council - (Archaeological Services): - Our records indicate that the proposed access road will cross the course of a possible Roman road. The ground works of the proposed development therefore have the potential to disturb archaeological assets of local significance. Consequently, it is recommended that, in the event consent is granted, the site is subject to archaeological investigation in advance of development. It is advised that this work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a condition in any planning consent.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 At a local level, the relevant policies of the recently adopted Carlisle District Local Plan (CDLP) 2015-2030 comprise SP1, SP2, SP6, SP7, SP9, HO1, IP2, CM4, CM5, GI3, GI5 and GI6.
- 6.3 At a national level, material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014), and the Natural Environment and Rural Communities Act (2006). Due regard should also be made to the requirements of the public sector equality duty in Section 149 of the Equality Act 2010.
- 6.4 Paragraph 6 of the NPPF confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets. Paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 216 of the NPPF identifies that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

- 6.5 The CDLP 2015-2030 has recently been adopted and the relevant policies carry full weight.
- 6.6 At the time of considering application 14/0778 the main issues were identified as being:
- i) whether the proposal will be detrimental to highway safety and accessibility;

- ii) whether the proposal will meet the needs of the local community with regard to affordable housing;
- iii) whether the educational needs will be met;
- iv) whether the proposal will be detrimental to the living conditions of the existing neighbouring residents;
- v) whether the proposed means of foul and surface water drainage are adequate;
- vi) the effect of the proposal on nature conservation interests; and
- vii) the acceptability of the application with regard to the proposed layout, scale, and appearance.

6.7 The above issues ii), iii), v) and vii) are not particularly relevant to this application. In the case of i), it is apparent that the proposal subject of application 14/0778 relates to an allocated site in the recently adopted CDLP 2015-2030. An integral element of the process leading to the allocation of sites was the undertaking of relevant studies such as the “Carlisle Local Plan Transport Modelling Report”. The City Council and County Council also jointly commissioned Parsons Brinkhoff to undertake the “Carlisle Transport Improvements Study” (February 2015).

6.8 When processing application 14/0778, the Highway Authority explained that an arrangement just utilising Windsor Way for access (i.e. for a combined total of existing and proposed equivalent to 577 dwellings) would have a detrimental impact on highway safety. It was for this reason that the Highway Authority required the developer to provide for not only a signalised junction at Windsor Way and Scotland Road, but also to have a secondary access onto Newfield Drive to provide an additional route into the site for both resilience and future proofing. The stance adopted by the County Council was also reinforced by the independent work undertaken by IPRT Transport Planning on behalf of the City Council which concluded that:

- a single access would very likely prove to be detrimental to highway safety of road users;
- a single access would very likely prove to be detrimental to the ‘function of street of Windsor Way; and
- a single access would very likely prove to be detrimental to the sustainability of the proposed development and existing sustainable modes of travel.

6.9 In regard to the current application the Highway Authority has not raised any objections to the submitted details. It is recognised, as was the case with 14/0778, that the increase in traffic is also likely to lead to a greater degree of inconvenience for residents when seeking vehicular access/egress but this is not considered in itself to be sufficient to merit the refusal of permission on

highway safety or amenity grounds. On this basis it is considered that there are no substantive highway grounds for the refusal of permission.

- 6.10 When considering the living conditions of the neighbouring residents it is appreciated that the proposal, when compared to the existing use, is likely to lead to an increase in noise, disturbance and pollution. It is considered that the circumstances have not fundamentally altered in the intervening period since consideration of application 14/0778. In the context of the various transport reports and Air Quality Assessment undertaken by REC Ltd that accompanied application 14/0778, it is considered that the current proposal is acceptable in terms of any impact on the occupiers of the neighbouring properties.
- 6.11 Finally, with regard to wildlife/biodiversity, it is considered that any adverse impact can be controlled by the imposition of a relevant condition.

Other Matters

- 6.12 On the matter of archaeology, the County Council's Historic Environment Officer has confirmed that he has no objections to the proposal subject to the imposition of a condition.

Conclusion/Planning Balance

- 6.13 Paragraph 14 of the Framework says that at its heart there is a presumption in favour of sustainable development. Paragraph 7 identifies the three dimensions to sustainable development: economic, social and environmental. The three roles being mutually dependent and should not be taken in isolation (paragraph 8).
- 6.14 Following the County Council's rejection of the application to make part of California Lane a town/village green, it is considered that the circumstances surrounding this proposal have not fundamentally altered since the determination of application 14/0778. It is considered that the proposal on its own and as part of the development given authority under 14/0778, will not be sufficiently detrimental to the living conditions of neighbouring residents to merit the refusal of permission. The Highway Authority has not raised any objections on safety grounds to the detailed design of the proposed road, and any impacts on wildlife/biodiversity can be the subject of a relevant condition.
- 6.15 The proposed road would provide access to what has been considered to be sustainable residential development on an allocated site in the Local Plan 2015-2030, and lead to employment during the construction phase, the New Homes Bonus, Council Tax income, and the occupiers would contribute to the local economy. It is considered that the environmental role of sustainable development would be satisfied. In social terms, the proposal would help to widen the choice of dwelling types, and relates to an accessible location.
- 6.16 In overall terms, the recommendation is for approval.

7. Planning History

- 7.1 In November 2015, under application 14/0778, authority to issue an approval for the erection of 277 dwellings on land to the north east of Windsor Way was given.

8. Recommendation: Grant Permission

1. The road hereby permitted shall be completed (inclusive of footways and associated works to the existing Public Right of Way) to base course standard prior to the construction of any dwelling on plots 199-275 approved under application 14/0778. Thereafter, no dwelling approved under application 14/0778 on plots 199 to 275 shall be occupied until the hereby permitted road has been completed to an adoptable standard.

Reason: To ensure satisfactory vehicular, pedestrian and cyclist access is provided from Newfield Park to ensure that the development approved under application 14/0778 is well integrated and accessible.

2. The approved documents for this Planning Permission comprise:

1. the submitted planning application form received 15th January 2016;
2. the Location Plan (drawing reference 186.SA.L01) received 15th January 2016;
3. the Site Access Plan (drawing reference 186.SA.P01) received 15th January 2016;
4. the Protective Fencing Layout (drawing reference c-1042-03) received 15th January 2016;
5. the Typical Highways Details (drawing reference 30038/4/1 Rev B) received 15th January 2016;
6. the Typical Highways Details - Works To Existing Highway (drawing reference 30038/4/3) received 15th January 2016;
7. the Design and Statement received 15th January 2016;
8. the Notice of Decision; and
9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. No vegetation suitable for nesting birds shall be cleared or removed during the period 1 March to 15 August in any calendar year unless a breeding bird survey of the area to be cleared or removed has been undertaken (in a manner previously submitted to, and approved in writing by, the Local Planning Authority).

Reason: To ensure no impact on nesting birds.

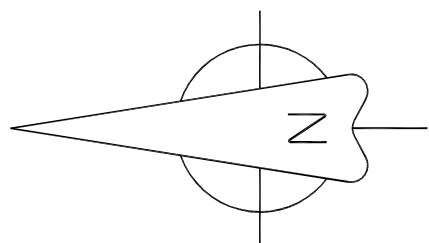
4. Prior to the commencement of the development hereby permitted protective fencing shall be erected around the sections of hedges to be retained.

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 un-severed. 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.

5. No development shall commence within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the preservation, examination or recording of such remains..

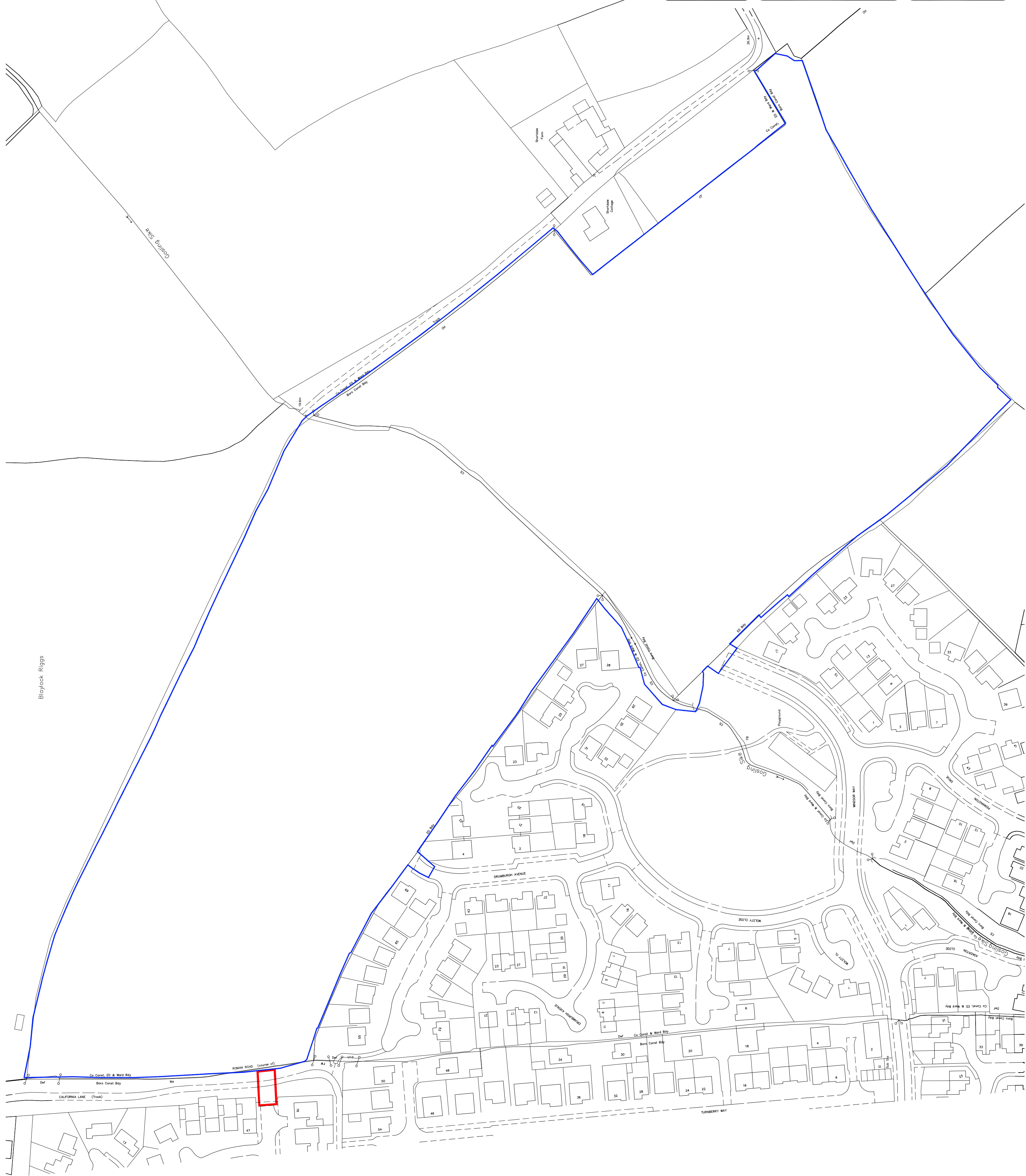


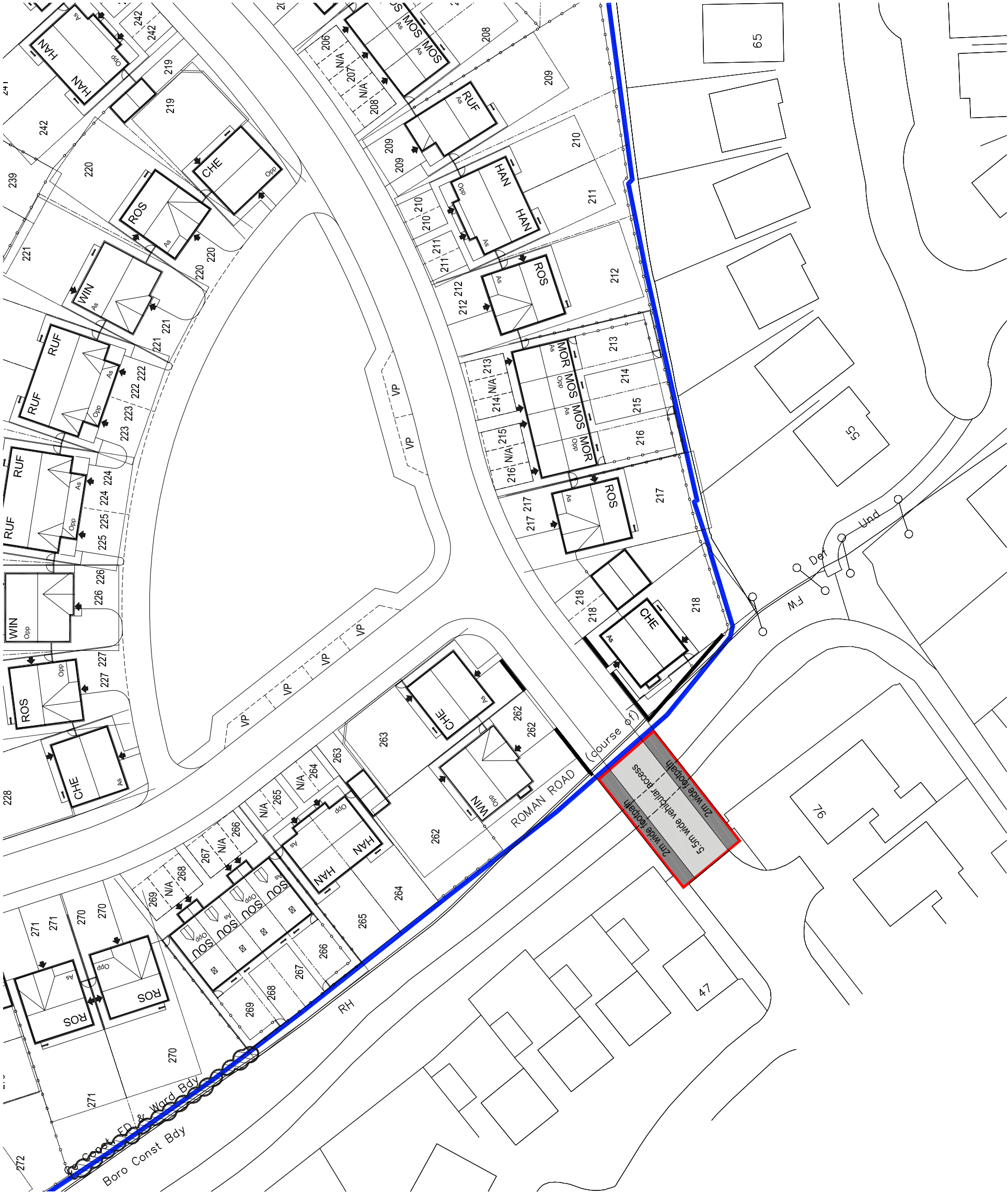
Revised	Date	Amendment	Initials

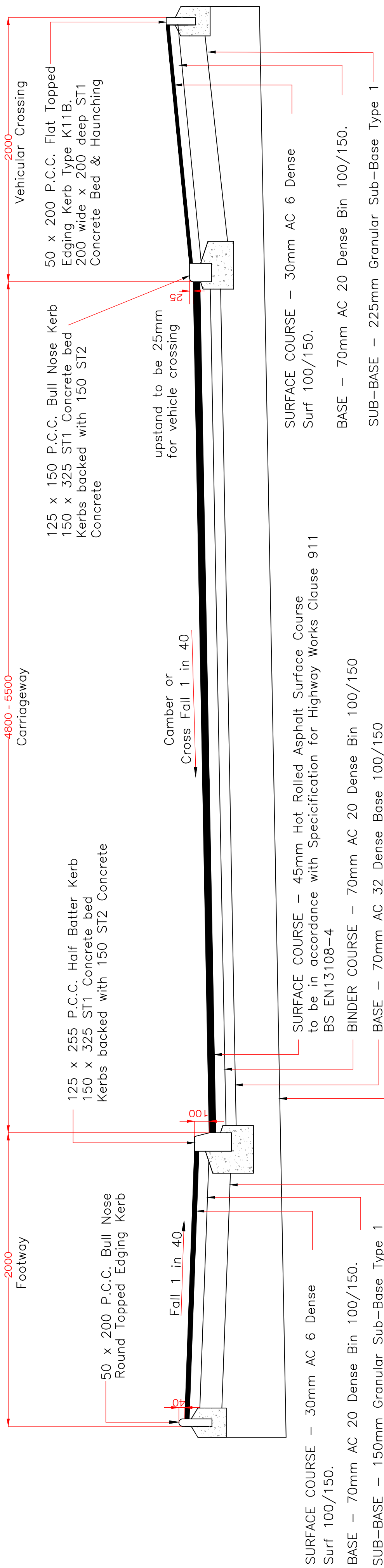
Development		WINDSOR WAY	
Location		CARLISLE	
Marketing Name			
Drawing title		LOCATION PLAN	
Drawing Number		186.SA.L01	
Revision		Scale @ A2	
Drawn By		SDH	
Checked by		Date Started	
		14.01.16	
		Date	

 **PERSIMMON**

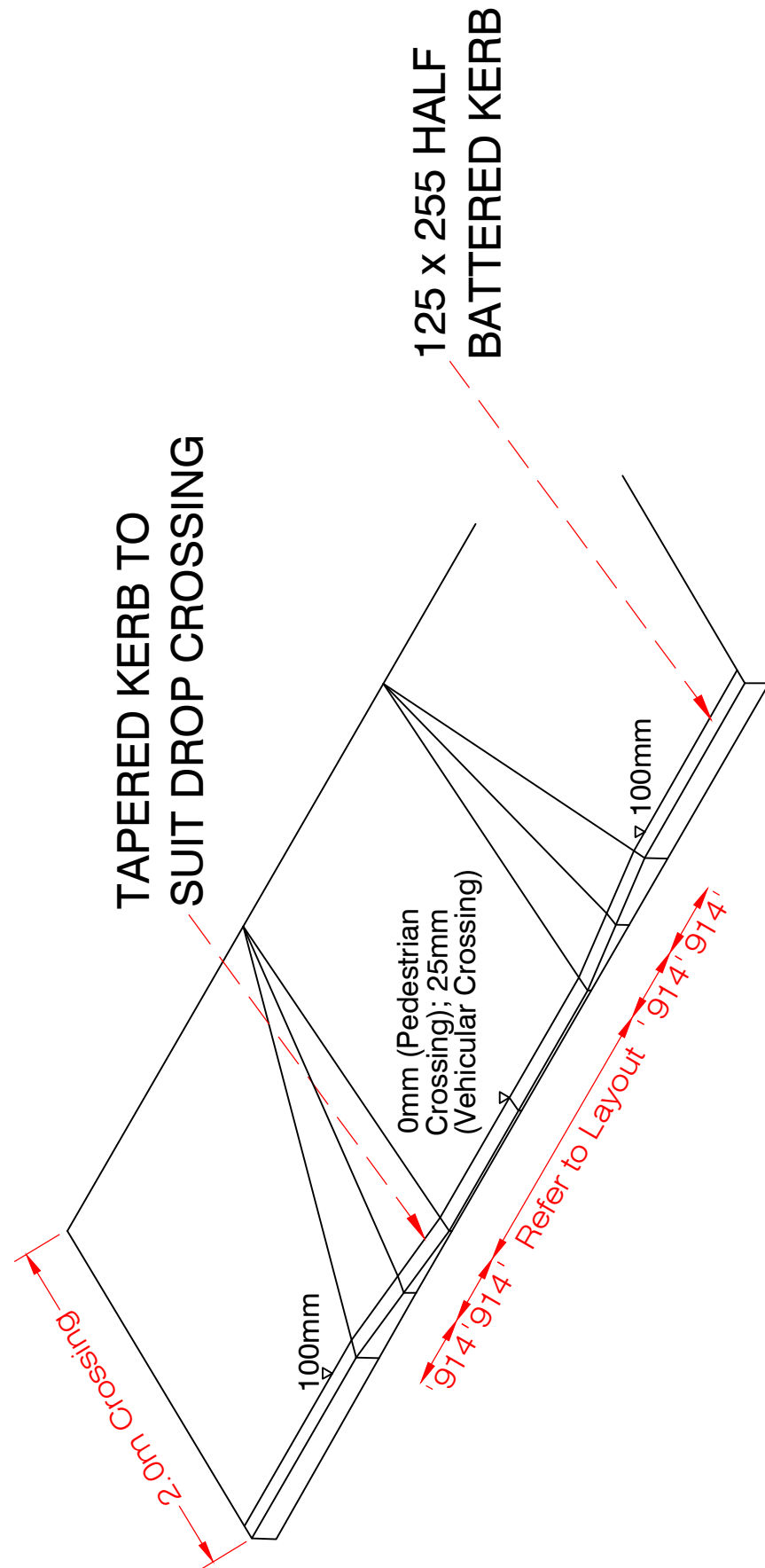
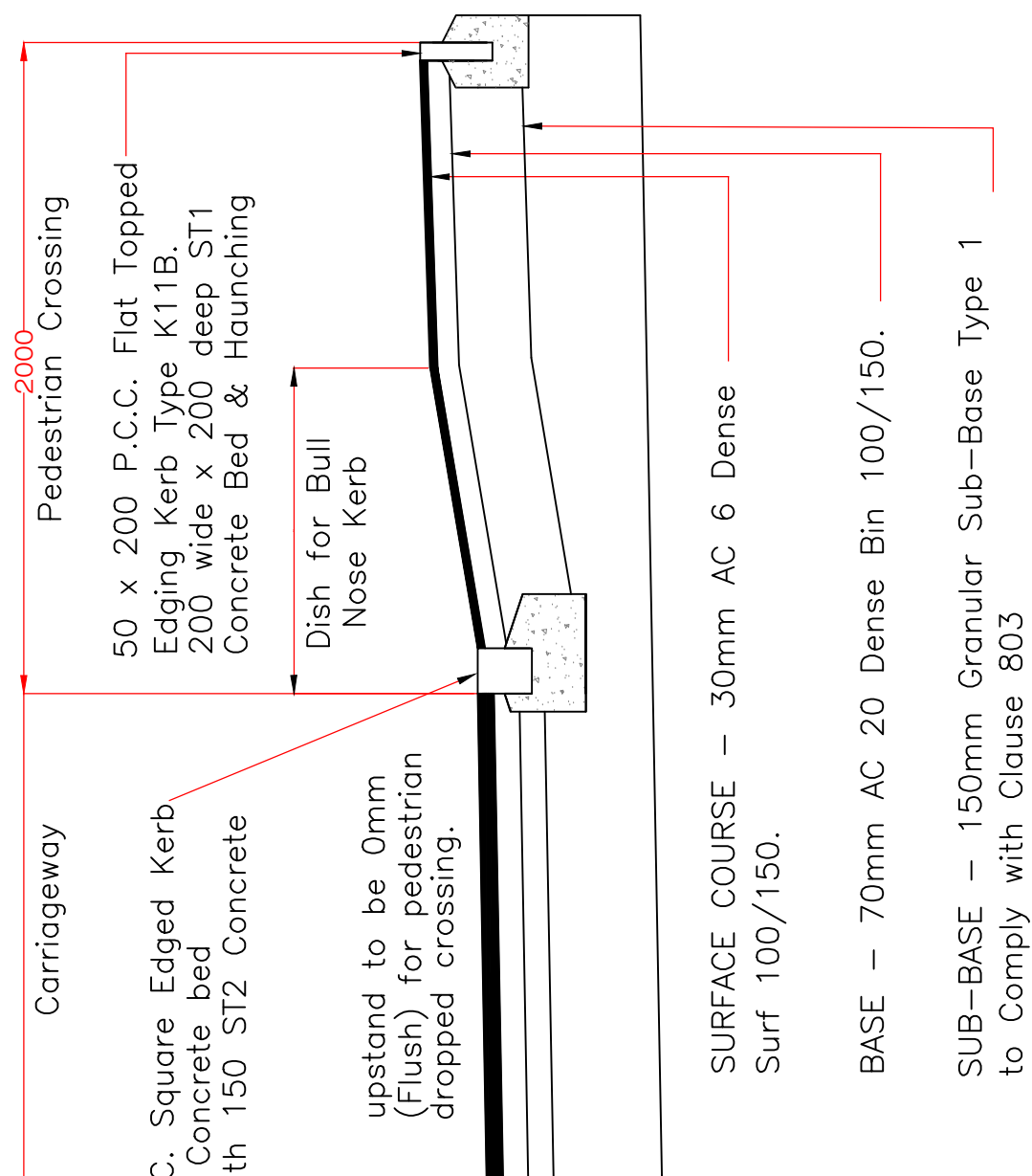
Persimmon Homes Lancashire
Persimmon House, Lancashire Business Park, Cotton Road, Lancaster, LA1 3PQ
Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com







TYPICAL ROAD & FOOTWAY DETAILS
SCALE 1:20



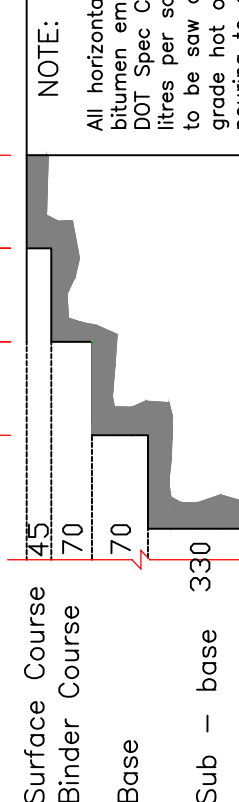
VEHICULAR/ PEDESTRIAN CROSSING
Scale N.T.S



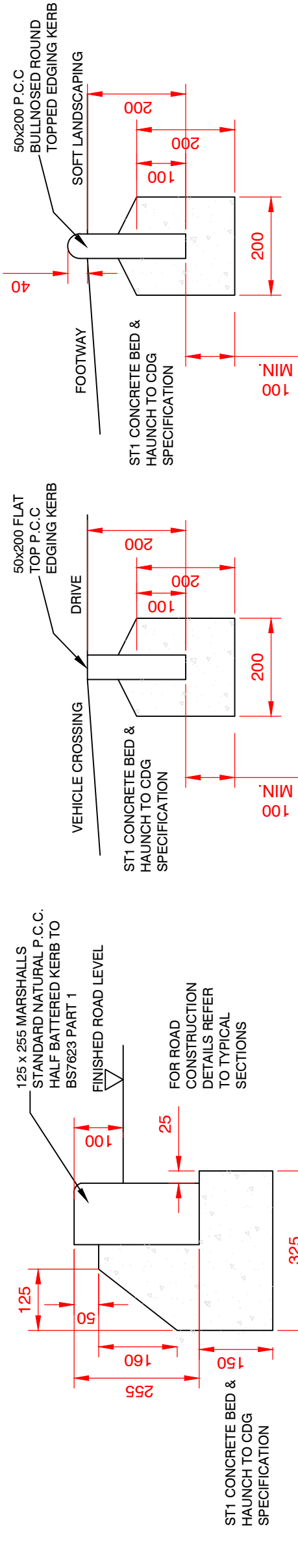
NOTE:

Unless Requested By Developer all final wearing courses must only be laid once construction operations on site have been completed. All permanent kerbing shall not be installed until the final wearing course is ready for laying and all permanent kerb lines must first be approved by the Adopting Engineer accordingly.

All delivery tickets will be provided for all wearing course material laid.

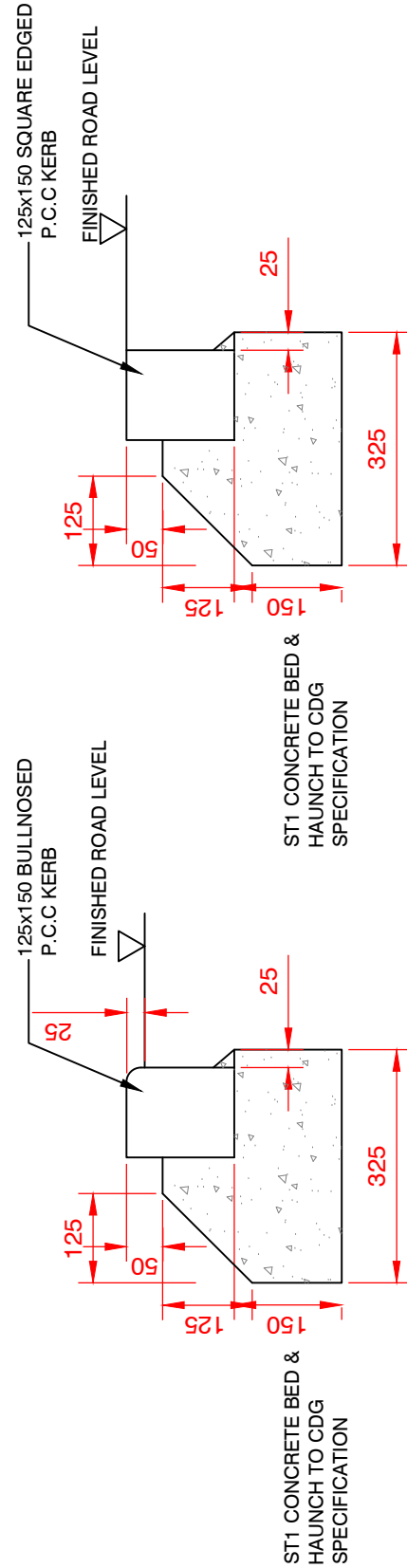


TIE- IN EXISTING ROAD
Scale N.T.S



EDGE KERB DETAIL
SCALE 1:10

NOTE:
All kerbs and edgings shall be hydraulically pressed, not wet cast.

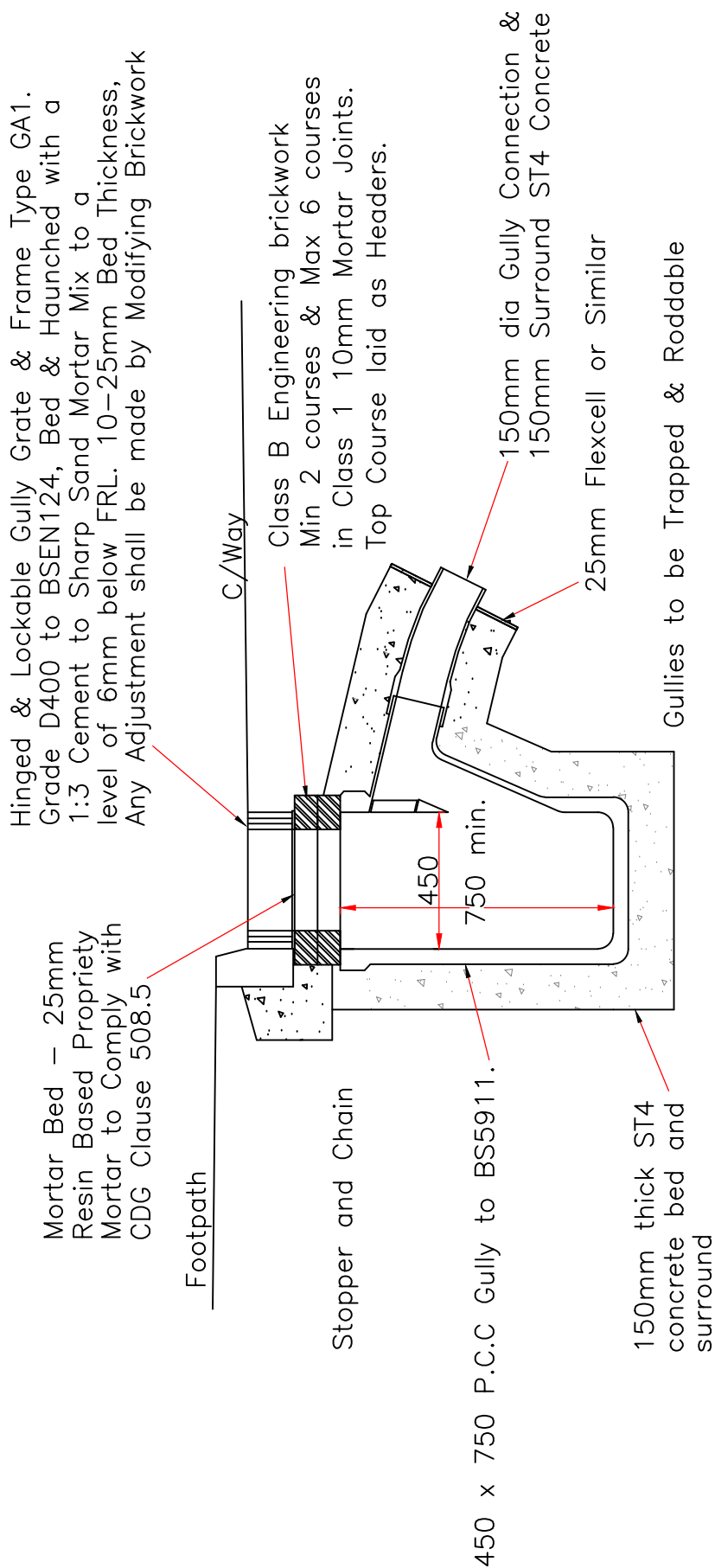


VEHICULAR CROSSING

PEDESTRIAN CROSSING

KERB DETAIL

KERB DETAIL




STREET GULLY
Scale N.T.S.

NOTES

1. All dimensions are in millimetres unless otherwise shown
2. All highway works shall be in accordance with the Cumbrian Design Guide Volume 2.
3. Gully connections to be clay pipes, plastic ultra rib pipes are to be used.
4. Sub-base thickness is based on IAN73/06 Revision 1 assuming a class 2 foundation type and an estimated CBR of 5%. The final thickness of sub-base materials required shall be determined by on site tests to the approval of the Engineer
5. Soft spots below formation and unsatisfactory sub-grade materials shall be excavated and replaced with selected filling Type 1 material to formation level
6. Kerb and edging details must conform with Cumbria County Council standard details.
7. Bitumen Materials shall comply with BS EN 13108-1
8. Where possible with the constraints of technical performance, recycled materials to be used, i.e. recycled Type 1 subbase, recycled macadam base course.

[illegible]

North Point	Project Windsor Way, Carlisle	Station Persimmon Homes Lancashire	Title Typical Highway Details	Original Size A1	Drawn ME	Checked By ME	Drawing No. 300308/41	Revision B	 <p>IronsideFarrar Engineering Consultants</p> <p>Environmental Planners Civil Engineers Landscape Architects Graphic Design</p> <p>3 Wesley Court The Oriel Centre Manchester M3 3NJ Tel: 0161 275 2200 Email: info@farrar.co.uk manchestra@ironsidefarrar.com</p>
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Blaylock Riggs

Page 143 of 354

Carlisle City Council
Economic Development - Planning Services
Development Control
6th Floor - Civic Centre
CARLISLE
CA3 8QG

14/0778

0003 PASK
SB

AH

FAO Case Officer: Angus Hutchinson

PARISH COUNCIL REPLY TO CONSULTATION ON PLANNING APPLICATION

Proposal: Erection Of 277no. Dwellings (Including 83no. Affordable Dwellings), Associated Open Space and Infrastructure

Location: Land to north east of Windsor Way, Carlisle, Cumbria

Appn Ref: 14/0778

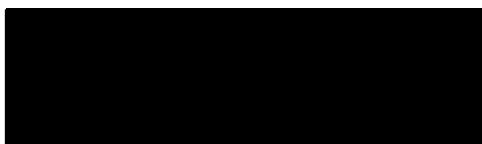
*1 ~~My Council does not wish to make any representation on the proposal detailed above.~~

*2 The observations of my Council on the proposal detailed above are given ~~below~~ on the attached document.

**Delete as appropriate*

Clerk to Stanwix Rural PC

Parish Observations



Chairman: M Fox

Clerk: Andrea McCallum, 21 Cawflands, Durdar, Carlisle, CA2 4UT

F.a.o. Mr Angus Hutchinson
Planning Services
Civic Centre
Carlisle
CA3 8QG

24th November 2014

Dear Angus,

Appn No: 14/0778
Location: Land to north east of Windsor Way, Carlisle.
Proposal: Erection of 277no. Dwellings (Including 83no. Affordable Dwellings) Associated Open Space and Infrastructure

At Stanwix Rural Parish Council's meeting held on the 12th November, it was resolved that the Parish Council make the following observations on the application, with the recommendation that it should be refused. The Council also wishes to request the right to speak at the Development Control Committee, when the application is considered.

The issues the Council wishes to raise cover the following issues;

- Tarraby and Tarraby Lane;
- Drainage, flooding and sewage matters;
- Environmental assessment;
- Safety issues;
- Highways matters; &
- School provision.

The Council has in the past commented on this potential application when considering the Strategic Housing Land Assessment. In particular, the view was expressed that any developments on the site would be an intrusion into the green belt, including the conservation area at Tarraby. The developer in the outline statement for planning changes the stance within two sentences from the site being within the urban area of Carlisle to being on the urban fringe.

The application takes no account of the proposals for Greymoor Hill and Hadrian's Camp and asserts that Windsor Way is the only development in this part of Carlisle. This is very surprising given that the area was identified in the SHLAA. The tenor of the application takes little account of any strategic perspective, which the Development Control Committee hopefully has.

Tarraby and Tarraby Lane

Residents from Tarraby will be writing separately on their objections, which the Council shares. The land for development was previously part of the green belt; Tarraby is in a conservation area and is and should be offered protections. Potentially Tarraby could become a thoroughfare to the development in its development and completion phases.

This anxiety over traffic is caused by the developers drawings which emphasise the potential link to Tarraby Lane clearly marked out and demonstrate intent. Tarraby Lane is not suitable for vehicular traffic having access to Windsor Way, for normal, emergency or construction usage. It is a single track road, with no verges and which is used by walkers and horse riders.

Tarraby Conservation Area

Proposed Overall Site Layouts PL-02-2 Rev. A; PL-03-2 Rev.A and PL-04; and the digital artists impression on page 4 of the Design And Access Statement; clearly show a cul de sac extending from the south east corner of the site toward Tarraby Lane; while paragraph 4.2 of the D&A Statement states: "The site is currently accessed via field gates to the south east corner from Tarraby Land and from the north west corner from California Lane." The illustration on page 8 identifies this field gate as an 'Emergency Access Connection. The indicative cul de sac, along with clear references to site/emergency access via Tarraby Lane clearly indicate the applicant's intention to link the proposed development with south western end of Tarraby Lane. The community of Tarraby and the Parish Council find this proposal untenable.

Tarraby Lane is a single track cul de sac lacking footways and is unlit for most of its length. Public Footpath 132011, from Kingstown, enters the lane at Shortdale Farm; while Public Footpaths 132009 from Stanwix and 132010 from Houghton both exit onto Tarraby Lane which is frequented by walkers and by equestrian traffic.

The hamlet of Tarraby is the oldest rural conservation area in Carlisle, being established in 1969. Many of its properties do not benefit from off road parking; as a consequence delivery and refuse vehicles often encounter difficulties due to parts of the lane often suffering restricted width due to residents parking. The lane is totally unsuitable as an emergency or site access and it would be unfeasible to attempt to restrict vehicular site access/egress to emergency vehicles only. Any increased traffic volume whatsoever would be greatly prejudicial to pedestrian and equestrian safety and also have a severe detrimental impact upon the residential amenity and living conditions of those whose homes directly abut the carriageway. These are significant grounds, as is the fact that there has been no consultation with the Tarraby community by the developer.

Drainage, flooding and sewage

Evidence from residents suggests that there are issues with both surface water and overflowing from Gosling Sike – designated as a main river by the Environment Agency. Additionally observations of the current green field site, to be developed, cite run off and waterlogged field as issues. The proposals from the developer and the flood risk assessment seem not to offer any conclusive solutions, through SUDS or alternatives and appear to require significant additional investigation.

On sewage issues, concerns have been raised in adjacent areas and there is compelling evidence offered to indicate that the existing network has insufficient capacity to cope with further development. Paragraphs 4.3.1.2 and 4.4.3 of the Flood Risk & Drainage Assessment state that, failing the possibility of infiltration, surface water run-off will be discharged via retention ponds into the Gosling Sike. This watercourse discharges into the River Eden, a Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI). SUDS ponds, like other water courses, are not immune to accidental or unwitting pollution. Detergents; paint thinners; engine oil; cooking oil; garden weed killer and or fertiliser, are among many substances that householders may allow to enter the surface water drainage system. The deliberate release of noxious substances in acts of vandalism is not uncommon and can have a devastating effect on ecosystems. To install two, apparently unguarded, large ponds in a residential area, where numbers of young children will frequently be present, might, at the very least, be viewed as inviting the ruination of clothing and at worst courting tragedy. An appropriate and effective management scheme for the proposed SUDS ponds must be conditioned and implemented

Environmental assessment

The habitat survey does not show any great depth and relies heavily on a recent water vole survey. Given that Gosling Sike runs through the proposed site there is no evidence of any hydrological survey being undertaken, which would bring into consideration invertebrate, amphibian or fish species. As both the applicant and the Local Planning Authority are statutorily obliged to ensure the protection of various species, further detailed studies should be made to ascertain the likelihood of either party contravening UK and or European environmental legislation.

Safety issues

Concerns have been expressed about the position of the current playground, which will have a significant increase in drive past traffic on the present provision. No indication is given of what safeguarding will be provided.

Additionally two large ponds are to be created. These create a potential hazard for young children, as they appear to be unfenced. Additionally there are no indications as to how the ponds will be managed and maintained, as such they could become health hazards.

Finally, the roads through the existing estates, Windsor Way and Newfield will become thoroughfares to the new estate. This will lead to increased risks and there is no evidence these have been assessed.

Highways matters

Internal highways issues have been identified, above. These are developed further below with relation to parking and entrance and exit matters to the proposed estate. The present junctions for Newfield and Windsor Way are not easy and the position will be made worse with the proposals for the development. No mitigation measures are identified. Traffic flows on Scotland Road will be affected and will be added to those already predicted for the large Greymoor Hill development. On parking matters paragraph 10 of the Application Form, dated 3 September 2014, states that 549 parking spaces will be provided; i.e. less than 2 spaces per property. However; paragraph 6.23 of Carlisle District Local Plan 2015 – 2030 Preferred Options Consultation. Stage Two, states that more spaces are needed in new development, with each dwelling having at least two dedicated parking spaces and that garages included within a residential proposal, must be not less than 6m long and 3m wide before they can be counted as a parking space.

The garages shown in the drawings appear not to meet the above criteria; however, the requirement for adequate parking standards was sustained on 26 August 2014 when; *"Local Government Secretary, Eric Pickles called on councils to ensure more parking spaces are provided alongside new homes to end a 'vicious cycle' where clogged up streets leave motorists to run a gauntlet of congestion, unfair fines and restrictions."* [Gov.UK website]

Paragraph 6.22 of Carlisle District Local Plan 2015 – 2030 Preferred Options Consultation-Stage Two, states: *"Parking standards have, in the past, been set at a county level, in the Parking Guidelines for Cumbria (1997). These guidelines are maximum parking standards and as such are no longer in line with national policy."*

Reference to the obsolete guidelines suggests that, were they still in use, then the proposed development would require around 690 parking spaces, approximately 2.5 spaces per residential unit; a figure more commensurate with the requirements of emerging Local Plan Policy and the demand of the Secretary of State.

Highways and access matters

Paragraph 3.2 of the Transport Assessment proposes that the development be accessed from Windsor Way and Newfield Park via an extension of the existing estate roads. Newfield Park in particular, and also Windsor Way, benefit from a design incorporating a system of cul de sacs that effectively control vehicle speed and avoid the occurrence of 'rat running' through residential areas. 'Breaking in' to these cul de sacs/turning heads to accommodate through traffic would certainly erode their inherent effectiveness and prejudice the safety of children; especially in the vicinity of the Windsor Way play area.

The Application Form proposes 549 car parking spaces, a figure which anticipates the presence of at least 549 motor vehicles, on completion of the development. These vehicles are likely to generate an average of over 1000 additional daily vehicle movements through the existing residential areas of Newfield Park and Windsor Way and onto the A7; in addition to which visitors and refuse and delivery vehicles will add an extra burden.

Referring to data from department of transport count points 77789 and 46182 for the year 2013, the increased Annual Average Daily Flow (AADF) equates to increases of 3.6% and over 3.25% respectively. To these additional burdens can be added the potential traffic flows from proposed developments at Greymoorhill and Hadrian's Camp. These increased traffic flows would effectively negate inbuilt safer road design at Newfield Park and Windsor way and add to the already significant congestion, especially at peak times, on the A7.

School provision

The developer, the Planning Authority and the County Council are silent on this strategic issue. With the possibility of over 400 houses from this development and Greymoor Hill, the already stretched primary provision will be at or beyond breaking point. The only suggestion made in the proposal is for development of primary school provision, on the former Belah School site. For a development on the east side of Scotland Road, provision on the west side seems inappropriate and dangerous for parents and children having to cross this busy road.

For these above reasons, the Council objects to the application in its current form and supporting evidence.

Yours sincerely,

Andrea McCallum
Clerk to the Council

STANWIX RURAL PARISH COUNCIL

Chairman: Cllr M Fox

Clerk: Sarah Kyle, Hill House, Walton, Brampton, CA8 2DY

Mr Angus Hutchinson
Planning Services
Civic Centre
Carlisle
CA3 8QG

Dear Mr Hutchinson.

Appn Ref: 14/0778
Location: Land North East of Windsor Way – Amended
**Proposal: Erection of 277 Dwellings (including 83 affordable dwellings),
Associated Open Space and Infrastructure.**

Attenuation Pond Safety

Paragraph 3.3 of the Capita Road Safety Audit, dated October 2014 and summarised in a covering letter from WYG dated 29 April 2015, highlights the potential road hazard generated by the attenuation ponds. It asserts that the occupants of even slow moving vehicles could be injured or drowned should their vehicle enter a pond and overturn.

However, the statistical probability of such an event must be almost negligible when compared to the risk to inquisitive children; yet the only significant mention of children made anywhere during the application process appears to be restricted to issues arising from the proposal's impact on school provision.

Paragraph 4.2.1 of the Education Impact Assessment Report v1-3 for Story Homes & Persimmon Homes (EPDS Consultants, 12 Dec 2014) states that, as a full application for 277 dwellings, the Windsor Way proposal would generate additional 69 primary school places.

These 'places' represent 69 children.

Despite having highlighted the issue in its earlier response (14 November 2015), the Parish Council finds it inconceivable that, thus far, no other consideration of any kind appears to have been given to the obvious risk to these children that the attenuation ponds represent.

The creation of these large unguarded ponds in the centre of a residential area, and to which at least 69 children and young people will inevitably be attracted, constitutes nothing less than a tragedy in waiting.

On behalf of these as yet unknown children the Parish Council demands that appropriate expert advice be sought, in order to devise an effective safety management regime for the attenuation ponds. The Parish Council advocates a condition requiring the safety regime to be implemented and enforced prior to the occupation of any new dwelling

Proposed New Access to Tarraby Lane

The Parish Council is reassured that vehicle access to Tarraby Lane no longer forms part of the application. However it notes that new pedestrian access at the same point, near Shortdale Farm, is now proposed. Existing Public Footpath 132011 extends from the extreme end of Tarraby Lane, at from Shortdale Farm to Kingstown via Blaylock Riggs; the proposed footway constituting an entirely new access.

Although pedestrian access to Tarraby Lane is to be preferred over that of vehicles, it is not without risk. Tarraby Lane is an unlit single track cul-de-sac and lacks footways. Many adjacent properties do not benefit from off road parking and parts of the already narrow lane often suffer further restrictions in width, due to the presence of resident's vehicles.

The lane has several unsighted bends and is used by walkers and equestrian traffic; also the vehicles of Tarraby residents and service/delivery vehicles. Public Footpaths 132009 from Stanwix and 132010 from Houghton both exit onto Tarraby Lane. The proposed new pedestrian access may significantly increase the footfall in the lane, with a commensurate risk of sudden and unexpected encounters between pedestrians and other road users.

The results of such an encounter between an excitable young family and a startled horse are obvious. Should numbers of cyclists begin to use the proposed access the higher potential speed considerably enhances the risk of a serious collision.

The Parish Council requests the refusal of any new access from the proposed development to Tarraby Lane. However, should such access be permitted the Parish Council would urge that this be physically restricted, to allow the passage of pedestrians only.

California Lane – Stopping Up

The Parish Council strongly objects to the applicants proposed stopping up of California Lane through the erection of a 1.8 metre high close boarded fence. There can be no defensible justification for this proposal.

Vehicle Access - Windsor Way and Newfield Drive

Two all traffic connection points are identified in Appendix B, Drawing PL-04 Rev B of the WYG 'Response to CCC Highway Comments' (dated 28 April 2015); these being the connections with Windsor Way and Newfield Drive.

The revised application fails to fully address the Parish Council's concerns and those of local residents regarding the opening up of cul de sacs/turning heads, to accommodate new through traffic. The WYG Stage 1 Road Safety Audit merely advises that significant road safety concerns "*will be addressed at the detailed design stage*" and entirely fails to address the specific issue of children's safety in the vicinity of the Windsor Way play area.

The Parish Council considers that the document fails in its function, through being overly superficial and inadequate in addressing the matters it purports to audit. The Parish Council urges that consent be refused until more detailed proposals to ensure road safety have been approved by the Highway Authority.

The location of a third junction, defined similarly to the above, is also indicated to the north of the attenuation ponds although no further reference to any such proposal appears to be made. The Parish Council seeks clarity on the significance of this inclusion.

Flood Risk

Whilst planning applications are assessed upon individual merit, or demerit, the cumulative impact of multiple developments upon local infrastructure cannot be disregarded. Difficulties relating the capacity of the Kingstown Road Sewer are already being encountered.

The 277 dwellings proposed for this site lie to the south of 190 dwellings at Greymoorhill, Appn No 14/0716, for which members authorised the Director of Economic Development to issue approval, subject to legal agreement [Development Control Committee Minutes 1/5/15]. The Officer Report and conditioning of Appn No 14/0716 reflect United Utilities (UU's) advice, with regard to concerns relating to foul water drainage.

Paragraph 6.9 of the Officer Report states that UU has confirmed that flooding in Moorville Drive is caused by: *"...the hydraulic inadequacy of the Kingstown Road Sewer which cannot cope with the volume of water that enters it during heavy rain"*

Paragraph 6.10 of the report adds that, following discussions of flooding in Moorville Drive, UU confirmed that the foul sewage from the development should discharge into the existing sewer at Gearshill Road.

Condition 8 of the consent referred to above requires use of the specified sewer adding: *"For the avoidance of doubt, neither surface water, nor land drainage, nor highway drainage shall connect into the public sewerage system (directly or indirectly). The development shall be completed, maintained and managed in accordance with the approved details."*

The current application (14/0778) proposes to discharge foul water to the existing public sewer within Drumburgh Avenue, the remainder discharging into the existing public sewer within Windsor Way. [Paragraph 6.2.2, Flood Risk & Drainage Assessment, Rev A, WYG 07/05/2015]. As these residential areas drain to the west [Paragraph 2.2.3 of the Assessment] the destination of the foul water, after it passes through the drainage system referred to above; would seem to be the Kingstown Road Sewer; the maps included in Appendix C ('Correspondence with United Utilities inc. Sewer Records') appear to indicate this convergence but are unclear in this regard.

Although paragraph 6.2.1 of the revised Flood Risk & Drainage Assessment states that the public sewer system can accept the calculated flow, the Parish Council notes that the information upon which this statement is based was issued in September 2013, and is now superseded by UU's opinion, issued over 12 months later, that the Kingstown Road Sewer cannot cope with the volume of water that enters it during heavy rain.

The Environment Agency (EA) states in its consultation response of 13 November 2014 that with regard to previous application 97/1013 it made the developer aware of some flooding of agricultural land, particularly where Gosling Sike became culverted, and since completion of the development a number of flooding issues have been reported on the existing development site. The response also states that *"The upstream agricultural catchment consists of compacted heavy clays and as a result has very poor infiltration characteristics and the response to heavy rainfall is rapid."*

The same response indicates the EA's extreme concern regarding any proposals that could make the existing situation even worse, asserting that these concerns are echoed by both the LPA and local residents of the existing development. To these extreme concerns may be added those of the Parish Council.

Paragraphs 4.5.1.2 and 4.5.4 of the revised Flood Risk & Drainage Assessment state that surface water will be drained, via attenuation ponds, to a 300mm (11.8 inch) pipe; para 4.5.1.2 also states that this is “understood” to have been sized to accept future flows. However, ‘understood’, in this context, cannot be deemed to indicate a high degree of certainty regarding the pipe’s capacity. The Assessment is also unclear as to whether the pipe discharges into the public sewer/drain or to Gosling Sike at some point downstream of the site and is equally unclear as to the enablement of flow through the attenuation ponds.

The Parish Council shares EA and others concerns in that there must be no whatsoever in off-site flood risk. If such certainty cannot be absolutely guaranteed consent would certainly impact upon the insurability of existing homes and thus must be withheld.

Parking Provision

The Parish Council restates its previous comments regarding inadequate parking provision, dated 14 November 2014. For convenience these are copied below and, as yet, remain unaddressed. This issue is one of road safety. Vehicles parked on the carriageway, or partly the on footways, of narrow residential streets obstruct driver sightlines and thus significantly prejudice the safety of pedestrians.


SRPC 14 November 2014

“On parking matters paragraph 10 of the Application Form, dated 3 September 2014, states that 549 parking spaces will be provided; i.e. less than 2 spaces per property. However; paragraph 6.23 of Carlisle District Local Plan 2015 - 2030 Preferred Options Consultation. Stage Two, states that more spaces are needed in new development, with each dwelling having at least two dedicated parking spaces and that garages included within a residential proposal, must be not less than 6m long and 3m wide before they can be counted as a parking space.

The garages shown in the drawings appear not to meet the above criteria; however, the requirement for adequate parking standards was sustained on 26 August 2014 when; Local Government Secretary, Eric Pickles called on councils to ensure more parking spaces are provided alongside new homes to end a ‘vicious cycle’ where clogged up streets leave motorists to run a gauntlet of congestion, unfair fines and restrictions. ” [Gov. UK website] Paragraph 6.22 of Carlisle District Local Plan 2015 - 2030 Preferred Options Consultation- Stage Two, states: “Parking standards have, in the past, been set at a county level, in the Parking Guidelines for Cumbria (1997). These guidelines are maximum parking standards and as such are no longer in line with national policy.”

Reference to the obsolete guidelines suggests that, were they still in use, then the proposed development would require around 690 parking spaces, approximately 2.5 spaces per residential unit; a figure more commensurate with the requirements of emerging Local Plan Policy and the demand of the Secretary of State.”

Yours sincerely



Sarah Kyle
Clerk to the Council

SCHEDULE A: Applications with Recommendation

16/0890

Item No: 06

Date of Committee: 25/11/2016

Appn Ref No:
16/0890

Applicant:
Mr & Mrs W Swailes

Parish:
Westlinton

Agent:
Heine Planning
Consultancy

Ward:
Longtown & Rockcliffe

Location: Green Acres, Newtown, Blackford, Carlisle, CA6 4ET

Proposal: Change Of Use Of Land For Stationing Of 1No. Mobile Home And 1No. Touring Caravan For 1No. Gypsy Family; Associated Landscaping (Part Retrospective/Revised Application)

Date of Receipt:
10/10/2016 08:02:54

Statutory Expiry Date
05/12/2016 08:02:54

26 Week Determination

REPORT

Case Officer: Paul Fenton

1. Recommendation

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

2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 The impact on the character of the local area
- 2.3 Whether appropriate access and parking can be achieved
- 2.4 Accessibility to community services from the site
- 2.5 Whether there is sufficient gypsy provision within the District
- 2.6 Gypsy status / personal circumstances
- 2.7 Foul drainage

3. Application Details

The Site

- 3.1 This application seeks Full Planning Permission for the change of use of land for stationing of 1no. mobile home and 1no. touring caravan for 1no. gypsy

family; associated landscaping (part retrospective / revised application) at Green Acres, Newtown, Blackford.

- 3.2 The application site, which measures approximately 38 metres in width and 50 metres in depth is a small complex of stables and agricultural type buildings in the open countryside outside the settlements of Newtown and Blackford. The site is located approximately 450 metres to the north west of the cluster of houses known as Newtown and approximately 1km north west of Blackford Primary School and Saint John the Baptist Church.
- 3.3 The site would be accessed via the U1075 adopted highway which is described by the Highway Authority as substandard road, with poor pedestrian/cyclist facilities and inadequate public transport provisions.
- 3.4 The local countryside is characterised by level fields surrounded by mature hedgerows. Stables and agricultural buildings are relatively common in the landscape. Immediately to the north and east of the site is an agricultural field which has previously been used in association with the site. To the south of the site is a mature hedgerow beyond which there is an agricultural field then gypsy pitches and associated utility/dayroom and barns/stables. The cluster of houses known as Newtown lay immediately to the south of the gypsy pitches. The adopted highway (U1075) and a mature hedgerow border the west. The land is designated as open countryside.

Background

- 3.5 The site has evolved on a piecemeal basis since planning approval was first granted under application ref. 01/0202 for the erection of stables/loose boxes. The stables were built by Mr W Swailes. Since then, the site has developed to include hay shed (ref. 01/0009/AGD), farm implement shed (ref. 02/0002/AGD) and general purpose agricultural shed (ref. 03/1267). Permission was also granted in November 2015, under application ref. 15/0817, for a replacement barn on the west of the site which is still to be built.
- 3.6 In August 2016, under reference number 16/0430, an application was refused for change of use of land to provide 2no. residential family gypsy pitches, together with formation of hard standing and utility/dayrooms. The application was refused on the grounds that the proposal would tantamount to the creation of isolated new homes in the open countryside in absence of a reason to be in the location specified; would exert an adverse impact on the character and appearance of the local landscape, and; there is no proven general need for additional Gypsy sites in the area and the applicant's circumstances appear to be such that it cannot be concluded that occupation of the current site outweighs the potential to occupy alternative sites.
- 3.7 Since the Council's decision in August 2016, the applicant has subsequently changed their Agent and have submitted a revised scheme with additional detail in support of the Applicants personal circumstances to support their need for residential accommodation at this location.

- 3.8 The site has remained agricultural in nature throughout the evolution of the site.

The Proposal

- 3.9 The current application seeks consent for change of use of land for stationing of 1no. mobile home and 1no. touring caravan for 1no. Gypsy family; associated landscaping (part retrospective / revised application).
- 3.10 The application is part retrospective in so far as the land has been used by the Applicant for the stationing of 1no. touring caravan throughout winter over recent years.

4. Summary of Representations

4. This application has been advertised by means of a site notice and direct notification to the occupiers of 7no. neighbouring properties. In response, 4no. letters of objection and 1no. comment have been received. The main issues raised are summarised as follows:
1. Applicants status as a gypsy;
 2. Gypsy and traveller provision within the District; established sites at Low Harker Dean & Ghyll Bank House, and Hadrian's Camp;
 3. Whether the proposal is tantamount to development in the open countryside;
 4. Impact on highway safety in terms of access, on-site parking and turning provision;
 5. Whether there is reasonable access to services such as education, doctors, shops etc;
 6. Impact on the character of the local area; and,
 7. Whether there is sufficient foul drainage infrastructure and capacity.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): -
Originally requested further detail relating to off-street parking and on-site turning facilities. Agent subsequently provided additional detail.

Highway Authority then made a recommendation for refusal on the grounds that inadequate information had been submitted in terms of access, on-site turning facilities and its effect on local traffic conditions and public safety, particularly the delivery of the static/mobile home.

Subsequent to a site visit, the Applicant demonstrated a full turn with touring caravan in tow within the yard, entered and exited the site in a forward facing manner and outlined options available in terms of delivery of the static/mobile home. The Highway Authority has confirmed no objection on this basis.

Lead Local Flood Authority (LLFA) do not have any records of flooding on this site and the Environment Agency surface water maps do not indicate that the

site is in an area of risk.

Cumbria Constabulary - Community Safety Unit Liaison, North Cumbria BCU

Headquarters: -

No observations or comments.

Westlinton Parish Council: -

1. There is more than adequate provision in the area for gypsies both permanent and transit sites;
2. This is a green field site outside the parameters of the village with poor road access and an almost blind junction at the village end of the road;
3. The person applying for change of use is living in a house and running a local business, so we feel that this application should not be permitted.

Private Sector Housing Technical Team Manager: -

Suggest that an informative is used to advise the Applicant of the following:

If planning consent was granted to the owner of the above site they would be required to make an application to this Council for an amendment to the license under the Mobile Homes Act 2013 for the residential pitches. A licence under this legislation attracts an amendment fee and an annual fee for the licence. Charges are reviewed annually.

The site owner would be required to comply with any site conditions placed on them under the legislation under the Mobile Homes Act 2013.

The owner is required to produce a copy of the site rules to the Council and documentation relating to the electrical safety and maintenance of fire safety on the site. The site owner must produce a Fire Safety Risk assessment for audit by the Local Authority, under the Regulatory Reform Fire Safety Order, as part of the site conditions.

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 (including Government Policy as expressed through Planning Policy Guidance Notes or Planning Policy Statements) indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), Planning Policy for Traveller Sites (PPTS) (which must be read in conjunction with the NPPF) and Policies SP2 and HO11 of the recently adopted Carlisle District Local Plan (CDLP) 2015-2030. Consideration also needs to be made with regard to Circular 11/95 "The use of planning conditions" and to the Human Rights Act 1998 and the Race Relations (Amendment) Act 2000.
- 6.3 The proposal raises the following planning issues:

1. Whether The Principle Of Development Is Acceptable

- 6.4 Specific advice on Traveller sites is contained in PPTS which seeks, amongst other things, to create sustainable communities where Gypsies have fair access to suitable accommodation from which Travellers can access education, health, welfare and employment infrastructure. It advises that local plans must identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally set targets. Locally set targets are contained within Policy HO11 of the Carlisle District Local Plan 2015-2030 which draws upon the most up to date evidence on need in the form of the Cumbria Gypsy and Traveller Accommodation Assessment (CGTAA) (November 2013).
- 6.5 Policy HO11 of the Local Plan states that proposals which contribute to achieving additional provision of transit or permanent residential pitches, and sites for Travelling Showpeople, in addition to the sites allocated will be considered favourably where they meet a number of detailed criteria. This reflects that even if plans are in place to meet identified needs, further Traveller sites can and should be approved providing they can be regarded to comprise sustainable development.
- 6.6 Importantly Policy HO11 must be read in conjunction with Policy SP1 and SP2 which sets out a settlement hierarchy as a means of securing sustainable development. This approach accords entirely with the NPPF and should therefore be afforded full weight in the decision making process. Criterion 8 of Policy SP2 identifies that within the Open Countryside development will be assessed against the need to be in the location specified.
- 6.7 Policy HO11 amplifies this stance with specific regards to proposals for Traveller pitches, identifying that such proposals will be considered favourably providing they comply with a number of criteria including, at criterion 1, that *"The site is physically connected, and integrates with, an existing settlement, and does not lead to an unacceptable intrusion into open countryside"*.
- 6.8 The application site is beyond what can be regarded as the nearest settlement of Blackford and is not physically connected to it, nor does it integrate with the cluster of houses known as Newtown. By default the application site is therefore within the open countryside. It is therefore considered that the proposal would by default be tantamount to new isolated homes within the countryside, which paragraph 55 of the NPPF makes clear should be resisted *"unless there are special circumstances"*.

2. Whether The Proposal Complies With Gypsy and Traveller Policy

- 6.9 Policy HO11 of the Local Plan states that proposals for Gypsy and Traveller sites will be acceptable providing that they meet 8 criteria. These are:
1. The location, scale and design would allow for the integration with, whilst not

dominating or unacceptably harming, the closest settled community to enable the prospect of a peaceful co-existence between the site and the local community;

2. The site has reasonable access to key services and facilities including schools, shops, doctors' surgeries and health care and other community facilities;
3. There are opportunities to access these facilities by public transport, walking or cycling;
4. Adequate utilities can be provided or are already available;
5. The site is well planned to be contained within existing landscape features, or can be appropriately landscaped to minimise any impact on the surrounding area;
6. Satisfactory living conditions can be achieved on the site and there would be no unacceptable impact on the amenity of adjacent land uses including residential uses;
7. Any ancillary business uses that are intended to be carried out on the site will not have an unacceptable impact on the residential use of the site, any adjacent land uses or the visual amenity of the area; and
8. The site should have, or be able to provide, adequate access and turning space for large vehicles and caravans.

6.10 Each of these is considered in turn:

1. The location, scale and design would allow for the integration with, whilst not dominating or unacceptably harming, the closest settled community to enable the prospect of a peaceful co-existence between the site and the local community;

6.11 Whilst it is recognised that the location of the site is within open countryside and detached from the nearest settlement, the scale and design of the proposal would allow for the integration with the closest settled community to enable the prospect of a peaceful co-existence between the site and the local community.

6.12 The scale and form of the proposed development is such that it would not dominate the nearest settlement, particularly in the context of the existing built form on the site. The proposed stationing of 1no. mobile home and 1no. touring caravan is not considered to have a materially detrimental impact on the local community.

2. The site has reasonable access to key services and facilities including schools, shops, doctors' surgeries and health care and other community facilities;

6.13 The site is located outside the cluster of houses known as Newtown and the settlement of Blackford which has limited facilities including Blackford Primary School and Saint John the Baptist Church which are approximately 1km to the north east.

6.14 The closest service centre is the Urban Area of the City of Carlisle to the south which is approximately 4.25km away via the A7. Westlinton is approximately 2.3km to the north however there are limited services there.

- 6.15 There are a number of bus services from Saint John the Baptist Church connecting Blackford to Carlisle, including the 127(A), (X)95, (5)79 and 95. Access to services from the site is therefore considered to be reasonable and acceptable.
3. There are opportunities to access these facilities by public transport, walking or cycling;
- 6.16 The application site is considered to be 'away from' existing settlements as required by paragraph 25 of national policy (in the form of Planning Policy for Traveller Sites) which states that:
- 6.17 *“Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”*
- 6.18 However, the Planning Policy for Traveller Sites (PPTS) points to wider considerations such as providing a settled base to reduce the need for long-distance travelling and facilitating traditional lifestyles. It also sees the provision of travellers' sites as enabling travellers to access education, health, welfare and employment infrastructure. While strictly controlling new traveller site development in the open countryside away from existing settlements or outside areas allocated in the development plan, it does not entirely rule out locations in rural area.
- 6.19 The distance from the site to services exceeds 1km which exceeds the distance which residents may access comfortably on foot, according to the *Manual for Streets*. Further, the nature of the road and its lack of footways and lighting do not make it particularly conducive to walking or cycling. The majority of journeys to/from the site would be likely to be by car. However, the harm in this respect would be limited by the small size of the development and the modest distances to services and facilities. Furthermore, the number of vehicular trips would be mitigated by the loss of any trips the Applicant would have made to visit the site from previous residence.
4. Adequate utilities can be provided or are already available;
- 6.20 Further to a site visit with the Applicant on the afternoon of 10th November it was confirmed the site is well served with utilities including water, electricity and a foul water septic tank.
5. The site is well planned to be contained within existing landscape features, or can be appropriately landscaped to minimise any impact on the surrounding area;
- 6.21 The local countryside is characterised by level fields and surrounded by mature hedgerows which provides some screening. However, they are mostly deciduous and the site would be visible for parts of the year. The applicant

proposes to utilise the existing structures on the site as day rooms with existing services including electricity, water and a toilet connected to a septic tank. The existing stables and barns are also to be retained. The extent of development would therefore equate to the static/mobile home and touring caravan and associated landscaping.

6.22 Para 26 of the PPTS states that *“Local Planning Authorities should attach weight to the following matters:*

- a) Effective use of previously developed (brownfield), untidy or derelict land*
- b) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*

Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

- c) Not enclosing a site with so much hard landscaping, high walls or fencing, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community”*

6.23 The applicant proposes to retain the existing built form to minimise the impact on the character and landscape of the local area. The visual impact of the site is established, with the exception of the static/mobile home, and the touring caravan has been on and off the site periodically. In addition, the site can be seen within the context of the site on the opposite side of the highway and the gypsy pitch to the north east of the site.

6.24 The existing hedgerow along the southern and western boundaries will be retained and enhanced while the northern boundary will be subject to additional planting to screen the static/mobile home. The existing workshop/barn on the eastern boundary will screen the majority of the development from view from the A7. The existing gate further helps screen the site while ensuring the site is not enclosed by hard landscaping only.

6.25 The development would therefore be well screened by the existing buildings, established mature hedgerow and associated new landscaping. However, it is considered reasonable to secure a landscaping scheme as part of any planning approval to ensure a satisfactory level of landscape screening to integrate the character of the local area.

6.26 It is therefore the Officers opinion that, subject to a condition securing further landscaping detail, the level of development proposed would not have a significant adverse impact on the character of the local area.

6. Satisfactory living conditions can be achieved on the site and there would be no unacceptable impact on the amenity of adjacent land uses including residential uses;

6.27 It is understood the family has links to the gypsy community within the District and intend to reside at Green Acres to undertake their horse breeding and training business. It is also understood the family seek permission to live on the land to provide better facilities for their young family and because they will

need a settled base in order to send their two children twin boys aged 3 to school. The site is served by existing utilities and services.

6.28 As the site is detached from the nearest settlement there are not considered to be any sensitive adjacent neighbouring uses.

7. Any ancillary business uses that are intended to be carried out on the site will not have an unacceptable impact on the residential use of the site, any adjacent land uses or the visual amenity of the area;

6.29 Aside from the Applicants horse breeding and training business, The Applicant also does roofing work and deals in cars. The Applicant does not propose to use the land in association with any other business other than to tend to his horses. Nevertheless, it is considered appropriate to secure a condition to ensure the land is not used in connection with any business use other than horse breeding and training.

6.30 The land has been used to keep the Applicants horses for a number of years and the land has always been agricultural in nature. It is therefore considered the nature of the land will not change materially and there will be no unacceptable impact on the residential use of the site, any adjacent land uses or the visual amenity of the area.

8. The site should have, or be able to provide, adequate access and turning space for large vehicles and caravans.

6.31 The site lies adjacent to the adopted highway U1075 and the Highway Authority have been consulted on the application. The Highway Authority originally advised insufficient information was submitted in support of the application relating to off-street parking and on site turning facilities.

6.32 The Agent subsequently amended the Site Layout Plan to include parking provision for 3no. vehicles and area for storage of the touring caravan to the south west of the site.

6.33 The Highway Authority consequently accepted the parking provision and storage area for the touring caravan. However, the Highway Authority recommended refusal of the application relating to the delivery of the static/mobile home on grounds of insufficient information relating to the access, on-site turning facilities and its effect on local traffic conditions and public safety.

6.34 Subsequently, the Case Officer met with the applicant on-site to review the access and turning provision. The Applicant demonstrated access to the site via the existing access with a caravan in tow. The Applicant made a full turn within the yard excluding the area designated for the static/mobile home, location of touring caravan and parking provision. The Applicant has also advised that a 16 tonne wagon has previously been taken on to the site with no issue. Further, as the land is in the control of the Applicant, it would be possible to widen the access if necessary.

- 6.35 This addressed the Highway Authorities recommendation for refusal and have since confirmed there is no objection on highway grounds. It is the Case Officer's view that as this will be a one-off occurrence, and as there are a variety of options available in terms of the delivery of the static/mobile home, the harm would not be severe.

3. Availability of Gypsy Sites

- 6.36 The Cumbria Gypsy Traveller Accommodation Assessment (CGTAA) was produced by consultants with a track record of robustly assessing Traveller needs, followed established guidance and best practice and involved significant consultation with Travelling communities and its outputs are considered to be robust.

- 6.37 Paragraph 9 of the PPTS requires that when planning for Traveller sites:

"Local planning authorities should, in producing their Local Plan:

- *identify and update annually, a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets*
- *identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15*
- *consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)*
- *relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density*
- *protect local amenity and environment."*

- 6.38 Table 6.3 of the Cumbria GTAA indicates a total requirement of 15 permanent pitches which comprises of 5 pitches equally between 2013/14 and 2017/18, 2018/19 and 2022/23, and 2023/24 and 2027/28. Of this identified need, 6 pitches have already been delivered at Hadrian's Park (application reference 13/0886) and a preferred allocation for the residual nine is being progressed through the provisions of Policy HO11. More recently, a further 5 pitches over 4 sites have been granted planning permission following appeals to the Planning Inspectorate in Scotby.

- 6.39 Carlisle is considered to have a five year land supply and plans in place to meet identified needs moving forward. In this regard it is considered that the relevant policies must be regarded as up-to-date.

4. Personal Circumstances

- 6.40 Planning Policy for Travellers Sites (PPTS) Annex 1: Glossary defines gypsies and travellers as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependents’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

- 6.41 PPTS goes on to state that in determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
- a) Whether they previously led a nomadic habit of life
 - b) The reasons for ceasing their nomadic habit of life
 - c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”
- 6.42 Mr Swailes was born in the County to Gypsy parents and has lived in caravans for most of his life. Mr Swailes' father has now settled in housing in Carlisle due to poor health. Mr Swailes' sister and cousin live on private gypsy sites. Mr Swailes is a horse dealer and travels with his family to many of the traditional horse fairs. He also does roofing work and deals in cars.
- 6.43 It is understood the family has links to the gypsy community within the District and intend to reside at Green Acres to undertake their horse breeding and training business. It is also understood the family seek permission to live on the land to provide better facilities for their young family and because they will need a settled base in order to send their two children to Blackford Primary School. The school has confirmed there is capacity for the children.
- 6.44 Given the detail submitted in support of the application, it is accepted that the applicant, and his family, lead a nomadic lifestyle and can therefore be defined as Gypsies as outlined in Annex 1: Glossary of the Planning policy for traveller sites.
- 6.45 Policy HO11 of the adopted Carlisle District Local Plan 2015-2030 identifies a need for a minimum of seventeen pitches between 2013 and 2030. This level of need was informed by the 2013 Cumbria Gypsy and Traveller Accommodation Assessment. The Local Plan can be seen to address this need (in quantitative terms at least).
- 6.46 Since the publication of the CGTAA 6 pitches were granted consent at Hadrian's Camp and implemented, a further 2 at Parkfield Stables, Newtown, and a further 5 pitches (4 of which were retrospective) off Broomfallen Road in Scotby (Appeal Refs: APP/E0915/W/15/3127903; APP/E0915/W/15/3130384; APP/E0915/W/15/3127905; and APP/E0915/W/15/3127907). Residual need can therefore be seen to be 4.
- 6.47 Policy HO11 allocates land at Low Harker Dene to extend the existing site for an additional 9 pitches, alongside the development of a separate transit site.
- 6.48 The deliverability of this approach was deemed sound through the Local Plan examination process as too was the evidence upon which the need levels

within the Plan were founded. From a quantitative perspective there can therefore be seen to be no unmet need. Furthermore it is contended, based on the aforementioned approvals, that the District can easily demonstrate a 5 year land supply.

- 6.49 From a qualitative perspective it is acknowledged that there is a degree of need for smaller owner occupied pitches to better serve the Traveller community and to ensure diversity across the District's Traveller site provision. This was highlighted through the recent Broomfallen Road (Scotby) appeals and was also a matter explored during the Examination of the Local Plan. Whilst this is the case, both Inspectors agreed that it would not be practical to seek to allocate sites of the likely size required and acknowledged that no such sites had been put forward through the Local Plan process despite repeated calls. In light of this both Inspectors therefore concurred that the criteria set out in Policy HO11 (as recommended to be modified by the examining Inspector) provide an appropriate means to assess applications for such provision with there now being a clear track record of the effectiveness of the policy in enabling windfall small privately owned Traveller sites to come forward. This importantly establishes that whilst there is a need for additional small-scale provision, that this need alone does not override the need for proposals to comply with Policy HO11, in addition to the Government's Planning Policy for Traveller Sites (PPTS).

- 6.50 Policy 25 of the PPTS states that:

"Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan"

- 6.51 Criterion One of the Local Plan states that:

"the location, scale and design would allow for integration with, whilst not dominating or unacceptably harming, the closest settled community to enable the prospect of a peaceful co-existence between the site and the local community;"

- 6.52 The site is considered to be away from the nearest settlement and as such that it remains contrary to the PPTS and Policy HO11 of the Local Plan. As such the application site is not in a location where consent for permanent residential pitches for Travellers would ordinarily be permitted.

- 6.53 It is acknowledged that personal circumstances weighed heavily in favour as material considerations in the determination of appeals relating to the sites off Broomfallen Road, Scotby.

- 6.54 Based on the evidence submitted in support of this proposal it is considered that the personal circumstances of the Applicant attract significant weight. The Applicant has demonstrated a need to reside at the specific location by virtue of the horse breeding and training business, as well as the intention to send their children to Blackford Primary School. In such circumstances, and based on the above departure from the Development Plan, any forthcoming

permission should evidently be tied to named individuals. This reflects, as stated previously, that this is not a site where consent for the present form of development would otherwise be allowed. This approach would provide assurances that in the event the site no longer met the needs of the individuals in question that its use would cease and that it should be reinstated to its pre-development condition.

5. Drainage

- 6.55 Policy IP6 of the Local Plan states where there are concerns that inadequate foul water treatment and drainage infrastructure exists to serve a proposed development, or where such provision cannot be made within the time constraints of planning permission, it is the responsibility of the developer to demonstrate how foul drainage from the site will be managed.
- 6.56 Further to comments received through the consultation period alleging that no foul water septic tank exists on site, the Case Officer made a site visit with the Applicant to confirm a septic tank is present on site with capacity to serve the development.
- 6.57 The Lead Local Flood Authority (LLFA) does not have any records of flooding on the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk.

6. Biodiversity

- 6.58 The Council's GIS Layer has identified that the site has the potential for protected species to be present. As the proposed development is part retrospective involving developed land, it is not considered that the development would harm a protected species or their habitat.

7. Conclusions

- 6.59 The proposal would be physically detached from the nearest settlement of Blackford and would by default be tantamount to the creation of an isolated new home in the countryside. However, the personal circumstances indicate that the application should be approved. In the context of the Cumbria Gypsy and Traveller Accommodation Assessment it is considered that this need outweighs the any harm. The proposal is therefore recommended for approval.

7. Planning History

- 7.1 In September 2000, under reference number 00/0715, an application was refused for the erection of general purpose agricultural livestock building.
- 7.2 In June 2001, under reference number 01/0202, an application was approved for the erection of stables/loose boxes.

- 7.3 In July 2001, under reference number 01/0009/AGD, an application was approved for the erection of hay shed.
- 7.4 In February 2002, under reference number 02/0002/AGD, an application was approved for the erection of a farm implement shed.
- 7.5 In January 2004, under reference number 03/1267, an application was approved for the erection of general purpose agricultural shed.
- 7.6 In May 2007, under reference number 07/0011/AGD, an application was approved for the erection of general purpose store.
- 7.7 In May 2007, under reference number 07/0012/AGD, an application was approved for the erection of general purpose store.
- 7.8 In November 2010, under reference number 10/0791, an application was refused for positioning of chalet for temporary residential use for care of mares and foals.
- 7.9 In November 2015, under reference number 15/0817, an application was approved for erection of replacement barn.
- 7.10 In August 2016, under reference number 16/0430, an application was refused for change of use of land to provide 2no. residential family gypsy pitches, together with formation of hardstanding and utility/dayrooms.

8. Recommendation: Grant Permission

1. The approved documents for this Planning Permission comprise:
1. the Planning Application Form received 10th October 2016;
 2. the Location Plan received 10th October 2016;
 3. the Proposed Site Layout Plan received 10th October 2016;
 4. the Supporting Statement received 10th October 2016;
 5. the Notice of Decision;
 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

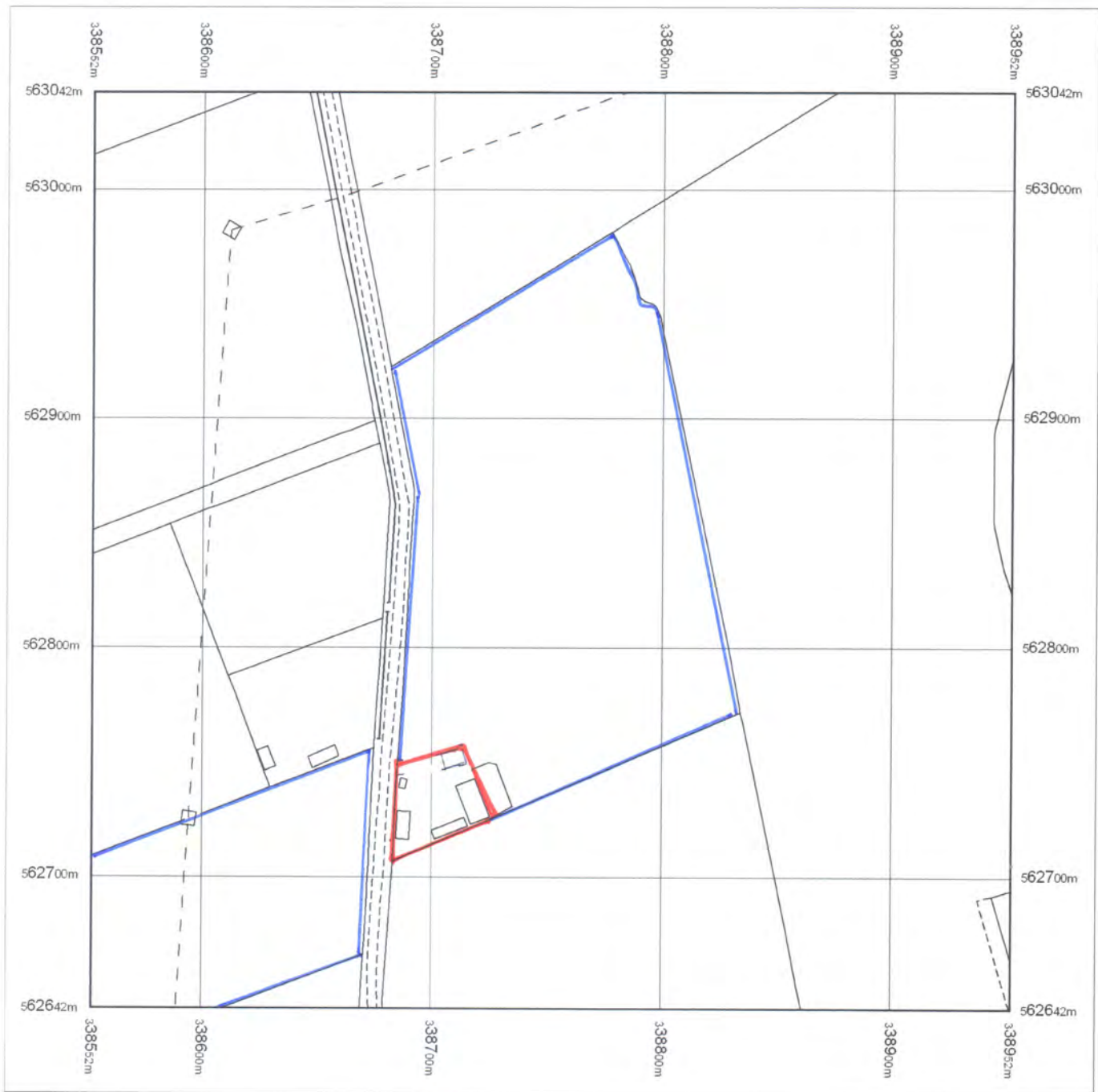
Reason: To define the permission.

2. The use hereby permitted shall be carried on only by Mr Billie Swailes and their resident dependants.

Reason: But for the special circumstances of the applicants permission would not be forthcoming in accordance with Policy HO11 of the Carlisle District Local Plan 2015-2030.

3. No development shall take place until details of a landscaping scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory landscaping scheme in accord with Policies SP6, G11 and HO11 of the Carlisle District Local Plan 2015-2030.



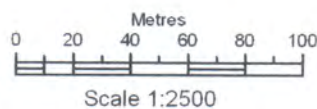
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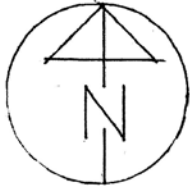
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Green Acres, Newton, Blackford,
Carlisle CA6 4ET
Change of use to station two
caravans for residential occupation
as Gypsy site with landscaping
Mr W Swailes
Plan 1 Location Plan
Scale 1:2500 A4



existing septic tank



supplementary landscaping
new native hedgerow

Hay barn

mobile home

Workshop Barn

Barn/store

Stable block

Yard area with
hardstanding for parking
and storing touring caravan

road to Newton

Green Acres, Newton, Blackford, Carlisle CA6 4ET
Change of use to station two caravans for residential occupation as Gypsy site with
landscaping
Mr W Swailes
Plan 2 Proposed site layout
Scale 1:500 A4

SCHEDULE A: Applications with Recommendation

16/0362

Item No: 07

Date of Committee: 25/11/2016

Appn Ref No:
16/0362

Applicant:
Persimmon Homes
Lancashire

Parish:
Wetheral

Agent:

Ward:
Wetheral

Location: Land adjacent Alexandra Drive, Durranhill Road, Carlisle

Proposal: Variation Of Condition 22 (Roads/Occupation Of Dwellings) Of
Previously Approved Application 10/0792 (Retrospective)

Date of Receipt:
25/04/2016

Statutory Expiry Date
25/07/2016

26 Week Determination

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 Unless the scheme is suitably revised, it is recommended that this application is refused.

2. Main Issues

- 2.1 Whether the suggested re-wording of condition 22 complies with paragraph 206 of the Framework.
- 2.2 Whether the approved/implemented housing scheme, based on the revised proposal, would amount to sustainable development.

3. Application Details

Background

- 3.1 In 1998, under application 96/0964, full planning permission was given for the erection of 82 semi, terraced and detached houses with garages. This development was carried out and can be seen on site in the form of Pasture Walk and Alexandra Drive.

- 3.2 In October 2011, following the satisfactory completion of a Section 106 Agreement, full planning permission was given under application number 10/0792 for the erection of 49 dwellings on land immediately to the north east of Alexandra Drive with access from Durranhill Road. This development is now referred to as Barley Edge. Condition 22 stipulated that:

"No dwellings hereby approved shall be occupied until the following works have been constructed and brought into full operational use:

- 1. The creation of a new pedestrian footpath along the southern side of Durranhill Road, which shall link the application site with the existing pedestrian footway on Durranhill Road; and*
- 2. The provision of a pedestrian island on Durranhill Road to the north of Pastures Walk.*

Prior to development commencing construction drawings detailing the aforementioned works shall be submitted to and approved, in writing, by the Local Planning Authority."

- 3.2 In the context that the development at Alexandria Drive had been completed, the apparent intention of condition 22 was to ensure the provision of a footpath along the south side of Durranhill Road linking Barley Edge to the playground at Alexandria Drive; and a pedestrian island opposite Durranhill Lodge to help people cross from the north side of Durranhill Road and thereby gain access to the public footpath that runs southwards under the railway bridge to Harraby.
- 3.3 In the backdrop of on-going work leading to the actual implementation of 10/0792 complications have arisen because of the restricted width of the verge along the relevant stretch on the south side of Durranhill Road. This has also been combined with the relative narrowness of Durranhill Road itself.

The Proposal

- 3.4 Subsequent discussions between the developer and the Highway Authority have led to the submission of the current application suggesting that the wording of condition 22 is revised to state:

"No dwellings hereby approved shall be occupied until the following works have been constructed and brought into full operational use:

- 1. The creation of a new pedestrian footpath along the southern side of Durranhill Road, which shall link the application site with the existing pedestrian footway on Durranhill Road, including appropriate crossing points."*

- 3.5 The application is also accompanied by a drawing which shows, amongst other things, footpath improvements along the northern side of Durranhill Road; the provision of new dropped kerb crossings; and erection of six

lighting columns.

4. Summary of Representations

4.1 This application has been advertised by means of a site notice. In response, fourteen objections have been received, which make the following points:

- That no information has been made available to justify why the existing requirements (of Condition 22 of 10/0792) have not been met and justification as to why it is necessary to amend the condition;
- At the time of granting the approval for 49 dwellings at Barley Edge, it was considered that Condition 22 met the six tests, implying that such provision was necessary to make the development acceptable;
- The Proposed Plan (A062781-C005) indicates that instead of providing a footpath link of the southern side of Durranhill Road, alterations will be made to existing footway provision on the Northern side of Durranhill Road. However, this is subject to land ownership meaning that the proposals put forward may not be capable of implementation in any case;
- The inclusion of dropped kerb crossing points is welcomed however these do not adequately address the concerns of local residents regarding safe pedestrian movement between the various housing sites, school, facilities and local open space provision. Given the current context, and firm proposals for future development in the area the provision of necessary infrastructure is of paramount importance, further development along Durranhill Road will only further exacerbate existing problems with regards to safe and accessible pedestrian access in around the development site;
- Saved Policy CP16, contained within the Carlisle Local Plan 2001-16, clearly states that “priority should be given to the provision for safe and convenient pedestrian and cycle access” and that the proposals as submitted are contrary to this policy as they will not provide a safe and convenient access for pedestrians;
- The Emerging Local Plan also contains policies designed to promote safe pedestrian movement, Policy IP2 states that “New development that will be accessible to the public will be required to prioritise safe and convenient access for cyclists and pedestrians and to take opportunities to contribute to the creation and enhancement of an integrated and continuous sustainable transport network”;

5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways & Transportation): - Having viewed the submitted documentation we have concerns that the proposed variation of the footpath may have road safety implications and are therefore investigating whether other alternatives are available which may result in the footpath being constructed on the original alignment. The Highway Authority

would recommend that the application be deferred.

Clerk to Wetheral PC: - No observations.

6. Officer's Report

Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. At a local level, the development plan comprises the recently adopted Carlisle District Local Plan 2015 - 2030 (CDLP 2015-2030) of which the relevant policies comprise SP6, SP9 and IP2. Criterion 5 of Policy SP6 ("Securing Good Design") requires all components of a proposal, inclusive of new connections, are accessible and inclusive to everyone, safe and well related to one another. Policy SP9 encourages all development to create inclusive environments that support people in making healthy choices. Policy IP2 ("Transport and Development") states that all new development must demonstrate/provide convenient access. In the case of IP2 criterion 4 reads:

"the site will safely and conveniently connect to public and green transport routes and contributes to creating a multifunctional and integrated green infrastructure network."

- 6.2 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF); Planning Practice Guidance (April 2014); the requirements of the public sector equality duty under Section 149 of the Equality Act 2010; the Design Manual for Roads and Bridges TD 91/05 "Provision for Non-Motorised Users"; The Manual for Streets (DfT, 2007); and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT).
- 6.3 In relation to the CDLP 2015-2030 paragraph 215 of the NPPF highlights that due weight should be given to policies in such existing development plans according to their degree of consistency with the Framework. Paragraph 216 explains the weight that can be afforded to the policies of emerging plans.
- 6.4 Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 7 identifies three dimensions to sustainable development, namely: economic; social; and environmental. The social role including the creation of a high quality built environment with accessible local services. Paragraph 9 goes on to explain that pursuing sustainable development involves seeking positive improvements in the quality of the built environment as well as in people's quality of life including improving the conditions in which people live, work, travel and take leisure.

- 6.5 Paragraph 17 of the Framework identifies 12 core planning principles including planning actively managing patterns of growth *"to make the fullest possible use of public transport, walking and cycling..."*. Paragraph 29 emphasises that the transport system should be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 35 goes on to say that developments should have access to high quality public transport facilities and consider the needs of people with disabilities by all modes of transport.
- 6.6 Paragraph 206 of the Framework explains that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other aspects. These six tests are re-iterated in the Planning Practice Guidance (PPG). Paragraph 004 of the PPG highlights the following key considerations for each of the tests:
- i) **Necessary** - Will it be appropriate to refuse planning permission without the requirements imposed by the condition? A condition must not be imposed unless there is a definite planning reason for it, i.e. it is needed to make the development acceptable in planning terms. If a condition is wider in scope than is necessary to achieve the desired objective it will fail the test of necessity.
 - ii) **Relevant to planning** - Does the condition relate to planning objectives and is it within the scope of the permission to which it is to be attached?
 - iii) **Relevant to the development to be permitted** - Does the condition fairly and reasonably relate to the development to be permitted? It is not sufficient that a condition is related to planning objectives: it must also be justified by the nature or impact of the development permitted. A condition cannot be imposed in order to remedy a pre-existing problem or issue not created by the proposed development.
 - iv) **Enforceable** - Would it be practicably possible to enforce the condition? Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy any breach of the condition, or those concerned with matters over which the applicant has no control.
 - v) **Precise** - Is the condition written in a way that makes it clear to the applicant and others what must be done to comply with it?
 - vi) **Reasonable in all other respects** - Is the condition reasonable? Conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness. Unreasonable conditions cannot be used to make development that is unacceptable in planning terms acceptable.
- 6.7 Paragraph 215 of the NPPF highlights that due weight should be given to the relevant policies in existing Plans according to their degree of consistency with the NPPF (the closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given). Paragraph 216 of the National Planning Policy Framework identifies that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

The CDLP 2015-2030 was adopted on the 8th November 2016 and therefore its policies carry full weight.

- 6.8 Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:

- a) to eliminate discrimination, harassment, victimisation etc;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics include age, gender, disability and race.

- 6.9 When assessing this application the two main issues revolve around:

1. whether the suggested re-wording of condition 22 complies with paragraph 206 of the Framework; and
2. whether the approved/implemented housing scheme, based on the revised proposal, would amount to sustainable development with particular reference to the effect on accessibility

Condition 22

- 6.10 On the matter of the suggested wording, it is apparent that the development at Barley Edge has been completed with the dwellings occupied. Furthermore, the suggested re-wording refers to a new pedestrian footpath along the southern side of Durranhill Road, whereas the submitted plan shows the new sections of footway to be on the northern side of Durranhill Road; and indicates including *“where appropriate crossing points”*. On this basis, serious doubts exist over whether the suggested condition can be considered to be enforceable, precise or reasonable. The more appropriate alternative would be for the condition to state what work is to be undertaken and for compliance to be achieved within a stated time period.

Accessibility

- 6.11 The Framework encourages the location of development where the need for travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34). The Framework goes on to explain that developments should be located and where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities. Furthermore, the NPPF states that *"...key facilities such as primary schools and local shops should be located within walking distance of most properties."* (paragraph 38)
- 6.12 The Design Manual for Roads and Bridges (DMRB) TD 91/05 "Provision for Non-Motorised Users" states in paragraph 2.3 that *"walking is used to access a wide variety of destinations including educational facilities, shops and places of work, normally within a range of up to 2 miles. Walking and rambling can also be undertaken as a leisure activity, often over longer distances"*.
- 6.13 The potential for pedestrian use was supported by The Manual for Streets (DfT, 2007), for example Section 4.4.1 states that *"walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to 800m) walking distance of residential areas"*. However, it is also noted that this is not an upper limit and that *"walking offers the greatest potential to replace short car trips, particularly those under 2km"*.
- 6.14 The CIHT (1999) guidelines, when discussing "Developments Served By New Bus Services Or Diversions From Existing Services" and "Bus Stop And Car Park Locations" considers that the walking distance to a bus stop should not exceed 400 metres and preferably no more than 300 metres. Table 2 (page 26) of the CIHT (1991) guideline recommends that for wheelchair users and the visually impaired the recommended distance from a bus stop to the furthest desired destination should be no more than 150 metres; for stick users the respective distance should be 50 metres; and for those that are ambulatory without a walking aid, the distance is 100 metres.
- 6.15 In effect walking and cycling are the most sustainable modes of transport and their encouragement not only reduces the overall vehicular travel demand but also has major health benefits. As well as replacing short journeys by car, walking (and cycling) can be part of a longer journey by public transport. It is recognised that there is no guaranteed method of predicting how the occupiers or visitors will choose to travel. Similarly, the attractiveness or otherwise of public transport will depend to a large degree on matters, such as timetabling, which are outside the control of the planning system.
- 6.16 When considering walking and the current application, it is evident that the neighbouring development at Alexandra Drive has a play area with a footpath/cycle link under the Carlisle/Newcastle railway line to Keenan Park Playing Fields, the temporary site for Newman School, Pennine Way Primary School, and the Harraby Campus. The approximate distances being 130 metres to Keenan Park; 340 metres to Newman School, and 540 metres to the Harraby Campus. The Alexandra Drive development also benefits from

good pedestrian connectivity to Durranhill Industrial Estate via Eastern Way. Rosehill Industrial Estate and Scotby Primary School are respectively 700 metres and 1.4 km to the west of Alexandra Drive.

- 6.17 In this context, the currently proposed solution would involve the residents of Barley Edge crossing Durranhill Road, walking along the proposed length of footway, and then crossing Durranhill Road again to access the playground at Alexandra Drive and the footpath/cycle link to Keenan Park, Newman School, and the Harraby Campus as well as the pedestrian links leading to Durranhill Industrial Estate. Whilst the additional distance involved, when compared to having a footway on the south side of Durranhill Road, is relatively minor the prospect of having to cross the same (relatively busy) road would not be convenient for either able bodied pedestrians or disabled people. In addition, it would raise perceptions, if nothing else, on the safety of such a route particularly for children. In effect there are concerns that the currently proposed scheme does not represent an effective solution because it would hamper the choice for residents at Barley Edge to walk to local facilities and thereby involve a greater reliance on the use of private cars.
- 6.18 When considering access to public transport, Members should note that the Barley Edge development is directly served by a bus stop on Durranhill Road.
- 6.19 In overall terms, it is considered that the current proposal involves a footway route that is not convenient for either able bodied pedestrians or disabled people and, therefore, does not represent an effective solution because it would hamper the choice for residents at Barley Edge to walk to local facilities and thereby involve a greater reliance on the use of private cars. The proposal is therefore contrary to the underlying objectives of criteria 1, 2, 4 and 5 of Policy IP2, criterion 5 of SP6, and criteria 1 and 2 of Policy SP9 of the CDLP 2015 - 2030; and the social role of sustainable development as set out in paragraph 7 of the NPPF.

Conclusion/Planning Balance

- 6.20 Paragraph 14 of the Framework says that at its heart there is a presumption in favour of sustainable development. Paragraph 7 identifies the three dimensions to sustainable development: economic, social and environmental. The three roles being mutually dependent and should not be taken in isolation (paragraph 8).
- 6.21 In relation to the economic role, the applicant has not argued that the provision of the pavement as originally intended would be likely to have significant financial implications for it. In effect the economic benefits of the proposal largely remain. The environmental implications of the development (outside of transport related issues) remain unchanged.
- 6.22 When considering the social role of sustainable development, it is considered that the currently proposed scheme would demonstrably hamper the choice to use a more sustainable form of transport for the majority of the households at Barley Edge such that residents would have a greater reliance on private

cars. The proposal is therefore contrary to the underlying objectives of criteria 1, 2, 4 and 5 of Policy IP2, criterion 5 of SP6, and criteria 1 and 2 of Policy SP9 of the CDLP 2015 - 2030 and the social role of sustainable development as set out in paragraph 7 of the NPPF. Furthermore, it is considered that the proposed re-wording of condition 22 does not comply with the provisions of paragraph 206 of the Framework.

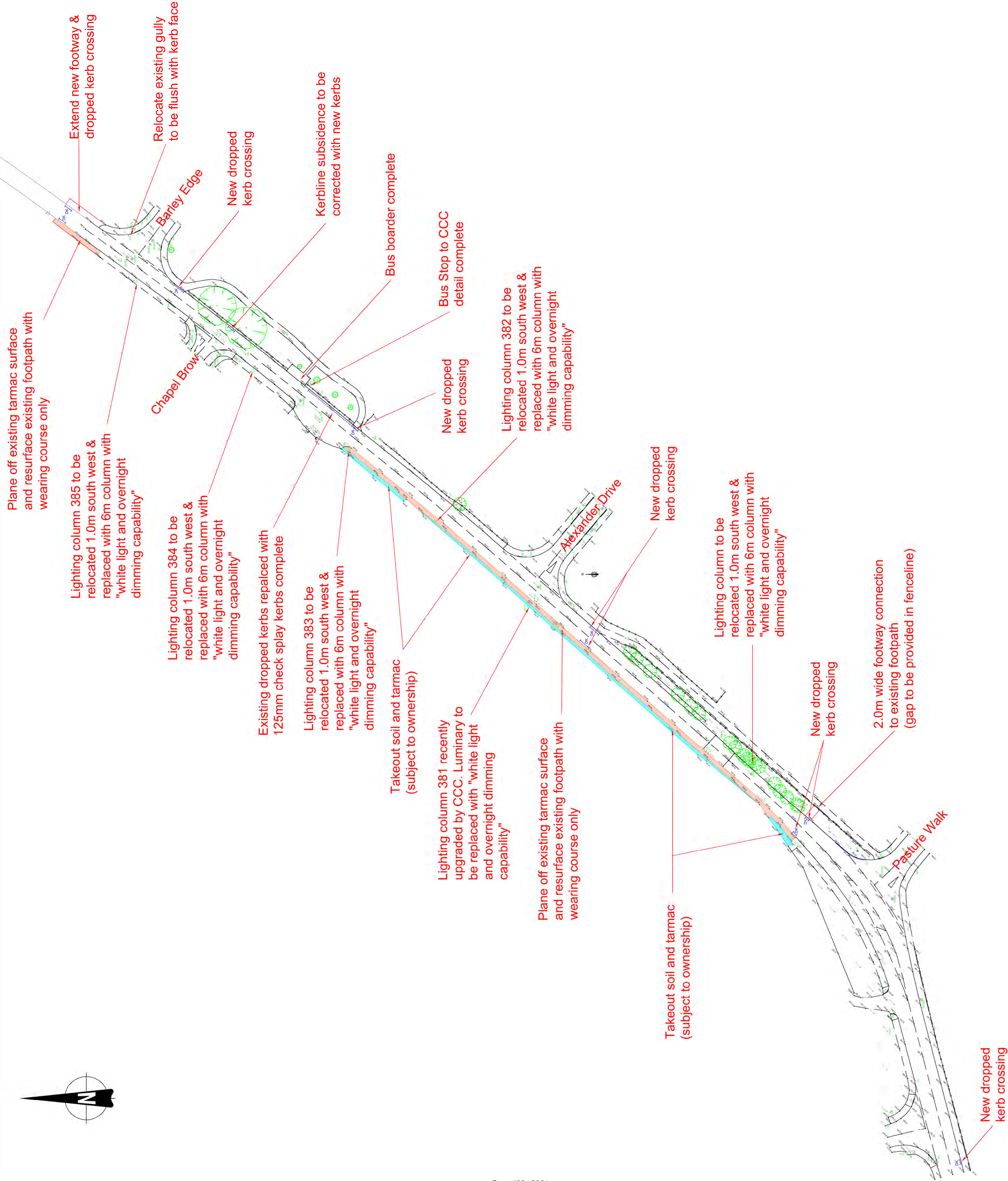
- 6.23 At the time of preparing the report, discussions are on-going with the respective parties to continue to try and resolve matters. This is in the context that the application was submitted in April 2016.

7. Planning History

- 7.1 In October 2011, following the satisfactory completion of a Section 106 Agreement, full planning permission was given under application number 10/0792 for the erection of 49 dwellings.

8. Recommendation: Refuse Permission

1. **Reason:** The proposal involves a footway route that is not convenient for either able bodied pedestrians or disabled people and therefore does not represent an effective solution because it would hamper the choice for residents at Barley Edge to walk to local facilities and thereby involve a greater reliance on the use of private cars. The proposal is therefore contrary to the underlying objectives of criteria 1, 2, 4 and 5 of Policy IP2, criterion 5 of SP6, and criteria 1 and 2 of Policy SP9 of the Carlisle District Local Plan 2015 - 2030; and the social role of sustainable development as set out in paragraph 7 of the National Planning Policy Framework.
 2. **Reason:** The suggested re-wording of condition 22 fails to meet the tests as identified in paragraph 206 of the National Planning Policy Framework.
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REV	DESCRIPTION	BY	CHK	APP	DATE
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Project:
DURRANHILL ROAD, SCOTBY

Drawing Title:
OFFSITE HIGHWAYS WORKS

Scale @	AI	Drawn	Date	Checked	Date	Approved	Date
1:500	JSE	18.04.16	AA	18.04.16	AA	18.04.16	AA
Project No.	Office	Type	Drawing No.	Revision	Revision	Revision	Revision
A062781	91	18	C005	-	-	-	-

SCHEDULE A: Applications with Recommendation

16/0833

Item No: 08

Date of Committee: 25/11/2016

Appn Ref No:
16/0833

Applicant:
Mr & Mrs Pattinson

Parish:
Irthington

Agent:
H&H Land and Property

Ward:
Stanwix Rural

Location: Land To West Of The Cottage, Newtown, Irthington, Carlisle, CA6 4NX

Proposal: Outline Application For Residential Development

Date of Receipt:
22/09/2016

Statutory Expiry Date
17/11/2016

26 Week Determination
01/02/2017

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of the proposal on the character of the area
- 2.3 Impact of the proposal on the character and setting of the adjacent Grade II Listed Building
- 2.4 Impact of the proposal on the buffer zone on Hadrian's Wall World Heritage Site
- 2.5 Whether the scale and design of the dwelling are acceptable
- 2.6 Impact of the proposal on the living conditions of neighbouring residents
- 2.7 Proposed methods of foul and surface water drainage
- 2.8 Impact of the proposal on highway safety
- 2.9 Impact of the proposal on the existing hedgerow
- 2.10 Impact of the proposal on biodiversity
- 2.11 Other matters

3. Application Details

The Site

- 3.1 The application site, equating to approximately 0.18 hectares, is located on the southern section of the field between Dale Croft and Hall Cottage, Newtown, Irthington. The roadside (southern) boundary of which is delineated by a mature native hedgerow which would be retained with the exception of a section to gain access to the proposed development. Newtown Public Hall is located to the east of the application site with the village green and play area located to the south east.

The Proposal

- 3.2 The application seeks Outline Planning Permission with All Matters Reserved namely: access, appearance, landscaping, layout and scale. This application, therefore, is to establish the principle of development only.
- 3.3 The submitted drawings, although indicative only, illustrate the siting of two detached dwellings arranged around a central access. The access of which would be via the unadopted access road which serves the village hall and some residential properties.

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of five neighbouring properties and the posting of a Site Notice. In response, one representation of objection has been received.
- 4.2 The letter identifies the following issues:
1. questions the need for any further dwellings within the village.
 2. due to the size of the application site there is potential to build four dwellings.
 3. access to the site would be via a private road.
 4. potential scale of the properties being overbearing and overdominant.
 5. potential to exacerbate existing surface water flooding.
 6. likely to set a precedent within the remaining field for further development.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the proposed residential developments access is shown connected to an un-adopted highway which in turn has a junction with the A6071, the un-adopted road leading to the Village Hall also serves other properties and will therefore be able accommodate additional traffic flows from the proposed dwellings. Accordingly, the Highway Authority and Lead Local Flood

Authority have no objection to the proposed development subject to the imposition of conditions relating to access construction, access provision, boundary treatment, construction compound and surface water drainage; Irthington Parish Council: - not in keeping with the character of the area. Contrary to Policy CP1 and H1 of the Local Plan. Members are also concerned that the access to the properties is onto the car park for the village hall;

Cumbria County Council - (Archaeological Services): - no objections and do not wish to make any comments or recommendations;

English Heritage - North West Region: - do not believe that this proposal would impact directly on any archaeological remains from the Hadrian's Wall World Heritage Site. In addition, although potentially visible from the World Heritage Site, do not believe that it would harm the ability to appreciate and understand Roman military planning and land use. In light of this, do not believe the proposal would harm the setting of the World Heritage Site.

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), Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies SP2, SP6, HO2, IP3, IP6, CC5, HE1, HE3, 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'. Historic England has also produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3'.

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 policies, the application site is located between existing residential properties with the property to the north west, Dale Croft, forming a natural end to the village thereby discouraging any potential for further development. Although a field access is to be maintained adjacent to the northern boundary, this is reasonable for continued access to the agricultural land beyond. In such a context, the application site is well contained within existing landscape features, it is physically connected, and integrates with, the settlement, and would not lead to an unacceptable intrusion into open countryside.
- 6.6 Furthermore although Newtown village has limited services as it just has a village hall, village green and children's play area it is located in close proximity to Irthington which has a range of services, namely, a church, school and public house. In overall terms, the application site is considered to be in a sustainable location for housing development, therefore, the principle of the proposal is therefore acceptable.

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

- 6.7 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 8b 'Broad Valleys'. The toolkit advises that key characteristics of this landscape are: wide and deep valleys with open floodplains; rural farmland comprising significant areas of improved pasture; pockets of scrub, woodland and coniferous plantations; hedge and stone walls form a matrix of field boundaries; and roads and railway lines often follow the linear valley contours.
- 6.8 The application site forms part of an agricultural field located between residential properties within Newtown, the southern boundary of which is delineated by a native hedgerow. It is inevitable that the erection of new dwellings on agricultural land would have some visual impact on the landscape character of the area. In mitigation, the application site is located between existing residential properties with the majority of the boundary hedgerow being retained. Furthermore, any perceived visual impact would be further controlled at Reserved Matters stage by the submission of details in respect of appearance, layout and scale of the proposed dwellings together with a landscaping scheme. Accordingly, there would not be such a significant detrimental impact on the character of the area to warrant a refusal of the application.

3. Impact Of The Proposal On The Character And Setting of the Adjacent Grade II Listed Building

- 6.9 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

- 6.10 Members, therefore, must give considerable importance and weight to the desirability of preserving the character and setting of the Grade II Listed Building, Orchard House, to the east of the application site in consideration of this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.11 Paragraph 133 of the NPPF states that Local Planning Authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 134, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.12 Policy HE3 of the Local Plan outlines that listed buildings and their settings will be preserved and enhanced. The overriding objective of doing so is to ensure that the character and setting of the listed building is preserved.
- 6.13 In light of the foregoing it is considered that Members need to have cognizance of: a) the significance of Orchard House and the contribution made to that significance by its setting; and then assess b) the effect of the proposal on the setting of Orchard House (inclusive of its significance and on the appreciation of that significance).
- a) the significance of the heritage asset and the contribution made by its setting
- 6.14 The application site is located approximately 35 metres north west of Orchard House. As previously outlined, Orchard House is a Grade II Listed Building. There are over 374,000 listed buildings within England which are categorised as Grade I, Grade II* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of Listed Buildings are Grade I. Grade II* Buildings are particularly important buildings of more than special interest, 5.5% of listed buildings are Grade II*. The final tier of Listed Buildings are Grade II buildings which are nationally important and of special interest.
- 6.15 Orchard House was listed by Historic England as a Grade II Listed Building in 1984. The listing details are as follows:

"House. Dated 1783 with initials JWW inscribed on keystone. Painted rendered walls, painted stone quoins and dressings; Welsh slate roof, no chimney stacks. 2 storeys, 2 bays with 2-storey, single-bay extension to left.

C20 top glazed door has alternate bock surround with V-shaped joints, flat arch with large keystone. Flanking windows are C20 casements in original surrounds, that to left is tripartite, with central round head: to right is triple casement with flat arch and plain painted surround, with round head above central position, to imitate arch to left. Sash window with glazing bars above and C20 casement left in original painted surrounds. Extension has plank door and 2-pane sash windows in plain painted surrounds".

- 6.16 Orchard House is a two storey detached house located on the northern side of the A6071 Brampton to Longtown Trunk Road. An access track/parking area is located to the south west of the dwelling beyond which there is an area of green space. The domestic curtilage of Orchard House is located to the east with the Newtown Public Hall and Hall Cottage located to the west.

b) the effect of the proposed development on the setting of the heritage asset

- 6.17 As previously outlined in the report, Historic England has produced a document entitled "The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3' (TSHA) to provide information of good practice to assist local authorities, planning and other consultants, applicants and other interested parties in implementing historic environment policy in the NPPF and the related guidance in the PPG.
- 6.18 The TSHA document highlights that the NPPF makes it clear that: *"the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral".*
- 6.19 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 132). However, in paragraph 134, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.20 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving Orchard House and its setting when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.21 When assessing the application against the foregoing, it is evident that Orchard House is located in a prominent location within Newtown; however, it is separated from the application site by intervening buildings, Newtown Public Hall and Hall Cottage. The application seeks Outline Planning Approval with All Matters Reserved, therefore, access, appearance,

landscaping, layout and scale are reserved for a subsequent application. However, given the intervening distances and subject to suitably designed dwellings and landscaping, any perceived impact can be satisfactorily mitigated so that the development does not have a detrimental impact on the character or setting of the heritage asset.

4. Impact Of The Proposal On The Buffer Zone of Hadrian's Wall World Heritage Site

- 6.22 Proposed development within the buffer zone should be assessed for its impact on the site's Outstanding Universal Value and particularly on views both into and out of it. Policy HE1 of the Local Plan highlighting that development that would result in substantial harm will be refused.
- 6.23 Historic England has been consulted on the application and do not believe that this proposal would impact directly on any archaeological remains from the Hadrian's Wall World Heritage Site. In addition, although potentially visible from the World Heritage Site, do not believe that it would harm the ability to appreciate and understand Roman military planning and land use. In light of this, do not believe the proposal would harm the setting of the World Heritage Site.
- 6.24 Cumbria County Council's Historic Environment Officer has also been consulted on the application and does not wish to make any comments or recommendations. In light of the views of the statutory consultees the application would not form a discordant feature within the buffer zone.

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

- 6.25 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.
- 6.26 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 application stage. The submitted details however; indicate the siting of two detached dwellings arranged around a central shared access. The Planning Statement highlights that the scale of the development would be commensurate to the size and form of Newtown.
- 6.27 Notwithstanding the foregoing, conditions are recommended requiring the

submission of existing and proposed ground levels and the height of the proposed finished floor levels and ridge height of the proposed dwellings. Further conditions, amongst others, are also recommended which would require the submission of details in respect of materials and a landscaping scheme. Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design. Furthermore, any subsequent application would have to demonstrate that the development would achieve adequate amenity space and off-street parking to serve each dwelling.

- 6.28 In order to ensure that the development does not result in a cramped form of development, a further condition is recommended which would restrict to number of dwellings within the application site to a maximum of three.

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

- 6.29 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 be achieved.
- 6.30 The development would have to be designed to take account of the requirements in the Council's Supplementary Planning Documents "Achieving Well Design Housing" and be compliant with the requirement to maintain 21 metres distance between primary facing windows and 12 metres between a primary window and a blank gable.
- 6.31 Given the orientation of the application site, it is likely that the proposed buildings within it, occupiers of the proposed and existing neighbouring properties would not suffer from an unreasonable loss of daylight or sunlight nor would it be over-dominant; however, as the application seeks only to establish the principle of development, these issues can't be established at this stage. To further protect the living conditions of the occupiers of neighbouring properties a condition is recommended that would restrict construction hours.

7. Proposed Method Of Foul And Surface Water Drainage

- 6.32 An objector has raised concerns about the potential of the development to exacerbate existing surface water problems within the area. The Planning Statement outlines that in respect of surface water drainage it would be difficult to establish drainage arrangements until there was a greater certainty with regard to the layout and scale of the development. The Statement goes on to highlight the location of mains sewers within the vicinity.

- 6.33 There is a clear policy requirement to provide adequate provision for foul and surface water facilities; however, due to the fact that only outline planning permission is sought by this application, there is no requirement to provide comprehensive details of the method for the disposal of either surface water or foul drainage provision at this stage.
- 6.34 Members should note that the Lead Local Flood Authority in respect of surface water drainage raise no objection to the proposal but recommend a series of conditions to ensure that the proposed development would not have a detrimental impact on surface water within the vicinity together with further conditions requiring details for a surface water management plan. Should Members approved this outline application, any subsequent application would have to satisfy the conditions imposed by the Lead Local Flood Authority.
- 6.35 A condition is also recommended in respect of the submission of pre-commencement details for the disposal of foul drainage. This details would then be assessed by the relevant Statutory Consultees. If such details prove to be unacceptable, it may be that the residential development would stall as a result.

8. Impact Of The Proposal On Highway Safety

- 6.36 The submitted drawings illustrate a central access to serve the proposed development via the road which provides access to the village hall and residential properties; however, these drawings are indicative only.
- 6.37 The Parish Council has raised a concern in respect of the proposed access which it considers is onto the car park for the village hall. The submitted indicative drawing illustrates that the car park would be unaffected by the proposed access. Cumbria County Council, as Highway Authority, has been consulted and subject to the imposition of conditions relating to access construction, access provision and boundary treatment raised no objections to the proposed development. Access details are reserved for a future application; however, on the strength of the Highway Authority's view, the proposal is acceptable in highway terms subject to the imposition of these conditions.
- 6.38 A third party has raised questions as to whether the applicant has the right of access across the unadopted road serving the village hall and residential properties. The concerns of the third party are noted; however, this is a civil issue and not a material planning consideration.

9. Impact Of The Proposal On The Existing Hedgerow

- 6.39 Policy GI6 of the Local Plan seek to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outline that not only should the design of developments seek to retain existing tree 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.

- 6.40 The southern boundary of the application site is delineated by a native hedgerow. The submitted document indicate that with the exception of the proposed access the existing hedgerow would be retained. Given that landscaping is reserved for a subsequent application, pre-commencement conditions are recommended requiring the submission of a landscaping scheme which would include the retention of the majority of the hedgerow together with a further condition requiring that adequate protection measures are put in place to safeguard the retained hedgerow during the construction process.

10. Impact Of The Proposal On Biodiversity

- 6.41 The Councils 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 would not harm protected species or their habitat; however, an Informative is recommended should Members approve the application that if a protected species is found all work must cease immediately and the Local Planning Authority informed. A condition is also recommended that works involving the removal of section of the hedgerow and trees are undertaken outwith the bird nesting season unless the absence of nesting birds has been established through a survey.

11. Other Matters

- 6.42 A third party has questioned the need for further housing within the village as there are other dwellings for sale within Newtown. This concern 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.

Conclusion

- 6.43 In overall terms, the application seeks only to establish the principle of housing development on the site which is acceptable under the provisions of the NPPF, PPG and the Local Plan. The development would not create a precedent for further applications in the area which, in any case, would have to be considered on their own merits. The siting, scale and design of the proposal are subject to appropriate planning conditions. Careful consideration at the time of any subsequent application to ensure that the scheme would be well related to the existing built form of the village and ensure that the proposal would not have a detrimental impact on the setting of the heritage asset.
- 6.44 Cumbria County Council, as Highway Authority and Lead Local Flood Authority, has raised no objection to the proposal subject to the imposition of appropriate conditions. Further planning conditions deal with landscaping, hedgerow protection together with foul and surface water drainage. In overall

terms, the proposal is considered to be compliant with the objectives of the National Planning Policy Framework, Planning Policy Guidance, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant Local Plan policies. Accordingly, the application is recommended for approval.

7. Planning History

7.1 There is no relevant planning history.

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year 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 Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Planning Permission comprise:
 1. the submitted planning application form received 19th September 2016;
 2. the Planning Statement received 19th September 2016;
 3. the site location plan received 19th September 2016 (Plan No. 1 of 2);
 4. the block plan received 19th September 2016 (Plan No. 2 of 2);
 5. the Notice of Decision; and
 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. Not more than 3 dwellings shall be erected on the site pursuant to this permission.
Reason: The Local Planning Authority wish to control the scale of the development to enable a further assessment on viability should the nature of the proposal change in the future.
5. 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.
6. No dwellings or buildings or structures shall be commenced until the access road, as approved, are defined by kerbs and sub base construction.
Reason: To ensure that the access roads are defined and laid out at an early stage. To support Local Transport Plan Policies: LD5, LD7, LD8.
7. Details of proposed crossings of the highway verge shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.
Reason: To ensure a suitable standard of crossing. To support Local Transport Plan Policies: LD5, LD7, LD8.
8. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.
Reason: In the interests of highway safety. To support Local Transport Plan Policies: LD5, LD7, LD8.
9. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.
Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety. To support Local Transport Plan Policies: LD7, LD8.
10. Any existing highway fence/wall boundary shall be reduced to a height not

exceeding 1.0m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.0m thereafter.

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

11. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

12. The dwelling 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 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.

13. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose

Reason: To ensure that all vehicles can be properly and safely accommodated clear of the highway. To support Local Transport Plan Policies: LD7, LD8.

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

Reason: The carrying out of this development without the provision of

these facilities during the construction works is likely to lead to inconvenience and danger to road users. To support Local Transport Plan Policy: LD8.

15. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

16. No development approved by this permission shall be commenced until a scheme for the disposal of foul waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.

Reason: To ensure a satisfactory means of drainage in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

17. No development shall commence until full details of the surface water system demonstrating that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 30% to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc) have been agreed in writing with the Local Planning Authority.

Reason: To manage flood risk within the development that results from surface water to minimise the risk to people and property.

18. No development shall commence until details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the local planning authority

Reason: To safeguard against negative impact outside the development boundary to people and property.

19. No development shall commence until a construction surface water management plan has been agreed in writing with the Local Planning Authority.

Reason: To safeguard against flooding to surrounding sites and the road network.

20. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles 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 proposed scheme should meet the requirements of Sustainable Drainage Systems: Non-Statutory Technical Standards (March 2015).

Reason: To ensure the surface water system continues to function as designed.

21. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak flow greenfield runoff rate for the same event.

Reason: To safeguard against negative impact outside the development boundary to people and property.

22. For greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

Reason: To safeguard against negative impact outside the development boundary to people and property.

23. 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.

24. 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.

25. No development shall take place until full details of hard and soft landscape works, including the retention of the majority of the existing hedgerow along the southern and south western boundaries of the site, 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 the dwellings. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

26. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the hedgerow to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. 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 trees/hedges to be retained on site in support of Policies GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

27. No site clearance or works to the retained hedgerow 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 nesting birds in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

28. 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 1600 hours on Saturdays (nor at any times on Sundays or statutory holidays).

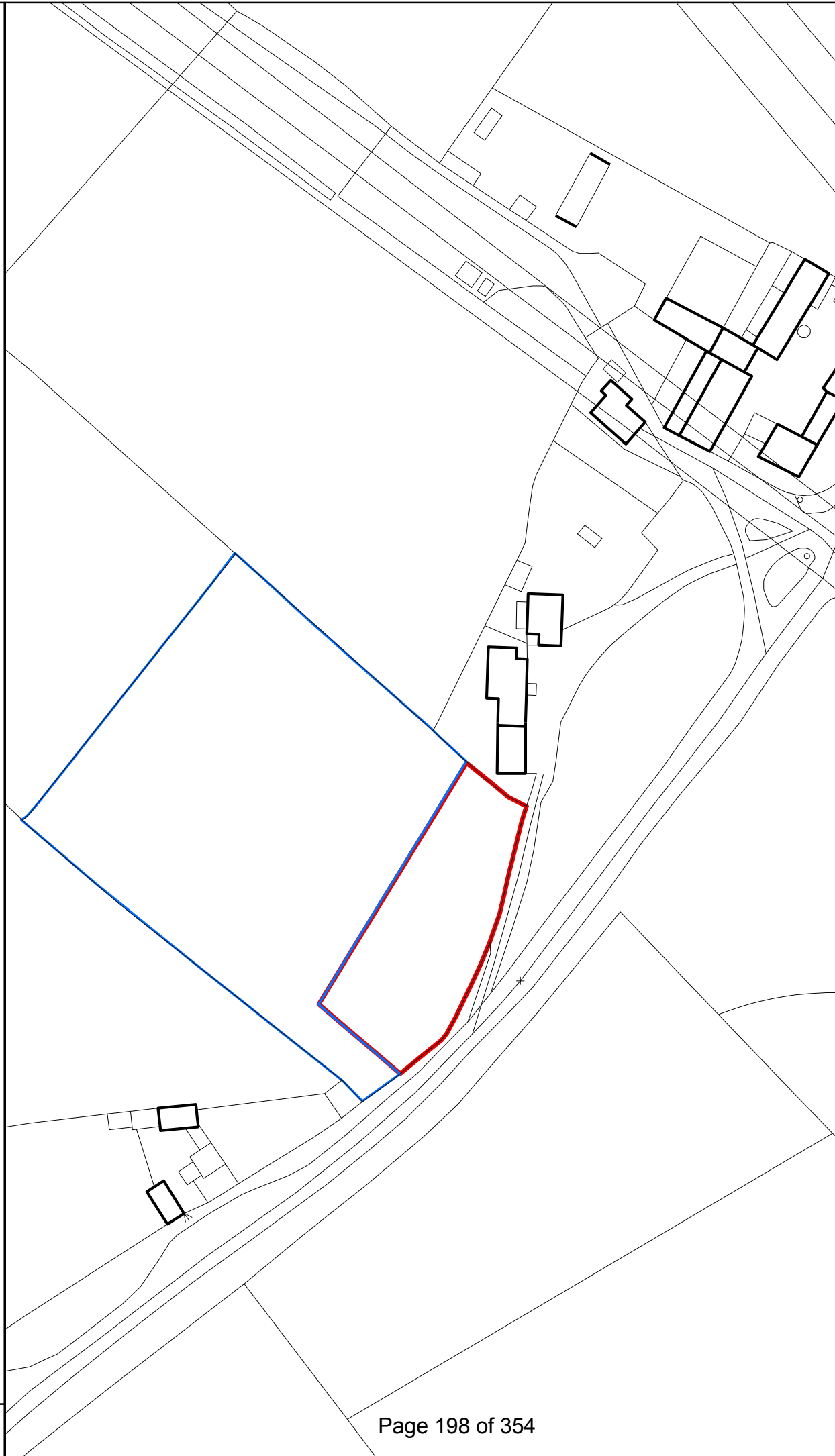
Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

29. 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.

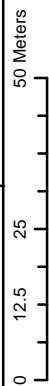
Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

Land at Newtown, Irthlington



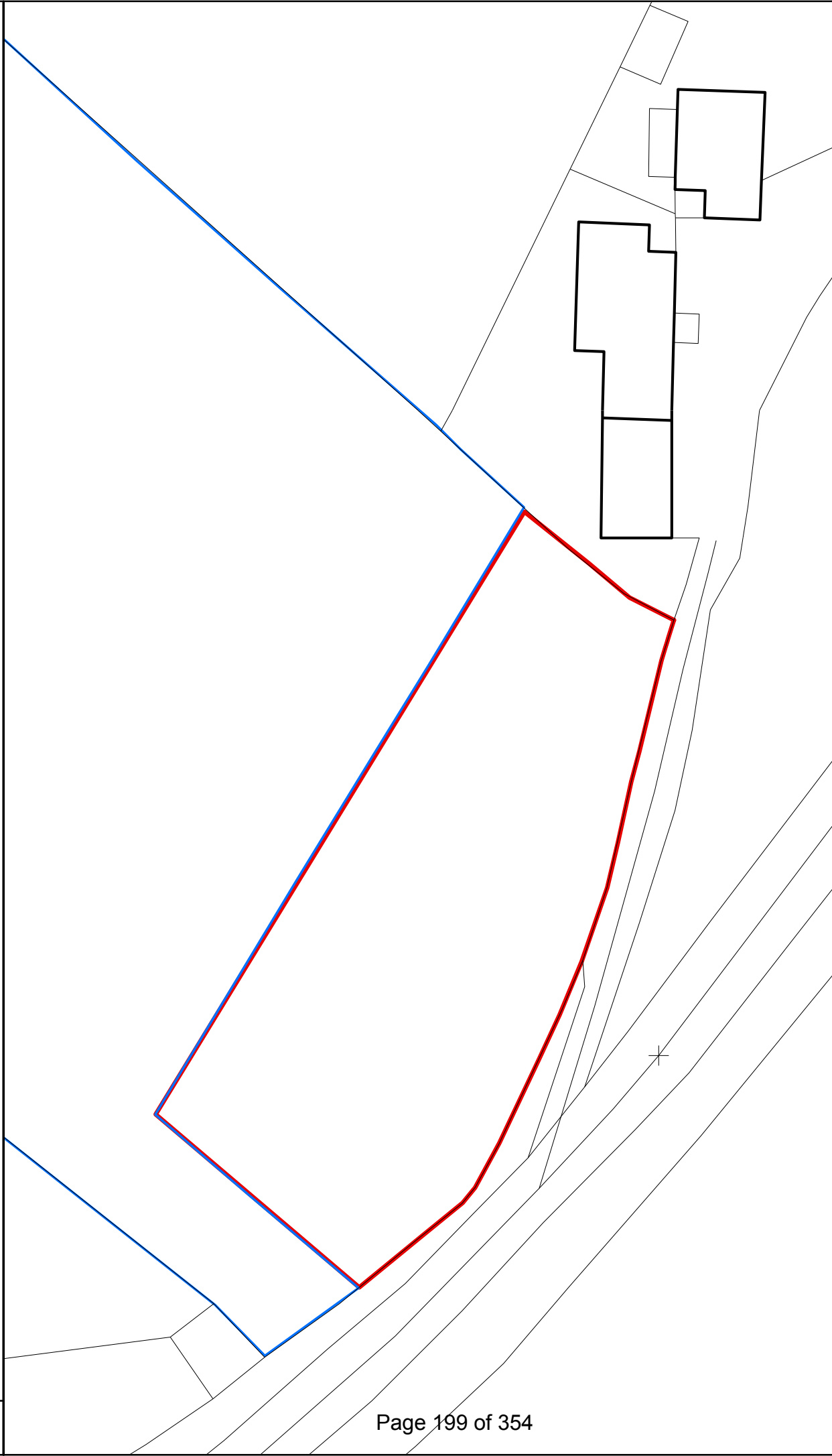
Date: September 2016
Our Ref: KJ/HP45
Plan No: 1 of 2
Scale @ A4: 1:1,250

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Borderway, Rosehill, Carlisle, CA1 2RS Tel: 01228 406260 www.hhland.co.uk

Land at Newtown, Irthington



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H&H

LAND AND PROPERTY

Chartered Surveyors

SCHEDULE A: Applications with Recommendation

16/0842

Item No: 09

Date of Committee: 25/11/2016

Appn Ref No:
16/0842

Applicant:
Mr Hetherington

Parish:
Stanwix Rural

Agent:
Brian Child

Ward:
Stanwix Urban

Location: 19 Millcroft, Carlisle, CA3 0HX

Proposal: Proposed Two Storey Side Extension And Single Storey Rear Extension To Provide Garage And Kitchen/Dining Room On The Ground Floor With 1No. En-Suite Bedroom Above

Date of Receipt:
22/09/2016 16:02:40

Statutory Expiry Date
17/11/2016 16:02:40

26 Week Determination
28/11/2016

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 Highway impacts;
2.4 Impact upon biodiversity.

3. Application Details

The Site

- 3.1 Number 19 Millcroft is a two storey detached property located on the north-western side of Millcroft in Stanwix. The property is constructed from brick walls under a concrete tiled roof and is surrounded by two storey residential properties to the south-west, north-west and north-east. On the opposite side of the road bungalows are located.

The Proposal

- 3.2 The application seeks Full Planning Permission for the erection of a two storey side extension to the south-west elevation of the dwelling to provide a garage on the ground floor and en-suite bedroom above together with a single storey rear extension to provide a kitchen and dining room. In order to provide the proposed two storey extension an existing single storey flat roof extension will be demolished. The submitted plans illustrate that the proposed extension will be constructed from rendered walls, grey framed uPVC windows under a slate roof. As part of the proposed development the existing walls of the property will be rendered, the windows changed to grey framed uPVC and the existing roof replaced with slate.
- 3.3 Members should be aware that this application as first submitted did include a patio deck on top of the proposed single storey flat roofed rear extension however this has since been removed from the proposal following concerns from the Case Officer with regard to overlooking.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to five neighbouring properties. In response to the consultation undertaken two objections from neighbouring properties have been received as well as a verbal comment.
- 4.2 The objections received in relation to the original plans submitted cover a number of matters which are summarised as follows:
1. Overlooking and impact upon privacy from the proposed patio roof deck;
 2. design of the single storey rear extension with patio roof deck above.
- 4.3 In relation to the amended plans submitted which remove the patio roof deck the following further comments from an objector have been received:
1. Pleased to see removal of patio roof deck
 2. If the development is approved conditions should be imposed prohibiting any other forms of balcony, roof decks or use of the single storey roof as a leisure/amenity area
 3. Prefer for the full height doors and Juliet balcony to be replaced with a window
- 4.4 Verbal comments have also been received from the occupier of an adjacent property with regard to loss of light and potential overlooking from the proposed two storey side extension.

5. Summary of Consultation Responses

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

Stanwix Rural Parish Council: - objected to the plans as first submitted on the grounds that the first floor patio deck would enable substantial overlooking of several neighbouring dwellings, to the significant detriment of their residential amenity through loss of a right to privacy.

In response to the amended plans submitted which removes the first floor patio deck, the Parish Council has commented as follows:

Although a 'Juliet', or similar type, balcony would not enable such extensive overlooking, as would the originally proposed patio deck; it would retain an ability to enable and encourage far greater opportunities for prolonged overlooking, of neighbouring dwellings, than would a conventional window.

The dwellings subject of such extended overlooking would, as a consequence, experience significant loss of residential amenity through loss of a right to privacy.

The parish council therefore maintains its previous objection, on grounds of overlooking and loss of privacy with regard to neighbouring dwellings, and urges consideration of a further amendment removing the proposed Juliet Balcony.

Reason: To ensure the proposed development does not adversely affect the amenity of adjacent residential properties through overlooking and subsequent loss of privacy. In accordance with Carlisle District Local Plan 2001 - 2016 policies:

- H11 - Extensions to Existing Residential Premises;
- H2 - Primary Residential Areas;
- CP6 - Residential Amenity;
- CP5 – Design.

Northern Gas Networks: - no objections, advisory note attached.

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) and Policies SP6, H08 and G13 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) states 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 existing property is constructed from red clay facing brick walls, white uPVC windows and doors under a concrete tiled roof. The submitted plans illustrate that the proposed extension will be constructed from rendered walls, grey framed uPVC windows under a slate roof. As part of the proposed development the existing walls of the property will be rendered, the windows changed to grey framed uPVC and the existing roof replaced with slate.
- 6.8 The scale and height of the proposed extensions are comparable to the existing dwelling. The roof form of the two storey side extension corresponds with the original dwelling as it uses the same roof pitch. Although the rear extension has a flat roof it is considered that the contemporary design of the extension complements the architecture of the existing building. The proposed fenestration details match those of the main dwelling and the proposed materials would improve the overall visual appearance of the existing dwelling and its setting within the existing street scene. Accordingly, the scale and design of the extensions are considered acceptable.

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

- 6.9 Objections have been received during the consultation period from the Parish Council who object to the patio door and Juliet balcony on the rear elevation serving the proposed first floor en-suite bedroom. Although they note that the

proposed patio deck has since been removed from the proposal they consider that the patio door and Juliet balcony would retain an ability to enable and encourage far greater opportunities for prolonged overlooking of neighbouring dwellings than would a conventional window. The Parish Council are therefore of the opinion that the dwellings subject of such extended overlooking would, as a consequence, experience significant loss of residential amenity through loss of a right to privacy.

- 6.10 The residential properties either side of the application site objected to the proposed development as first submitted which showed the insertion of a patio deck above the proposed flat roof rear extension. The plans have however since been amended to remove the patio deck. The occupiers of No.17 Millcroft, to the south-west of the site, have subsequently requested that if the development is approved conditions are imposed prohibiting any further development on the single storey flat roofed extension and use of the flat roof as a leisure or amenity area.
- 6.11 When assessing the impact of the proposed extensions on the occupiers of neighbouring dwellings it is acknowledged that. No 17 Millcroft has a first floor window on the side elevation which would directly face the proposed two storey side extension however this window serves a bathroom which is not regarded as a primary window as it does not serve a habitable room. No.17 Millcroft does have two ground floor windows facing towards the application site however the rooms which these windows serve also have larger windows on the rear elevation and are obscured by existing hedging. No. 21 Millcroft, to the north-east, has a first floor window on the side elevation facing the application site however this directly faces the existing gable of No.19 Millcroft and will be off-set from the proposed development.
- 6.12 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.
- 6.13 The Parish Council's concerns regarding overlooking from the Juliet balcony are noted however the purpose of Juliet balconies are so that you can have a full length door with a safety railing not protruding out of the building thereby prohibiting any external access. It is not considered that the insertion of a full length door on the rear elevation opposed to a conventional window, due to its oblique angle, would give rise to a significant degree of overlooking over and above what is currently experienced. In such circumstances, and given the orientation of the application site it is not considered that the proposal would have an adverse impact upon the living conditions of the occupiers of surrounding properties in terms of overlooking, loss of light or over dominance sufficient to warrant refusal of planning permission on this basis.
- 6.14 In order to protect the living conditions of surrounding residential properties it is recommended that a condition is imposed within the Decision Notice restricting the future use of the flat roof rear extension as a roof

terrace/balcony.

3. Highway Impacts

- 6.15 Although the proposal will create an additional bedroom, the development provides further incurtilage parking spaces to the front of the dwelling and via the proposed garage. The relevant Highways Authority have been consulted on the proposal and has raised no objections. As there are no objections from the statutory consultee it is not considered that the proposal would have an adverse impact upon existing highway conditions.

4. Impact Upon Biodiversity

- 6.16 The Councils 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. It is however recommended that an Informative is included within the Decision Notice ensuring that if a protected species is found all work must cease immediately and the Local Planning Authority informed.

Conclusion

- 6.17 On balance it is considered that the proposed extensions are 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 it is considered that 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 approved documents for this Planning Permission comprise:

1. the submitted planning application form received;
2. the site location and block plan received 22nd September 2016

- (Drawing No.11329-0);
3. the existing floor plans and elevations received 22nd September 2016 (Drawing No. 11329-01);
 4. the proposed floor plans and roof plan received 19th October 2016 (Drawing No. 11329-03A);
 5. the proposed elevations received 19th October 2016 (Drawing No.11329-04A);
 6. the existing and proposed elevations received 19th October 2016 (Drawing No.11329-02B);
 7. the existing and proposed access arrangements received 4th November 2016 (Drawing No.11329-0)
 8. the Notice of Decision; and
 9. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The roof of the single storey rear extension hereby approved shall not be used as a roof terrace/balcony.

Reason: To protect the living conditions of the occupiers of neighbouring properties in accordance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

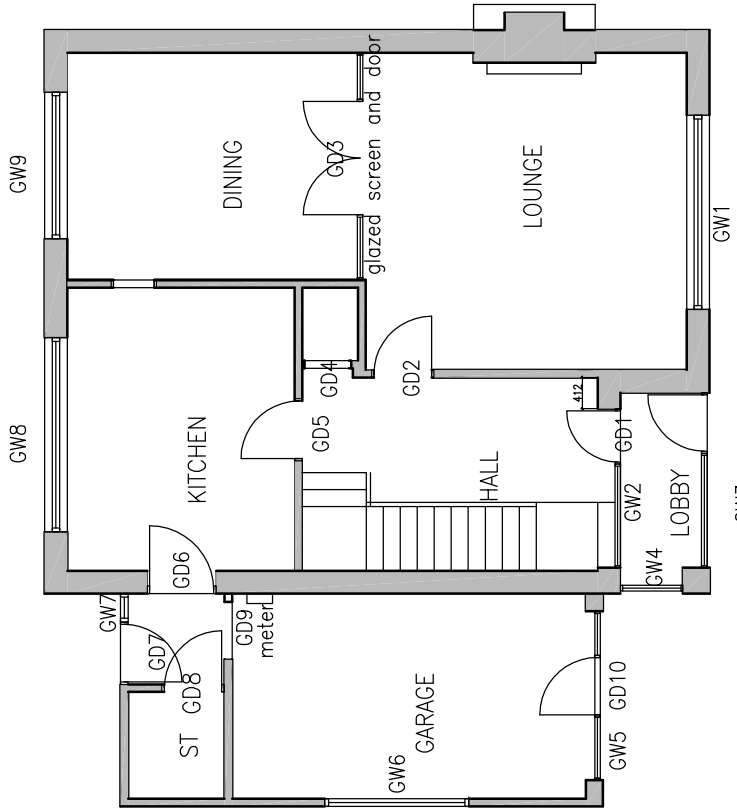


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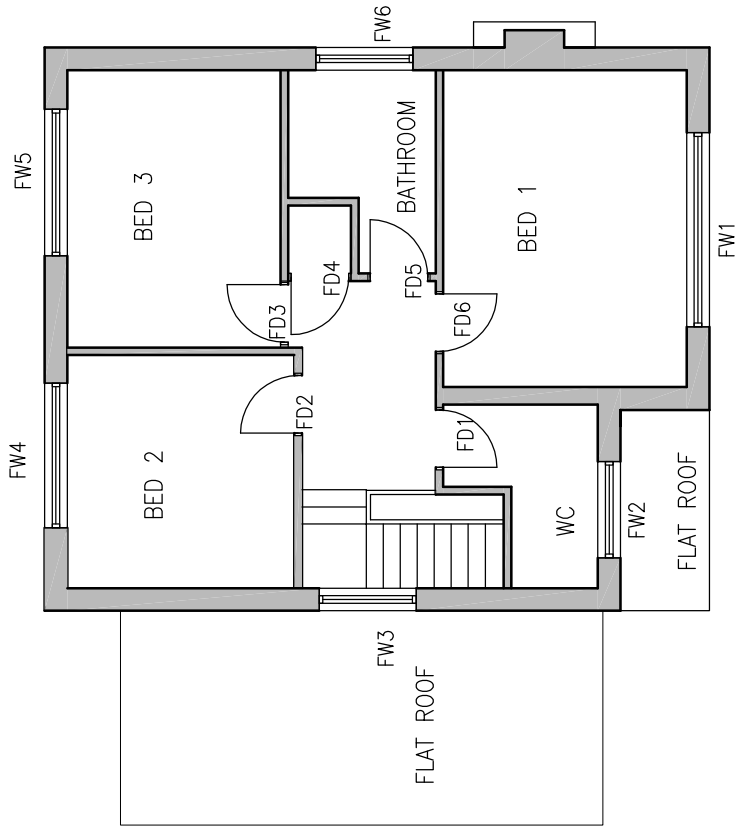


Brian F Child Dip ARCH RIBA,
Griffel View, Cummersdale, Carlisle tel 01228 534537 mob 0782182445
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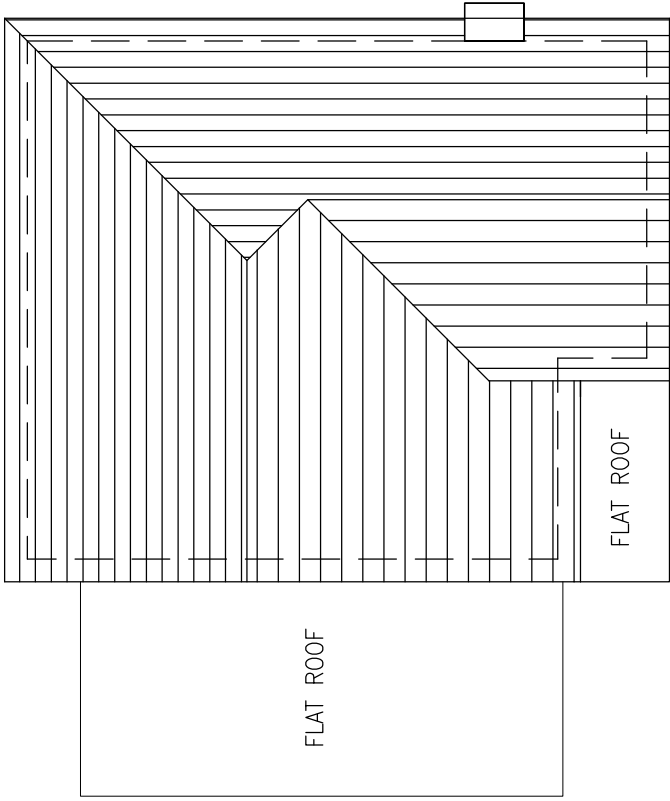
Project Proposed Extension and Alterations
19 Millcroft, Carlisle, CA3 0HX
Drawing Block and Site Plans



Ground Floor
Existing

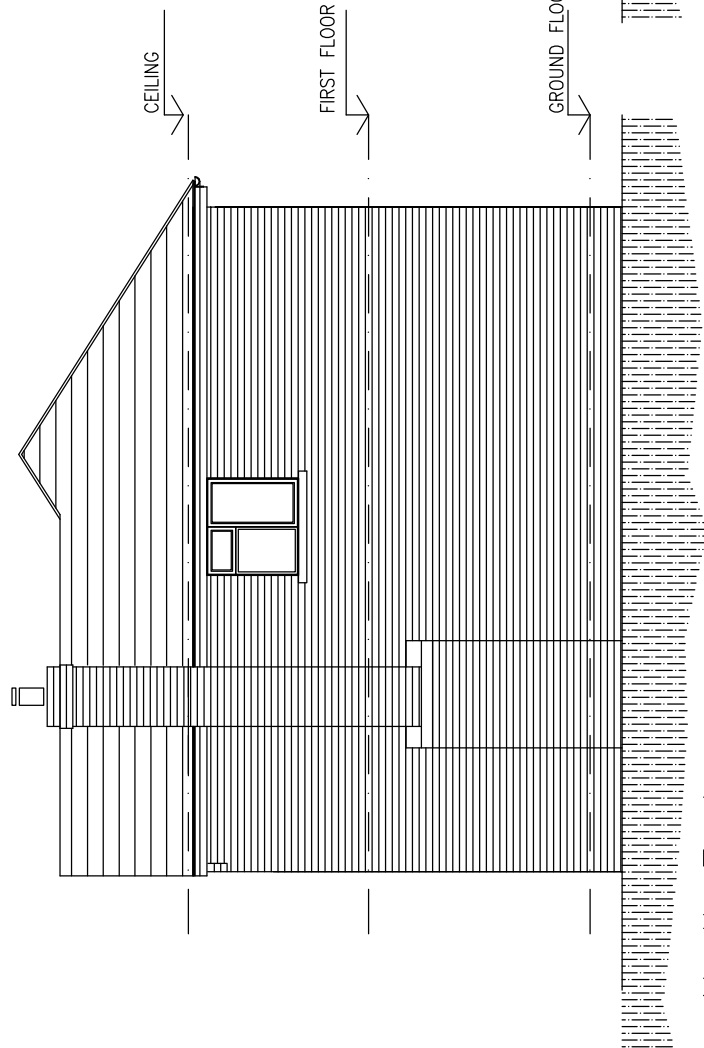


First Floor
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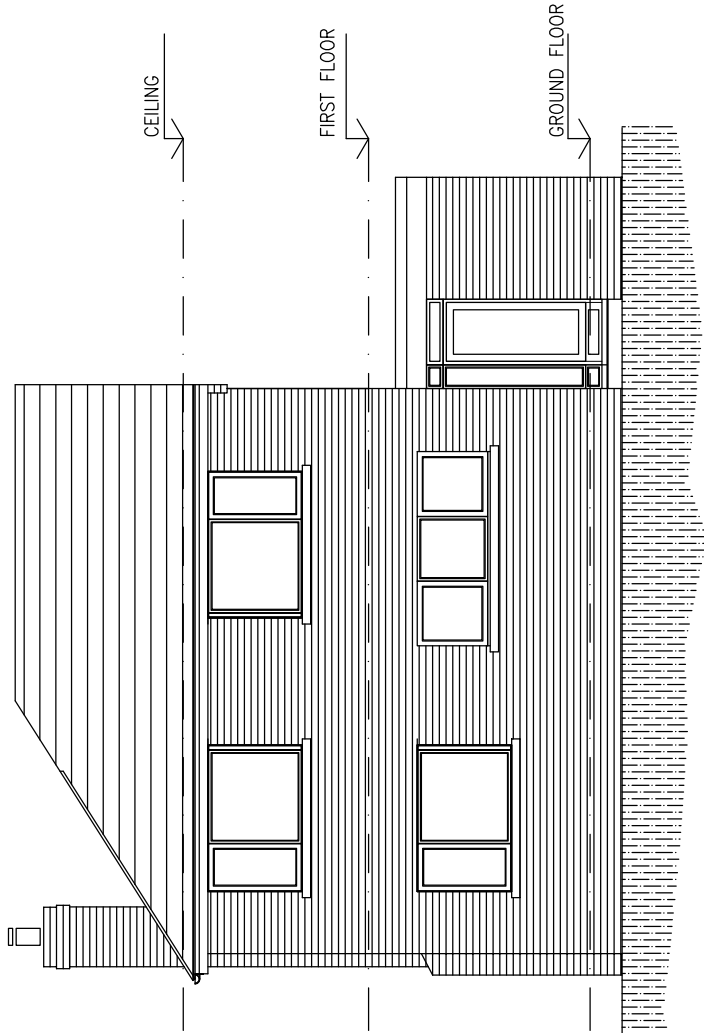


ROOF PLAN
Existing

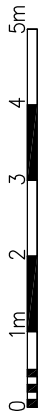
MATERIALS TO EXISTING HOUSE
WALLS: RED CLAY FACING BRICK, CAVITY WALL TO HOUSE
ROOF :CONCRETE 'PANTILE' INTERLOCKING TILES, COLOUR GREY
WINDOWS : WHITE FRAMED UPVC, DOUBLE GLAZED
DOORS: WHITE FRAMED AND DOUBLE GLAZED
NOTE THAT ALL DIMENSIONS
TO BE CHECKED ON SITE



North East
Elevation Right Gable



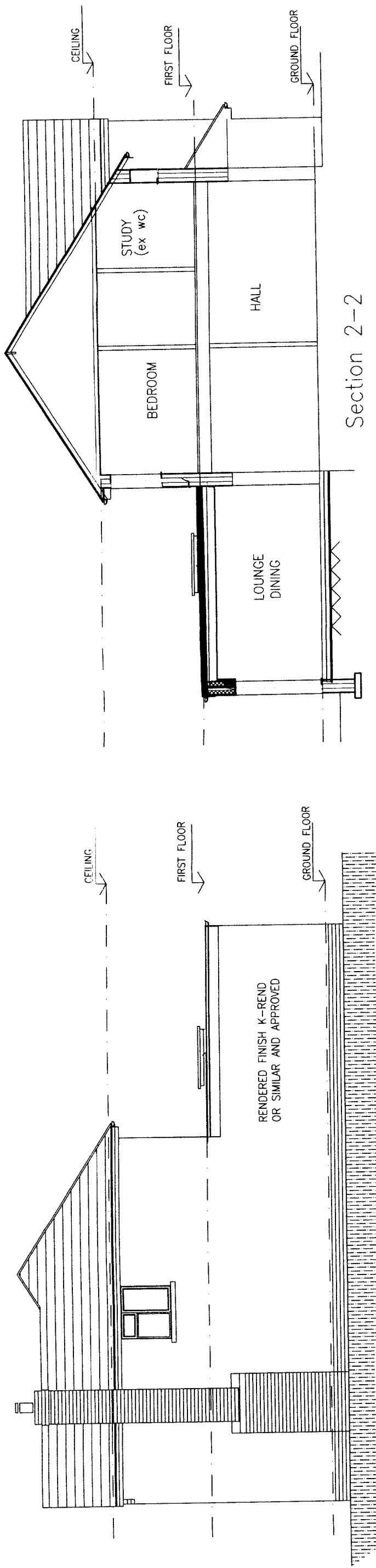
North West
Elevation Rear



Revisions:

Brian F Child Dip ARCH RIBA
Criffel View, Cummersdale, Carlisle tel 01228 534537 mob 078218245
e-mail: brianfchild@hotmail.co.uk
Project Proposed Extension and Alterations
19 Millicroft, Carlisle, CA3 0HX
Drawing Existing Plans and elevations

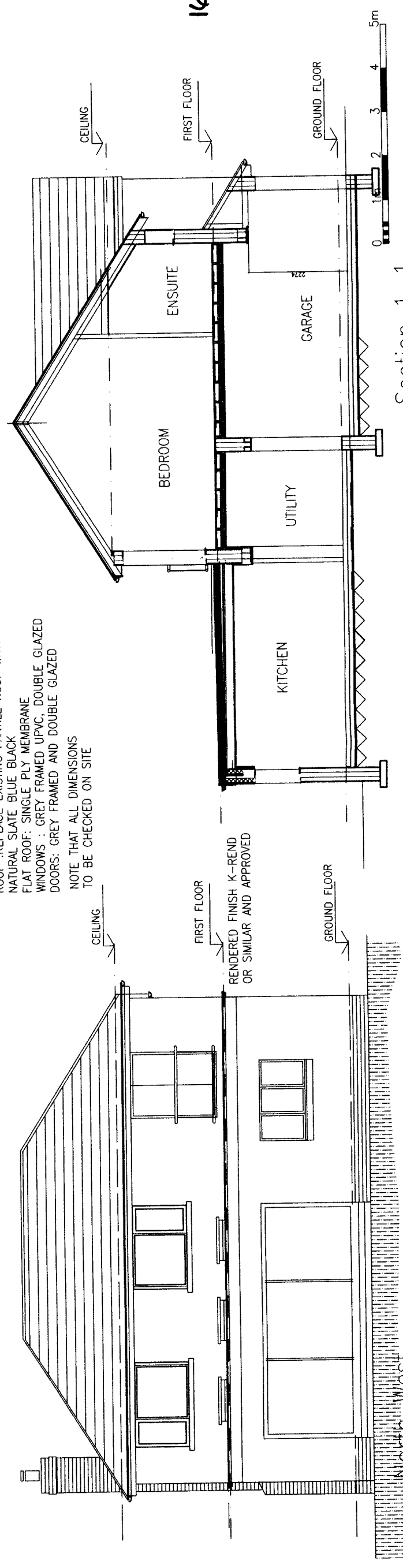
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South East
Elevation

Section 2-2

MATERIALS TO EXISTING HOUSE
 WALLS: RED CLAY FACING BRICK, CAVITY WALL TO HOUSE
 ROOF : CONCRETE 'PANTILE' INTERLOCKING TILES, COLOUR GREY
 WINDOWS : GREY FRAMED UPVC, DOUBLE GLAZED
 DOORS: WHITE FRAMED AND DOUBLE GLAZED
 MATERIALS TO PROPOSED EXTENSION
 WALLS: RENDERED BLOCKWORK - SELF COLOURED
 RENDER TO NEW AND EXISTING SURFACES, K-REND OR SA, COLOUR - OFF WHITE
 ROOF : REPLACE EXISTING PANTILE ROOF WITH NATURAL SLATE BLUE BLACK
 FLAT ROOF: SINGLE PLY MEMBRANE
 WINDOWS : GREY FRAMED UPVC, DOUBLE GLAZED
 DOORS: GREY FRAMED AND DOUBLE GLAZED
 NOTE THAT ALL DIMENSIONS TO BE CHECKED ON SITE



North West
Elevation

Section 1-1

16/08/2

Revisions:
 A: 16:10:16: AMENDMENT TO BALUSTRADE DETAIL REVISE TO JULIETTE BALCONY AND AMENDMENT TO WINDOW AND DOOR FRAME COLOUR

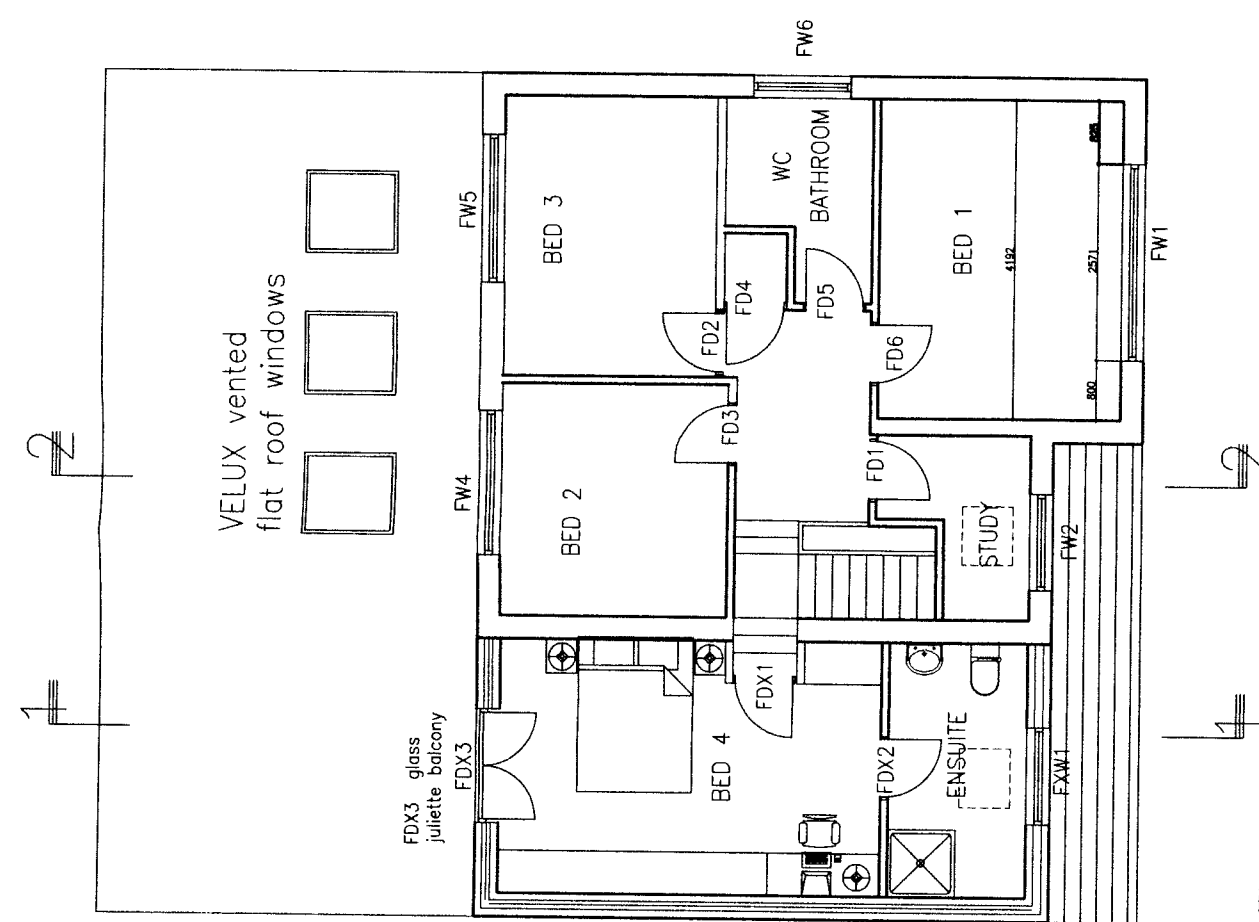
Brian F Child Dip ARCH RIBA
 Criffel View, Cummersdale, Carlisle tel 01228 534537 mob 07821824541 e-mail:brianfchild@hotmail.com
 Project Proposed Extension and Alterations
 Drawing Proposes Elevations
 19 Millcroft, Carlisle, CA3 0HX

Scale: 1:100 @ A3 Date: 04.08.16 Drawn by: Number: 1329-04A
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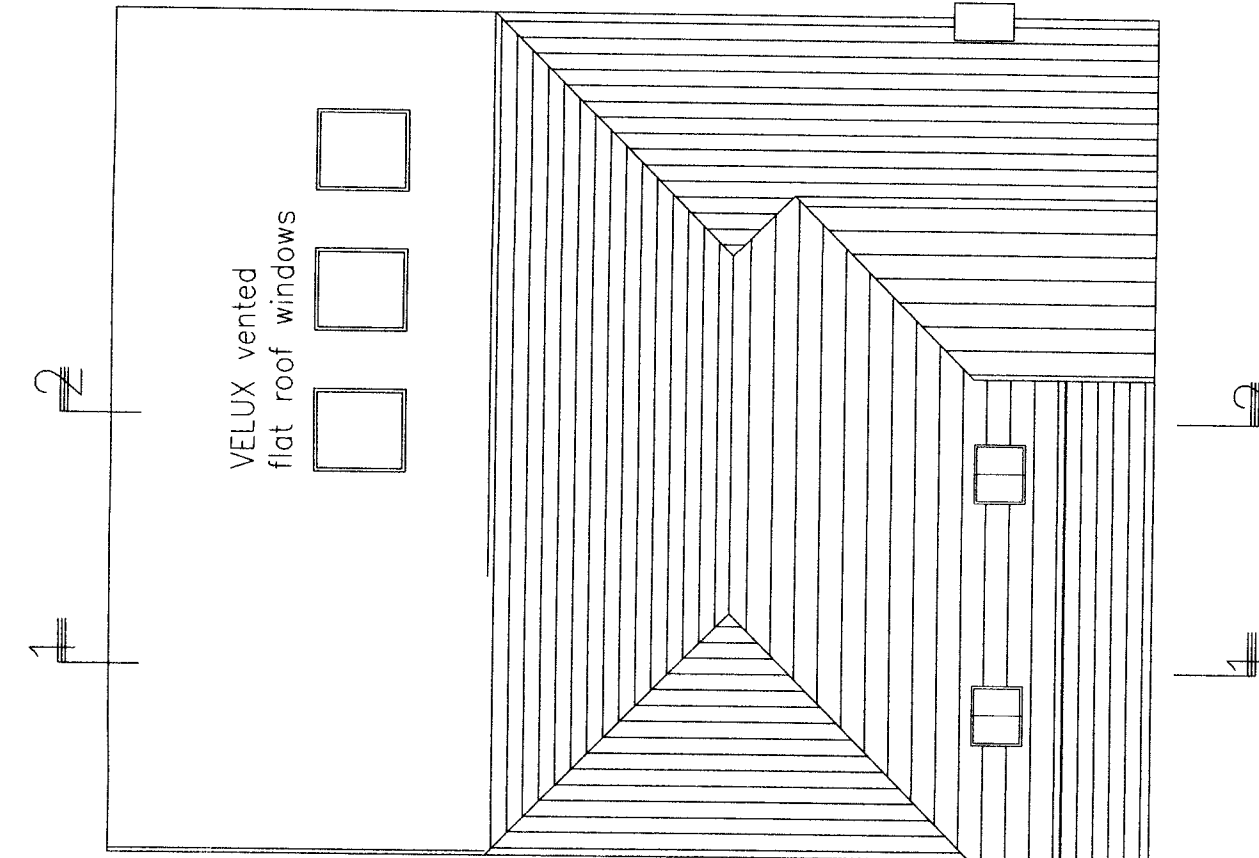
MATERIALS TO EXISTING HOUSE
WALLS: RED CLAY FACING BRICK, CAVITY WALL TO HOUSE
ROOF :CONCRETE 'PANTILE' INTERLOCKING TILES, COLOUR
GREY
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MATERIALS TO PROPOSED EXTENSION
WALLS: RENDERED BLOCKWORK – SELF COLOURED
RENDER TO NEW AND EXISTING SURFACES, K-REND
OR SA, COLOUR – OFF WHITE
ROOF :REPLACE EXISTING PANTILE ROOF WITH
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WINDOWS : GREY FRAMED UPVC, DOUBLE GLAZED
DOORS: GREY FRAMED AND DOUBLE GLAZED

NOTE THAT ALL DIMENSIONS
TO BE CHECKED ON SITE



Roof Plan Proposed

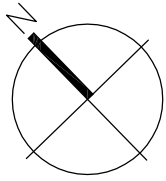


Roof Plan Proposed

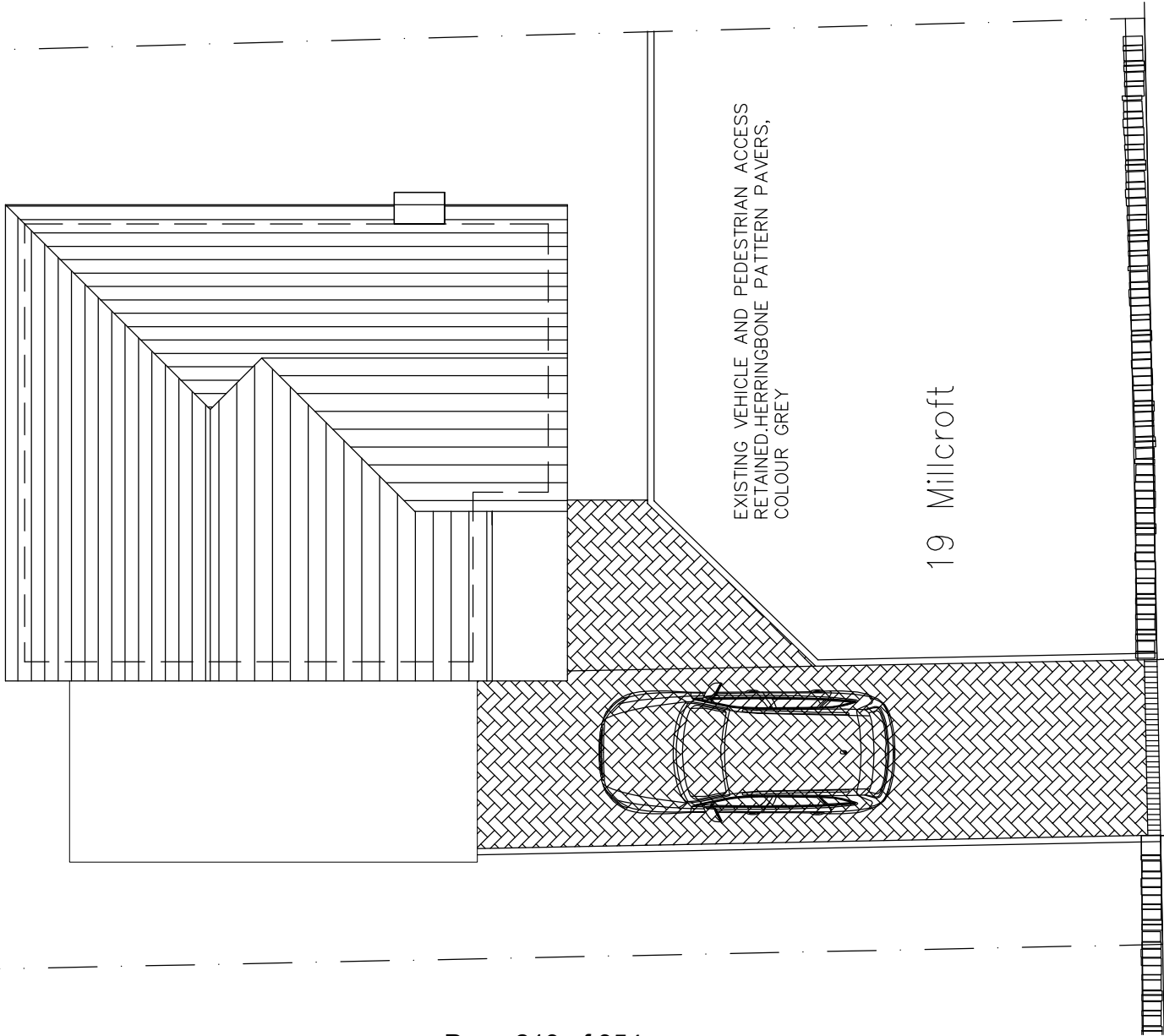
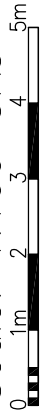
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Brian F Child Dip ARCH RIBA
Griffel View, Cummersdale, Carlisle tel 01228 534537 mob 07821824541
Project Proposed Extension and Alterations e-mail: brianfchild@hotmail.com
Drawing 19 Millcroft, Carlisle, CA3 0HX
Proposed Plans

Scale: 1:100@A3 Date: 04-08-16 Drawn by: Number: 1329-03A



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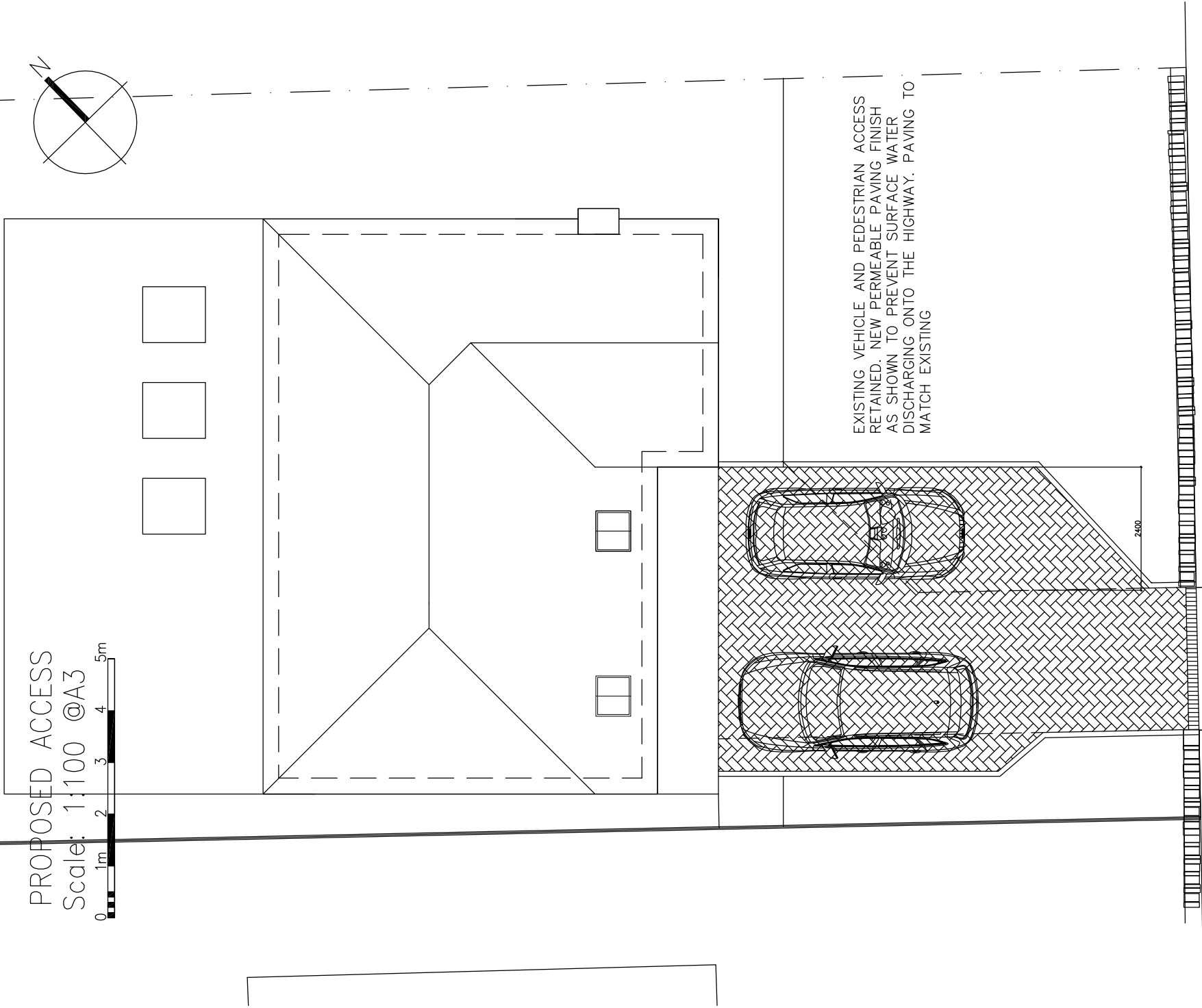
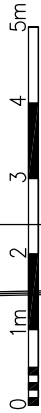


19 Millcroft

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Revisions:

PROPOSED ACCESS
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Project Proposed Extension and Alterations

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Drawing Block and Site Plans

Scales shown Date: 04/08/16 Drawn by: ... Number: 11329-0
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SCHEDULE A: Applications with Recommendation

16/0690

Item No: 10

Date of Committee: 25/11/2016

Appn Ref No:
16/0690

Applicant:
H & H Group PLC

Parish:
Carlisle

Agent:
Garner Planning

Ward:
Botcherby

Location: Land at Montgomery Way, Rosehill Industrial Estate, Carlisle, CA1 2RS

Proposal: Erection Of New Pioneer Food Hall With Coffee Shop; 11No. Industrial Units (Use Classes B1/B2/B8); Car Park And Infrastructure Works

Date of Receipt:
12/08/2016

Statutory Expiry Date
11/11/2016

26 Week Determination
10/02/2017

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

- 1.1 Subject to the awaited comments of Natural England, the proposal will be recommended for approval with conditions.

2. Main Issues

- 2.1 The effect of the proposal on the supply of employment land.
2.2 The effect of the proposal on highway safety.
2.3 Whether existing contamination is adequately addressed.
2.4 Whether the proposal will increase flood risk on or off the site and/or is appropriate for the designated flood zone.
2.5 The effect on ecology.

3. Application Details

The Site

- 3.1 This application relates to a 2.23 hectare site located on the west side of Montgomery Way to the south of the Harpers car dealership/garage, Lookers Van Centre, and the ATS tyre centre; and to the immediate north of other commercial premises such as Bute House which is occupied by Armstrong

Watson and the NFU/NFU Mutual. On the opposite side of Montgomery Way there is the auction mart with its associated facilities in the form of The Auctioneer and The Shepherds Inn as well as premises occupied by Pioneer. To the west of the site runs the course of Durranhill Beck. The application site is predominantly used as an informal car park with vehicle height restricted access from Montgomery Way for the occupiers and users of Rosehill Industrial Estate.

- 3.2 The application site is currently covered in tarmac or granular hard-core with scrub planting along the south and west boundaries. A mature oak is on the southern boundary. The site is known to be underlain by land filled household waste and ash. The site is generally flat with an east to west fall in gradient from 18.6 metres AOD to 16.5 metres AOD. Durranhill Beck is about 3.5 metres lower than the application site. The western part of the site, adjoining Durranhill Beck, is in Flood Zone 3a whilst the eastern part is in Flood Zone 1. Durranhill Beck discharges into the River Eden, which is a SSSI and SAC and lies 615 metres to the north. In addition to Durranhill Beck, Collar Beck is 350 metres to the north-east.

Background

- 3.3 Pioneer currently employs approximately 215 full time staff in Carlisle of which 205 are located at Rosehill and 10 at Fisher Street. Pioneer use 53 multi-temperature vans which deliver to about 2,500 catering customers in southern Scotland and the north of England. The existing food store serves approximately 2,750 customers per week. The store opening times are: 07.00 to 17.00 hours Monday to Friday, and 07.00 to 13.00 hours on Saturday. The existing food store employs 20 full time equivalent staff. Approximately two thirds of sales are fresh and cooked meat products sourced from local farms.

The Proposal

- 3.4 The current application is seeking full permission for the erection of a Pioneer food hall (including a coffee shop), an access road, eleven employment units (use classes B1, B2 and B8), a car park with 295 spaces, and a surface water attenuation basin. The proposed food hall is to replace the current Pioneer store located on the eastern side of Montgomery Way. On opening the proposed food hall the existing food store would be incorporated into the wholesale part of the business.
- 3.5 The proposed food hall is to be located with a frontage onto Montgomery Way and has a gross external area of 1401 square metres of which 445 square metres relates to the ground floor area available to members of the public, and 180 square metres relates to the proposed first floor coffee shop. By way of comparison, the current food store has a net area of 335 square metres available to the public. A new site access road is to be formed off Montgomery Way to serve the customer car park of the proposed food hall, the new car park, and the proposed employment units. A separate service yard access for the proposed food hall is shown from Auchinleck Drive

- 3.6 The proposed employment units, with an internal overall floor area of approximately 1980 square metres, are shown to be located in the western section of the site.
- 3.7 The proposed car park, the use of which will now be the subject of a charge, will provide 295 spaces formally laid out and surfaced in tarmac. In addition, the intention is for the proposed food hall to be served by 46 spaces, and the industrial units to have 35 spaces. The available information indicates that the current car park has a peak usage of approximately 315 cars.
- 3.8 In addition to the submitted plans, the application is accompanied by:
- An Outline Foul & Surface Water Drainage Strategy;
 - A Phase II Geo-Environmental Site Assessment;
 - An Ecological Appraisal;
 - A Statement of Community Involvement;
 - A Planning Statement;
 - A Tree Survey;
 - Design and Access Statements;
 - A Remediation and Enabling Works Performance Specification;
 - A Proposed Utility Services Report; and
 - A Flood Risk Assessment and Outline Drainage Strategy.
- 3.9 The submitted Planning Statement (PS) explains that the additional space for Pioneer will allow the company to expand its operations and thus increase jobs in the warehousing element of the business. In addition, Pioneer estimate that the proposed larger and improved food hall will lead to an additional 10 full time staff as well as maintaining the viability of local suppliers. The opening times for the proposed hall are indicated as being: 07.00 hours to 18.00 hours Monday to Saturday, and 10.00 hours until 16.00 hours on Sunday.
- 3.10 The PS also highlights that the proposed food hall is an important part of enabling the regeneration and development of the existing car park. This is because there are significant costs associated with the site's remediation and the food hall is an important element in terms of funding these works resulting in environmental improvements a long with the proposed employment units.
- 3.11 The intention is for surface water from the proposed food hall and initial length of access road will go into an existing surface water sewer on Montgomery Way with the surface water for the remainder of the site discharging into Durranhill Beck via the proposed attenuation basin.

4. Summary of Representations

- 4.1 This application has been advertised in the form of press and site notices, and the direct notification of the occupiers of 18 properties in response to which one objection has been received on the following grounds:

1. if the proposal goes ahead there will be no space left for those working at Rosehill to park;
 2. the daily charge will allegedly leave no alternative but to look for new employment elsewhere; and
 3. people will not use the proposed car park but park on the main road causing traffic problems.
- 4.2 The application is also accompanied by a Statement of Community Involvement explaining that the applicant undertook a public exhibition on the 11th July 2016 based upon which 15 feedback forms/e-mails were received. The principle issue of concern related to car parking with specific regard to:
1. the proposed level of car parking was alleged to be inadequate;
 2. concern over the loss of free car parking and level of charges; and
 3. the financial impact on local employees of paying for car parking.

5. Summary of Consultation Responses

Local Environment, Waste Services: - Unclear whether proposed recycling bins shown situated in the proposed car park adjacent to the industrial units will be just for use by the surrounding businesses only as opposed to a public use facility.

Cumbria County Council - (Econ. Dir. Highways & Transportation): - The applicant has modelled Montgomery Way / Warwick Rd / Tesco, pedestrian / signalised junction following concerns raised by the Highway Authority. Whilst we accept the report's conclusion we still have reservations in relation to the 11 no industrial units for classes B1/ B2 /B3 & their usage. We are unable to object to this issue as it is clearly shown to be acceptable in the addendum report.

On this basis, the Highway Authority & Lead Local Flood Authority have no objection to the development subject to the imposition of relevant conditions with regard to: the provision of ramps on each side of the access road for wheelchairs/pushchairs etc; the surfacing of the access road; vehicular access restricted that shown on the approved plan; details of surface water drainage; lighting; parking/turning for vehicles; the parking of construction vehicles; and the approval of a Travel Plan.

Environment Agency: - We consider that planning permission could be granted for the proposed development subject to the imposition of conditions regarding: contamination; controlling any piling on the site; surface water drainage; and implementation of the development in accordance with the submitted Flood Risk Assessment.

United Utilities - No comments received.

Local Environment - Environmental Protection: - No objections to the application in principle. If the application is successful then the applicant should contact this Department in order to be advised with regard to legislative compliance for food safety and occupational health and safety.

Cumbria Constabulary: - No objection subject to additional information received inclusive of a security treatment site plan.

Natural England: - Comments awaited.

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 At a local level the relevant planning policies against which the application is required to be assessed are SP1, SP6, EC2, IP2, IP3, IP6, CC4, CC5, CM4, and GI3 of the recently adopted Carlisle District Local Plan 2015-2030.
- 6.3 The report prepared by DTZ on behalf of the City Council ("Carlisle Employment Sites Study: Implications for M6 Corridor", June 2010) highlighted that Rosehill Industrial Estate is well related to the M6 and therefore can play a wider, more strategic role in Carlisle's growth. The DTZ report (2010) also identified a continued need for good quality industrial premises (para. 7.20) and described the Rosehill Estate as a "Priority Investment Location".
- 6.4 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), and Planning Practice Guidance (April 2014). Due regard should also be made with regard to the requirements of the public sector equality duty in Section 149 of the Equality Act 2010.
- 6.5 Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as "a golden thread". For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or

- specific policies in this Framework indicate development should be restricted.
- 6.6 Paragraph 17 of the Framework identifies 12 core planning principles including planning being a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seeking to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings; taking account of the different roles and character of different areas; contribute to conserving and enhancing the natural environment; encourage the effective use of land in urban and rural areas; and focusing significant development in locations which are or can be made sustainable.
- 6.7 In this context it is considered that the proposal raises the following main planning issues:
- the effect of the proposal on the supply of employment land;
 - the effect of the proposal on highway safety;
 - whether existing contamination is adequately addressed;
 - whether the proposal will increase flood risk on or off the site and/or is appropriate for the designated flood zone; and
 - the effect on ecology.

Employment Land

- 6.8 This issue covers two aspects, namely the direct loss of part of the application site for potential employment purposes, and whether the food hall use of the site would constrain the use of any neighbouring employment land.
- 6.9 Paragraph 22 of the Framework emphasises that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses should be treated on their merits. In July 2015 HM Treasury published “Fixing The Foundations: Creating A More Prosperous Nation” which explained that the government is committed to an urban planning revolution on brownfield sites.
- 6.10 Policy EC2 (Primary Employment Areas) of the CDLP 2015-2030 states that:
- “...Where there is no reasonable prospect of an entire employment site remaining in continued employment use; interventions to improve the attractiveness of the site are not feasible; and its release would not impact on the wider strategy for employment land or the availability of local employment opportunities, applications for alternative uses of land or buildings will be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”*
- 6.11 Policy EC2 of the CDLP 2015-2030 was written in the context of the “Carlisle Employment Sites Study” (2010) prepared by DTZ. When considering the potential loss of part this site as employment land, the DTZ Study (2010)

highlighted that:

- at face value there is a quantitative surplus of employment land in the Carlisle District – equivalent to between 19 and 55 years supply;
- but there is a spatial imbalance with the majority of land and premises to the north of the City away from concentrations of population to the southern areas; and
- much of Carlisle's available employment premises are unsuited to modern needs in terms of quality, size, type and location – in respect of the City's employment sites only 15% fell within the “top” scoring category indicating a need for investment to improve the economic contribution of those remaining “moderate” and “lower” categories.

6.12 In this context it is evident that the current proposal is enabling the greater provision of industrial units at Rosehill. In effect, the “loss” of part of the site will lead to greater provision of industrial units on the estate which is consistent with the wider strategy of the CDLP (2015-2030). The site has remained undeveloped over a number of years yet is in a prime location fronting Montgomery Way. The scale of the proposal is considered to be appropriate; and would enhance the appearance of the area.

6.13 Based on the existing presence of a Pioneer store and the submitted details in terms of access and relationship between premises, it is considered that the proposal will not constrain the use of neighbouring employment premises.

Highway Safety

6.14 Paragraph 32 of the Framework states that development “...*should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*” When considering highway safety, the two areas of concern that have arisen relate to the capacity of the Warwick Road (A69)/Montgomery Way junction, and the overall adequacy of vehicle parking provision.

6.15 On the matter of the Warwick Road/Montgomery Way junction, Turner Lowe Associates undertook a modelling exercise on behalf of the applicant which concluded that the proposal would not have any material effect on the operation of the junction and clearly not the “severe” effects required for proposed development to be refused planning permission under paragraph 32 of the Framework. The Highway Authority has subsequently not raised any objections subject to the imposition of relevant conditions. On this basis it is considered that the proposal will not have a material impact on the capacity of the junction and consequently the greater highway network.

6.16 On the matter of car parking, the applicant has had a survey of usage undertaken during July 2016. The survey identified that on the morning of the 13th there were 315 vehicles; during the morning of the 19th there were 308 vehicles; and during the afternoon of the 21st there were 258 vehicles parked on the site. The survey results show that the current usage is above the proposed new car park capacity of 295 spaces, plus additional car parking for the proposed food hall and industrial units. In response to these figures the

applicant has explained:

- City centre workers allegedly use the car park as an unofficial park and ride facility;
- bus tour companies allegedly use the car park as a pick up point for coach holidays with customers parking for the duration of their holiday - this is evidenced by overnight parking of 20-50 vehicles;
- it is alleged that adjoining motor dealers use the car park;
- the H&H Group employ 147 staff with a significant number using this car park - once the site is developed these staff will be instructed to use the new car parking area on their own site at Borderway which has capacity for 430 spaces and is only used as overflow parking for special events;
- Pioneer's current customers use the car park but the proposed food hall will have its own dedicated car park with 43 spaces;
- the car parking charges will not be in excess of present rates charged by the City Council for its own sites; and
- making a charge for a car park that is currently free will attract objections but the significant improvement of the car park and future management of that car park does come at a cost that needs to be recouped over time.

6.17 In the submitted Planning Statement, the agent has also explained that during the construction phase the applicant will make available land at the car auction site to be used for off-street parking.

6.18 Based on the foregoing, it is considered that the current proposal cannot be resisted on parking grounds.

Contamination

6.19 The submitted "Remediation & Enabling Works Performance Specification" and "Phase II Geo-Environmental Site Assessment" prepared by E3P on behalf of the applicant highlight that the site is made ground to a maximum depth of 5.5 metres. Asbestos is present across the site as well as the localised presence of cyanide and naphthalene in the central portion. The presence of elevated levels of ammonia, hydrocarbons, carbon dioxide and methane are also noted.

6.20 In such circumstances, E3P emphasise that the naphthalene and cyanide will need to be removed; the asbestos can be placed in an area of no future sensitivity; any hydrocarbon hotspots will need to be dealt with by treatment of the impacted soil on site; a barrier or remediation system should be considered to deal with any potential migration of ammonia; and measures required to prevent the migration of carbon dioxide and methane. In addition, it is considered that the site is not suitable for infiltration type drainage/soakaways and that off-site disposal routes are needed.

6.21 It is considered that the proposed remediation and mitigation measures can be addressed through the imposition of relevant conditions.

Flood Risk

- 6.22 When considering flood risk the relevant issues revolve around ensuring that the proposal does not increase flood risk on or off the site, and that the proposed use is appropriate to the relevant designated flood zone.
- 6.23 The submitted "Flood Risk Assessment & Outline Drainage Strategy" (FRADS) prepared by RG Parkin & Partners recognises that the application site lies within Flood Zones 1 and 3. The FRADS explains that the proposed attenuation basin will be lined with an impermeable geomembrane to prevent infiltration into the underlying contaminated ground and is designed to have a 300mm freeboard to provide 300 cubic metres of additional storage. Discharge from the basin is to be controlled at the pre-development brownfield rate of 95 litres per second. Any surface water discharge into the existing surface water sewer within Montgomery Way is to be restricted to 10 litres per second utilising attenuation tanks beneath the access road. The intention is for foul flows to discharge directly or indirectly via a pumping station into an existing foul sewer within Montgomery Way.
- 6.24 Although land situated to the west of the proposed development is located within Flood Zone 3a, the Environment Agency has advised the applicant that they hold no records of flooding at the site and it is not located within the 2015 flood outline for Storm Desmond. This aside, the Technical Guidance to the Framework identifies general industry to be "less vulnerable" and therefore an appropriate form of development in Zone 3. In order to deliver a safe development, the FRADS confirms that the floor levels will, nevertheless, be set 600mm above the attenuation basin crest level of 16.6 metres AOD (i.e.17.2 metres AOD).
- 6.25 In summary, the proposed food hall is in Flood Zone 1 and therefore should not be at risk from flooding. In the case of the proposed employment units they are considered to be an appropriate use with measures taken to reduce any risk from flooding. The proposed means of foul and surface water drainage have been designed such that they should also not increase flood risk on or off the site.

Ecology

- 6.26 Policy GI3 (Biodiversity & Geodiversity) of the CDLP 2015-2030 seeks to ensure the protection and, where possible, enhancement of biodiversity assets across the District. These policies are consistent with Section 11 of the Framework.
- 6.27 The "Ecological Appraisal" and "Tree Survey" prepared by Environtech on behalf of the applicant conclude that the site is of low ecological value with no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding areas. There is one oak tree on the site that is to be retained and therefore protected during construction. The Appraisal also recommends other mitigation measures involving: the landscaping scheme utilising native and wildlife friendly plants; retaining the dense scrub near Durranshill Beck; contaminants not being allowed to enter Durranshill Beck; and precautionary measures should be taken during the construction

phase to prevent any adverse impact on any species.

- 6.28 It is considered that the above recommendations can be the subject of relevant conditions. The River Eden & Tributaries are a Site of Special Scientific Interest and a Special Area of Conservation. Durranhill Beck running along the western boundary of the site provides hydrological connectivity to the river and thus there could be potential impacts both during the construction phase and the operational phase. Based on the submitted information, no direct and indirect impacts on the River Eden and Tributaries SSSI are anticipated although the formal observations of Natural England are awaited.

Other Matters

- 6.29 Concerns have been raised over how the proposed car park will be managed and the consequent charging, however, this is a separate matter distinct from the planning process.
- 6.30 There are dwellings that are within and neighbour the industrial estate but given the existing extent and number of commercial/industrial uses, if any noise/odour issues arise from the proposed industrial units sufficient to warrant action, then this already exists. In effect, it is considered that the addition of eleven further industrial units, which are not effectively closer to the existing dwellings when compared to those already found on the Estate, should not increase the potential for any conflict.

Conclusion/Planning Balance

- 6.31 Paragraph 14 of the Framework says that at its heart there is a presumption in favour of sustainable development. Paragraph 7 identifies the three dimensions to sustainable development: economic, social and environmental. The three roles being mutually dependent and should not be taken in isolation (paragraph 8).
- 6.32 Rosehill Industrial Estate has been identified as a "Priority Investment Location" that is well connected and can play a wider, more strategic role in Carlisle's growth. This is at a time when a need for good quality industrial premises has been identified. Whilst the application has not been accompanied by a viability report, it is recognised that the redevelopment of the whole site for employment purposes needs to overcome significant constraints. It is also unlikely that the applicant would seek permission for a scheme which it was not confident it could viably deliver.
- 6.33 In this context, this proposal will provide employment during the construction phase, safeguard existing jobs, and lead to an increase in local employment. The proposed industrial units are speculative with no end users identified. However, modern, purpose built employment units are proposed which would assist in increasing the availability of employment premises to the benefit of the local economy. This application also involves the re-use of a currently contaminated brownfield site that will enhance the appearance of the area.

The proposal has the potential to lead to material social, economic and environmental benefits.

- 6.34 Subject to the awaited comments of Natural England, the proposal will be recommended for approval.

7. Planning History

- 7.1 The available records do not indicate the site as having previously been the subject of a planning application.

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 approved documents for this Planning Permission comprise:
1. the submitted planning application form received 29th June 2016;
 2. the Site Location Plan (drawing ref 11543-01) received 12th August 2016;
 3. the Site Plan as Existing (drawing ref 11543-11) received 29th July 2016;
 4. the Site Plan as Proposed (drawing ref 11543/12D) received 25th October 2016;
 5. the Proposed Site Plan (drawing ref 12044-08B) received 19th August 2016;
 6. the Proposed Ground Floor Plan (drawing ref 12044-10B) received 19th August 2016;
 7. the Proposed First Floor Plan (drawing ref 12044-11B) received 19th August 2016;
 8. the Proposed Roof Plan (drawing ref 12044-12B) received 19th August 2016;
 9. the Proposed Typical Section (drawing ref 12044-13) received 29th July 2016;
 10. the Proposed Elevations (drawing ref 12044-14B) received 19th August 2016;
 11. the Proposed Workshop Units Block A (drawing ref 11543-14) received 29th July 2016;
 12. the Proposed Workshop Units Block B (drawing ref 11543-15) received 29th July 2016;
 13. the Proposed Workshop Units Block C (drawing ref 11543-16) received 29th July 2016;
 14. the Outline Foul & Surface Water Drainage Strategy (drawing ref K32499/A1/100A) received 29th July 2016;

15. the Plan showing Existing Pioneer Site/Premises (drawing ref 12083-00A) received 12th August 2016;
16. the Security Site Plan (drawing ref 12044-EX04A) received 25th October 2016;
17. the Phase II Geo-Environmental Site Assessment received 1st August 2016;
18. the Ecological Appraisal received 12th August 2016;
19. the Statement of Community Involvement received 29th July 2016;
20. the Planning Statement received 29th July 2016;
21. the Tree Survey received 29th July 2016;
22. the Design and Access Statement for Proposed Car Park and Workshop Development received 29th July 2016;
23. the Design and Access Statement for Proposed Food Hall - Proposed New Building and Associated Car Parking received 29th July 2016;
24. the Remediation & Enabling Works Performance Specification received 1st August 2016;
25. the Proposed Utility Services Report received 29th July 2016;
26. the Flood Risk Assessment & Outline Drainage Strategy received 1st August 2016;
27. the Notice of Decision; and
28. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. Prior to the expiration of six months from the commencement of use of the hereby permitted food hall, the existing food store within the Pioneer site/premises identified in drawing number 12083-00A, shall cease trading and be used for warehousing ancillary to the wholesale use only in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: The application was considered on this basis in the light of the need to safeguard the extent of land and premises available for purposes falling within Use Classes B1, B2 and B8 at Rosehill Industrial Estate.

4. The use of the hereby permitted food hall for Use Class A1 and A3 purposes shall be confined to the areas specified in drawing numbers 12044-10B and 12044-11B.

Reason: The application was assessed on this basis and the local planning authority wish to retain control over the precise nature of the use(s) within Rosehill Industrial Estate in terms of commercial uses that take place, and the highway implications.

5. No development hereby permitted shall take place until the applicant has made available alternative temporary off street parking provision in accordance with details submitted to and approved in writing beforehand by the local planning authority. The approved temporary off street parking provision shall thereafter remain available until the new car park, as

identified as "Area B" on drawing number 11543/12B, has been fully constructed and made available for use.

Reason: In the interests of highway safety.

6. The development hereby permitted shall proceed only in accordance with the phasing as identified in section 8 of the submitted Planning Statement dated 29th July 2016 (ref. CNG/378/CSL) prepared by Garner Planning or such variation to that plan and/or programme as may subsequently be agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is developed in a co-ordinated manner.

7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) K34299/01/A/FRA-DR/RH REVISION A July 2016 and the following mitigation measures detailed within the FRA:
Finished floor levels are set no lower than 17.2000 m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently 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 reduce the risk of flooding to the proposed development and future occupants.

8. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express approval in writing of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Foundation design may cause or exacerbate migration of leachates within the waste material.

9. The approved remediation scheme, as specified in the Remediation and Enabling Works Performance Specification prepared by e3p (ref. 10-841-R3-Rev1), must be carried out in full accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing beforehand by 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 off site receptors.

10. In the event that contamination not previously identified prior to the grant of planning permission is encountered during the development, all works on site (save for investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority works on site shall not recommence until either a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or b) the local planning authority has confirmed in writing that remediation measures are not required. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the Remediation Strategy a Validation Report shall be submitted to and approved in writing by the local planning authority. Unless otherwise approved in writing no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the Remediation Strategy and Validation Report in respect of those works, as approved in writing by 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 off site receptors.

11. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;
- a. loading and unloading of plant materials;
- b. storage of plant and materials used in constructing the development;
- c. the erection and maintenance of security hoarding;
- d. wheel washing facilities;
- e. measures to control the emission of dust and dirt during construction;
- f. a scheme for recycling/disposing of waste resulting from construction works; and
- g. the timing and routing of site clearance and construction traffic.

Reason: To safeguard the environment and in the interests of highway safety during the construction phase.

12. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a scheme detailing temporary surface water drainage for the construction phase has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:

- h. phasing of the development and phasing of the temporary drainage provision as required; and
- a. methods for preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the local planning authority.

Reason: To avoid pollution and minimise the risk of flooding.

13. For the duration of the construction phase, the existing oak tree to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect the oak tree during development works.

14. The hereby permitted development, for the duration of the construction phase, shall be carried completely in accordance with the mitigation measures as set out in Section 6 of the Ecological Appraisal Report Version 4 (reference 3192) prepared by envirotech.

Reason: To safeguard local ecology and biodiversity.

15. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until details of the proposed access road, inclusive of ramps on each side, have been submitted to and approved in writing by the local planning authority. The details shall include full sections with suitable gradients and curves, traffic calming, drainage works, street lighting, lining, and surface finishes. Neither the food hall nor any industrial unit hereby permitted shall be occupied until the respective access road (including associated footways, turning heads, and surface water drainage) has been constructed and completed in accordance with the approved details and street lighting provided and brought into full operational use.

Reason: In the interests of highway safety.

16. No development shall take place until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to minimise light spillage across the site and include details of any permanent lighting to roads and footpaths/pavements together with any temporary lighting required during the construction phase. Development shall be carried out in accordance with the approved details and public areas shall only be lit as per the approved scheme.

Reason: In the interests of highway safety and to safeguard ecology.

17. Prior to the commencement of use of the foodhall and/or the industrial units hereby permitted the associated vehicle parking, turning, and unloading/loading areas shall have been surfaced and drained in accordance with details submitted to and approved in writing beforehand by the local planning authority. The approved vehicle parking, turning, and unloading/loading areas shall be retained for their intended purpose at all times thereafter.

Reason: In the interests of highway safety.

18. There shall be no means of vehicular access between the site and existing highways except by way of the approved access unless otherwise approved in writing by the local planning authority.

Reason: In the interests of highway safety.

19. At the expiration of six months from the commencement of use of the food hall hereby permitted, the developer shall prepare and submit to the Local Planning Authority for their approval a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars by staff working at the development to sustainable transport modes as well as the timetable for implementation. The use of the hereby permitted food hall shall thereafter be in accordance with the approved Travel Plan.

Reason: To aid in the delivery of sustainable transport objectives.

20. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

21. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of each phase of the hereby permitted development or in the first planting and seeding season following completion of each phase of the hereby permitted development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

22. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until samples or full details of all materials to be used on the exterior of the foodhall and industrial units hereby permitted have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the materials used are acceptable.

23. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until details of the proposed hard surface finishes to all public external areas within the proposed scheme have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that materials to be used are acceptable.

24. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until full details of the surface water system demonstrating that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc) have been agreed in writing with the local planning authority. No element of the hereby permitted development shall commence use until the approved scheme has been fully carried out.

Reason: To manage flood risk within the development that results from surface water to minimise the risk to people and property.

25. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until full details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the local planning authority.

Reason: To safeguard against negative impact outside the development boundary to people and property.

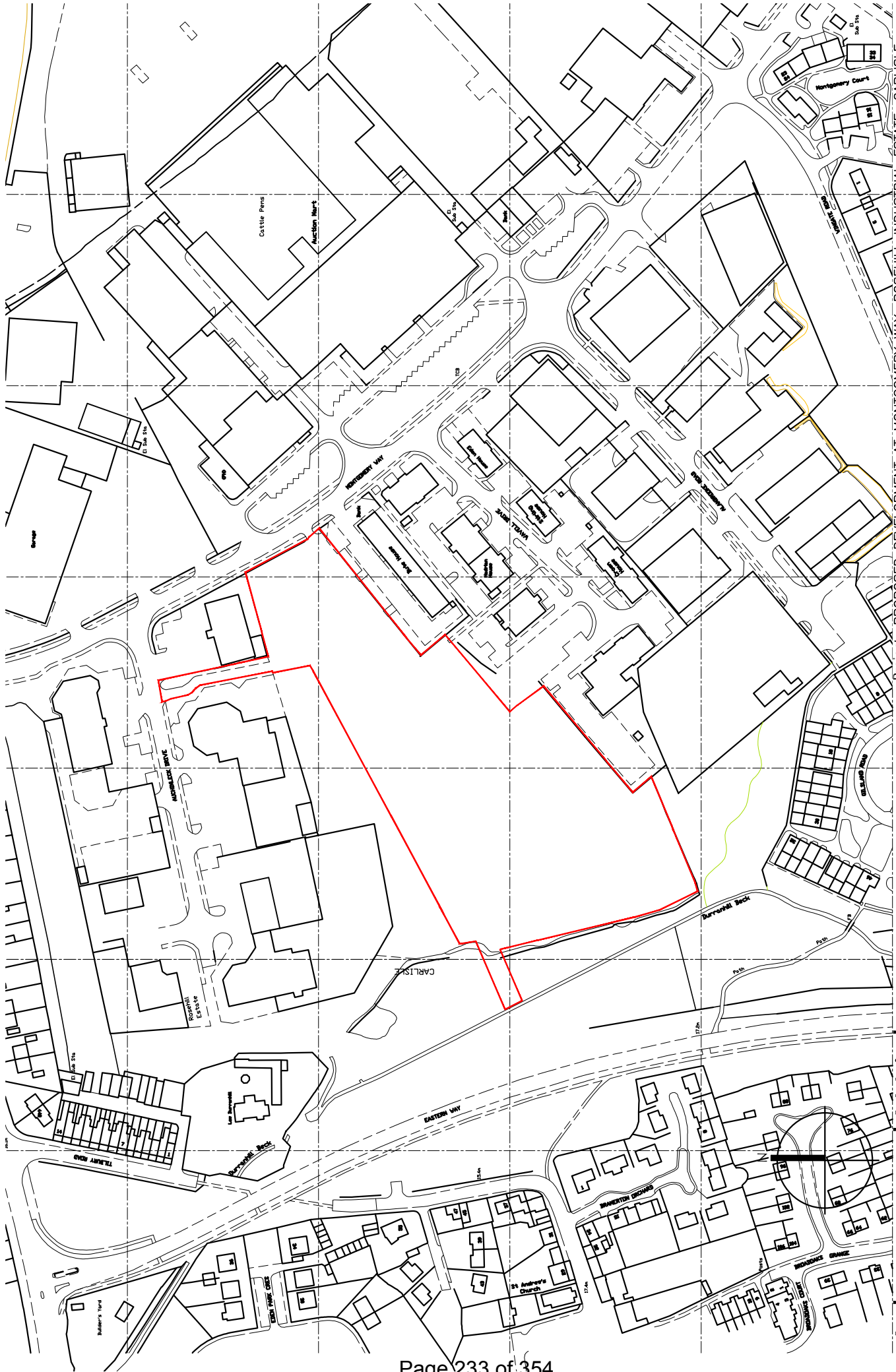
26. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until

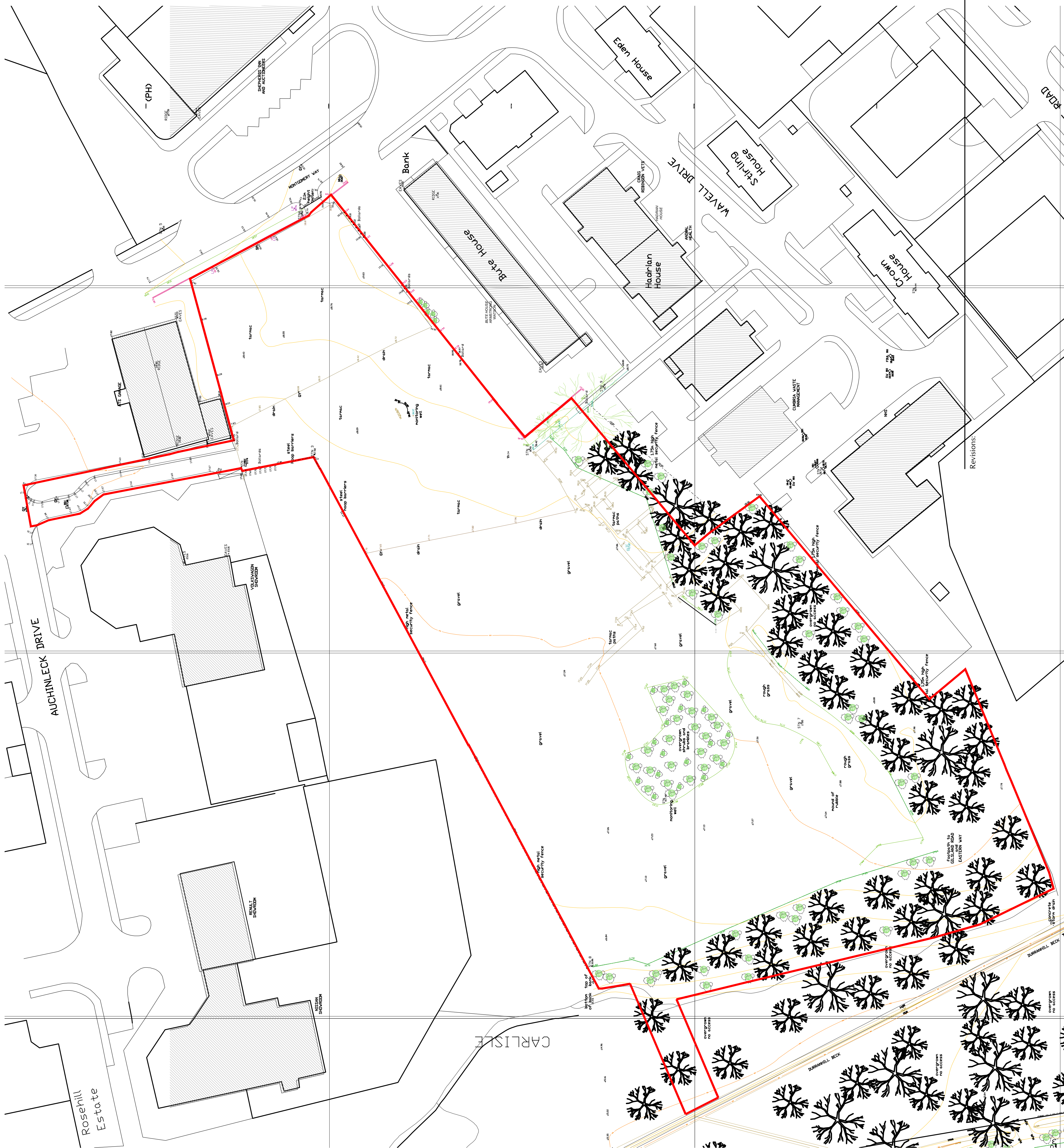
a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

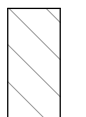


















- b. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Management Company; and
- 1. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.





Legend		
	Building	FH
124.22	Spot Height in metres	ER
GY	Gully / GY	PB
	Kerb	BH
	Fence	Bin
	Top of Bank	BM
	Bottom of Bank	BS
	Hedge	FL
	Lamp Post	GM
	Telephone Cover	IC
	Soil Pipe	IL
	Water Down Spout	SP
	Tree (deciduous)	SV
	Tree (coniferous)	TL
	Shrub	WM
	Gate	5
	Stop Cock	MH
RS	Road Sign	⊕
EP	Electricity Pole	CTV
	Contours	TP
G	Gas Valve	ST
	Wall	—
	Track	—
	Grass	—
		Fire Hydrant
		Earth Rod
		Post Box
		Borehole
		Litter Bin
		Benchmark
		Bus Stop
		Floor Level
		Gas Marker
		Inspection Cover
		Invert Level
		Sign Post
		Stop Valve
		Traffic Light
		Water Meter
		Photograph positions
		Man Hole
		Survey Station
		Cable TV
		Telegraph Pole
		Septic Tank
		Footpath
		Tarmac
		Flower Bed



SURVEY STATIONS MARKED WITH ROAD NAILS AND PEGS
WITH COORDINATES RELATING TO OSGB36 NATIONAL GRID

SITE LEVELS MARKED AT STATIONS RELATE TO
ORDNANCE DATUM OSGM02, VIA DIFFERENTIAL GPS.

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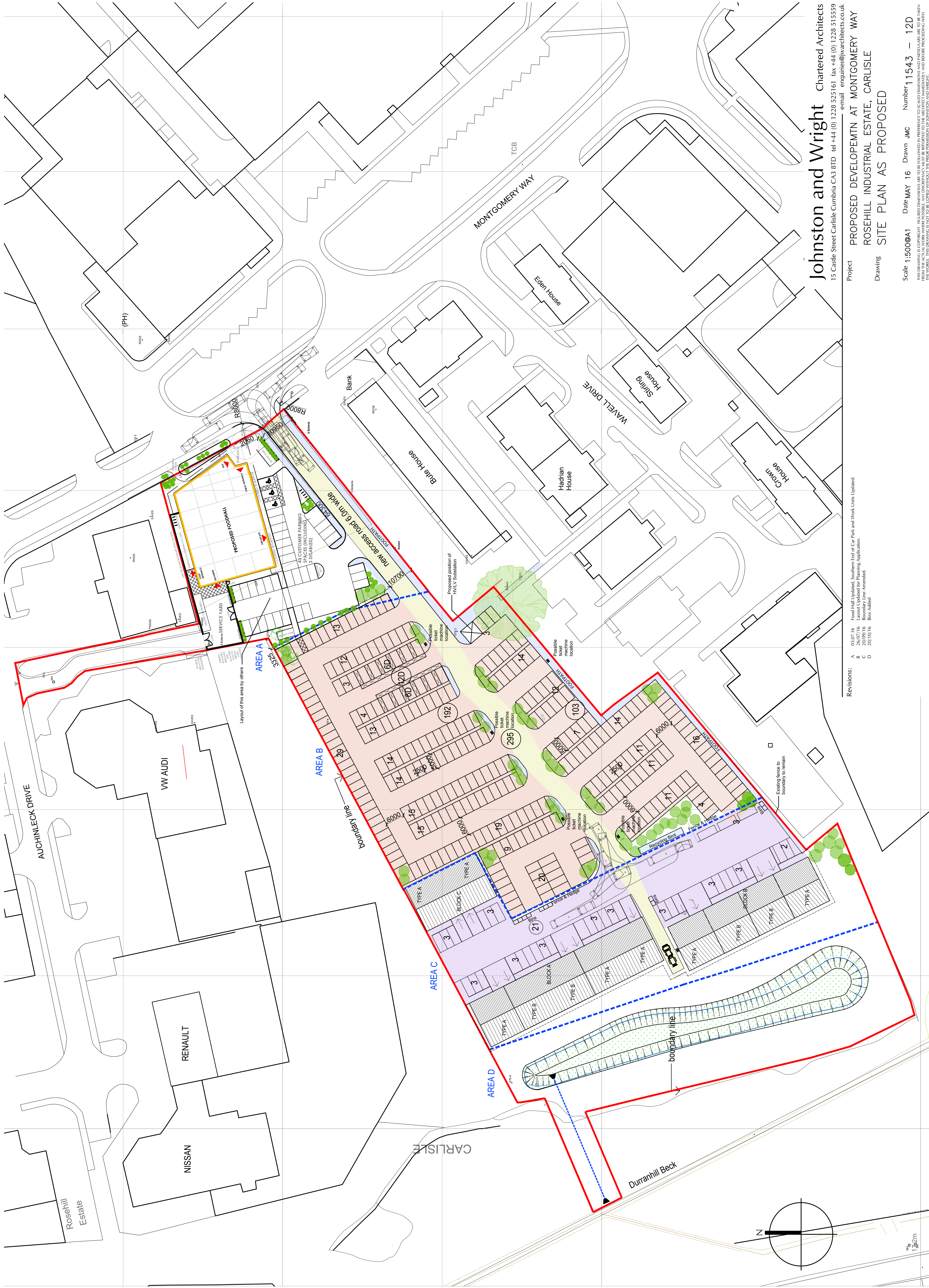
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enquiries@jwarichitects.co.uk e-mail

Project
Drawing

Scale	Date	Drawn	Number
1:500@A1			11543 - 11

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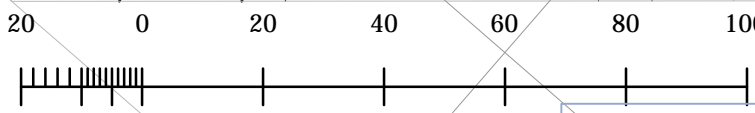
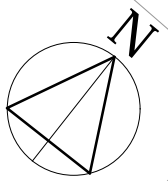
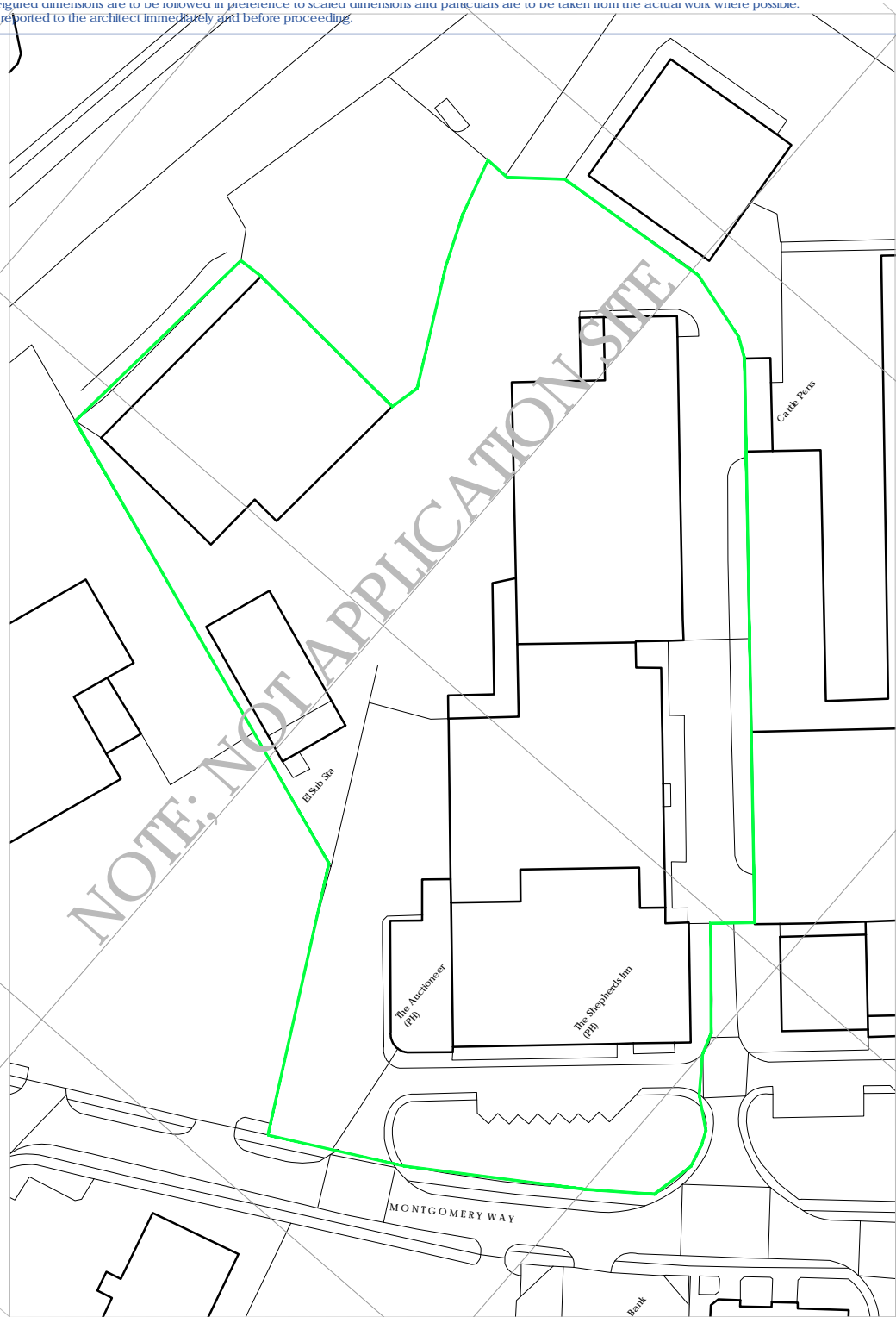
Johnston and Wright Chartered Architects
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559
e-mail enquiries@jwarchitects.co.uk

Project **PROPOSED DEVELOPMENT AT MONTGOMERY WAY**
Drawing **ROSEHILL INDUSTRIAL ESTATE, CARLISLE**
SITE PLAN AS PROPOSED

Scale 1:500@A1 Date MAY 16 Drawn JMC Number 11543 - 12D

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- Revisions:
- A 05/07/16 Food Hall Updated, Southern End of Car Park and Work Units Updated.
 - B 26/07/16 Layout Updated for Planning Application.
 - C 20/09/16 Boundary Line Amended.
 - D 20/10/16 Bins Added



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revision	Rev.	Date	Description	Revised by
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Project
**PIONEER FOODSERVICE
ROSEHILL, CARLISLE**

Drawing

EXISTING PIONEER SITE/PREMISES

Client
PFD (Carlisle) LTD

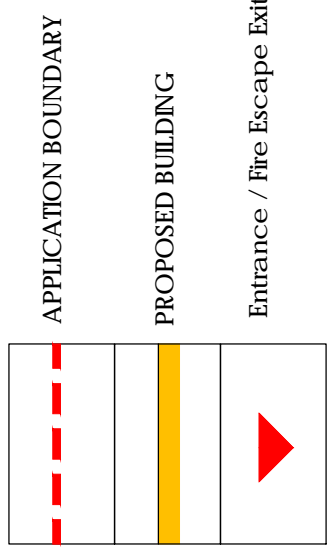
LOCATION PLAN Metres

**ARCHITECTS
PLUS**

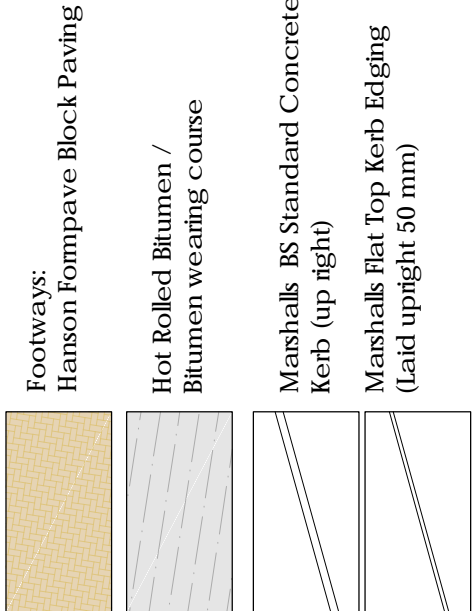
Scale	Date	Drawn	Comp.No	Number
1:1250@A405/15	DB	E01		12083-00A

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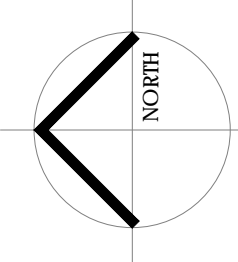
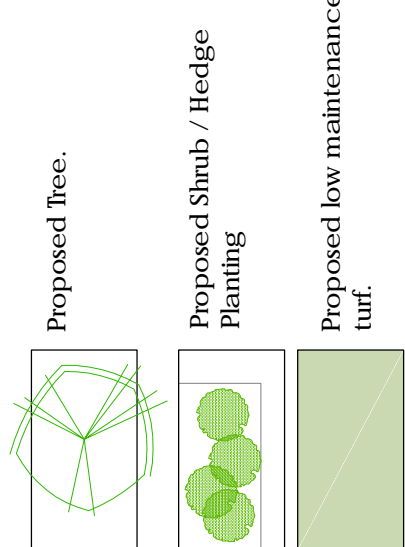
Rev.	Date	Description	Revised by
A	22.08.16	Planning Application Issue	AS
B	17.08.16	Planning Application Amendment	VW



HARD LANDSCAPING



SOFT LANDSCAPING



PLANNING

ARCHITECTS PLUS

Project	PFD FOODHALL ROSEHILL, CARISLE		
Client	PFD (CARISLE) LTD		
Drawing	PROPOSED SITE PLAN (FOODHALL)		
Scale	Date	Drawn	Number
1:250 A1	JUNE-16	AS	P05
1:500 A3			12044-08B
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A	22.06.16	Planning Application Issue	AS
B	15.08.16	Planning Application Amendments	VW

HEALTH & SAFETY

CONSTRUCTION (DESIGN & MANAGEMENT) REGULATIONS 2015

The CDM Regulations 2015 apply to all construction work carried out in Great Britain.

Roles and Responsibilities

The Client for all construction works have a duty to comply with the regulations. They must make suitable arrangements for managing the project and maintaining and reviewing these arrangements throughout the full duration of the project, so the project is carried out in a way that manages the health and safety risks for projects involving more than one contractor, these regulations require the client to appoint a Principal Designer and a Principal Contractor and make sure they carry out their duties.

The Client must provide pre-construction information as soon as is practicable to every designer and contractor appointed, or being considered for appointment, to the project.

The Client (or someone appointed on their behalf) has a duty to notify the HSE of construction projects lasting longer than 30 working days and have more than 20 workers working simultaneously at any point in the project; or exceed 500 person days.

The Principal Designer must plan, manage and monitor the pre-construction phase and coordinate matters relating to health and safety during the pre-construction phase to ensure that, so far as is reasonably practicable, the project is carried out without risks to health and safety.

The Principal Designer must liaise with the Principal Contractor for the duration of the Principal Designer's appointment and share with the Principal Contractor information relevant to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the construction phase.

The Principal Contractor must plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that, so far as is reasonably practicable, construction work is carried out without risk to health and safety including making sure suitable site inductions and welfare facilities are provided.

The Principal Contractor must liaise with the Principal Designer for the duration of the Principal Designer's appointment and share with the principal designer information relevant to the planning, management and monitoring of the pre-construction phase and the coordination of health and safety matters during the pre-construction phase.

Everyone with a duty under CDM 2015 to provide health and safety information must ensure that it is easy to understand and cooperate with others involved with the project. This should involve communication with others and understanding what they are doing by holding regular coordination and/or progress meetings.

Everyone involved in a project has a duty to report instances where they or others are working in a way that puts them or anyone else in danger. Any instances must be reported to the person in control of the work.

Project Specific Risks

This drawing must be read in conjunction with other Health and Safety information including the Pre-Construction information, Risk Register and the Health and Safety File.

During the design process the following remaining hazards have been identified which may pose a risk to persons:

- carrying out or liable to be affected by construction work
- maintaining or cleaning a structure
- using a structure designed as a workplace.

The relevant hazards are:-

[Add specific risks included in the risk register e.g..]

No Unusual Risks [Delete as appropriate]

Asbestos

Where materials containing asbestos exist within the premises the Client must ensure that any designers and contractors are aware of the Asbestos Register, which should identify the location, type and condition of such materials in all cases where the presence of asbestos could be evident. A Demolition and Refurbishment Survey will be required before construction work commences. If any suspicious materials are discovered during construction work these should be brought to the attention of the person controlling the works and instructions sought. *(Delete as appropriate)*

Details of these risks have been identified in the risk register. An assessment of these and any other risks must be carried out in order to take the relevant precautions and actions to eliminate or minimise the risks to all parties. (Note - standard risks which a competent contractor should be aware of and be capable of managing are not included).

PLANNING

ARCHITECTS PLUS

PFD FOODHALL
ROSEHILL, CARLSILE

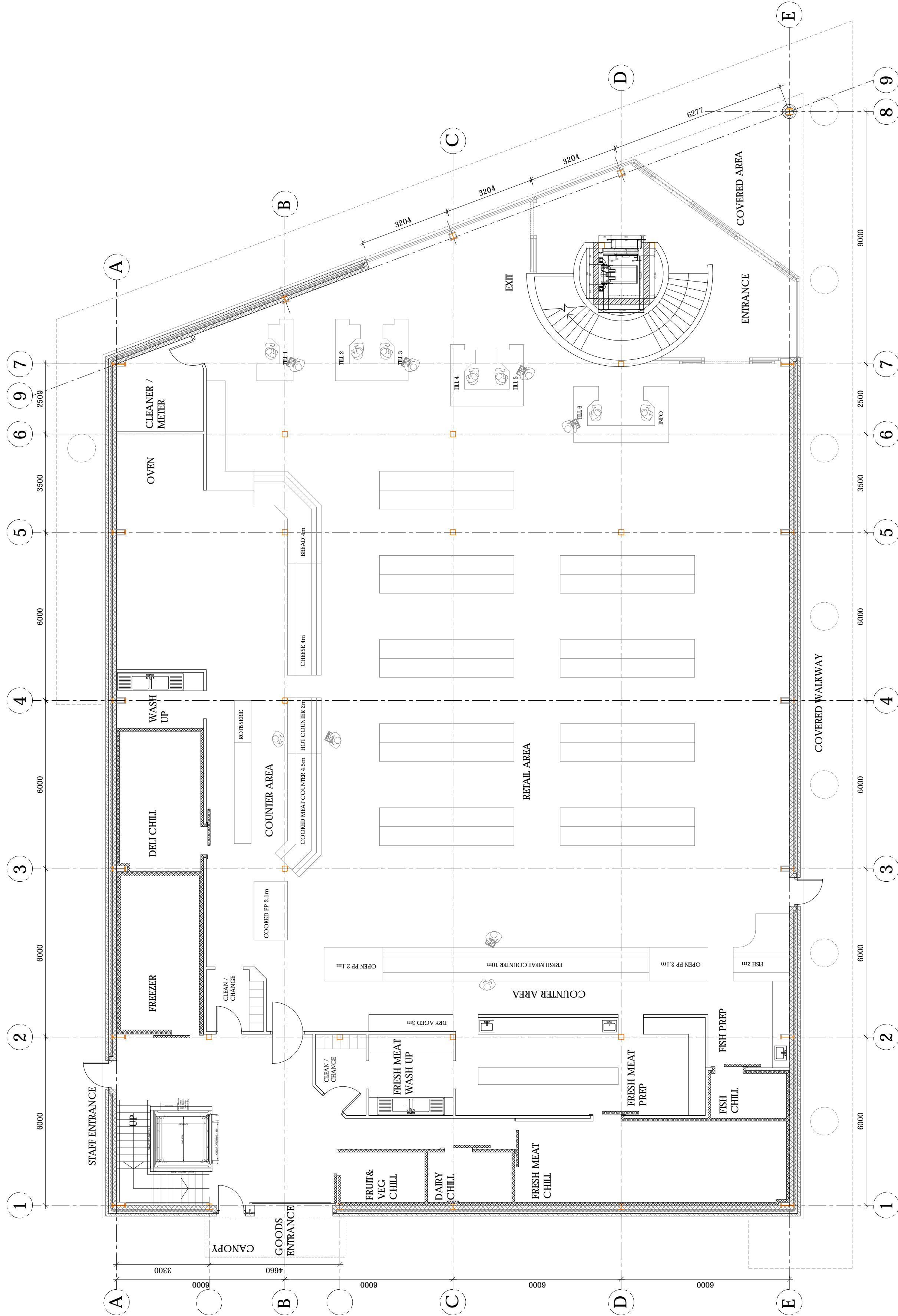
Client

PFD (CARLISLE) LTD

PROPOSED

GROUND FLOOR PLAN

Scale	Date	Drawn	Comp.No.	Number
1:100 A1	JUNE-16	AS	P06	12044-10B
1:200 A3				



GROUND FLOOR

Rev.	Date	Description	Revised by
A	22.08.16	Planning Application Issue	AS
B	15.08.16	Planning Application Amendments	VW

HEALTH & SAFETY

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The Client for all construction works have a duty to comply with the regulations. They have a duty to ensure that the project is managed properly and that the health and safety of all those involved in the project is protected. The Client must ensure that the project is managed properly and that the health and safety of all those involved in the project is protected. The Client must ensure that the project is managed properly and that the health and safety of all those involved in the project is protected.

The Client must provide pre-construction information as soon as is practicable to the Principal Designer and contractor appointed, or being considered for appointment, to the project.

The Client (or someone appointed on their behalf) has a duty to notify the HSE of construction projects involving more than one contractor and have more than 20 workers working simultaneously at any point in the project or exceed 500 person days.

The Principal Designer must plan, manage and monitor the pre-construction phase and ensure that so far as is reasonably practicable, the project is carried out without risk to health and safety.

The Principal Designer must liaise with the Principal Contractor for the duration of the project to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the construction phase.

The Principal Contractor must plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that so far as is reasonably practicable, construction work is carried out without risk to health and safety including making sure suitable and sufficient welfare facilities are provided.

The Principal Contractor must liaise with the Principal Designer for the duration of the project to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the pre-construction phase.

Everyone with a duty under CDM 2015 to provide health and safety information must ensure that it is easy to understand and cooperate with others involved with the project. This should involve regular communication and/or progress meetings.

Everyone involved in a project has a duty to report instances where they or others are working in a way that puts them or anyone else in danger. Any instances must be reported to the person in control of the work.

Project Specific Risks

This drawing must be used in conjunction with other Health and Safety information including the Pre-Construction Information, Risk Register and the Health and Safety File.

During the design process the following remaining hazards have been identified which may pose a risk to persons:

- a. carrying out or liable to be affected by construction work
- b. maintaining or cleaning a structure
- c. using a structure designed as a workplace.

The relevant hazards are:-

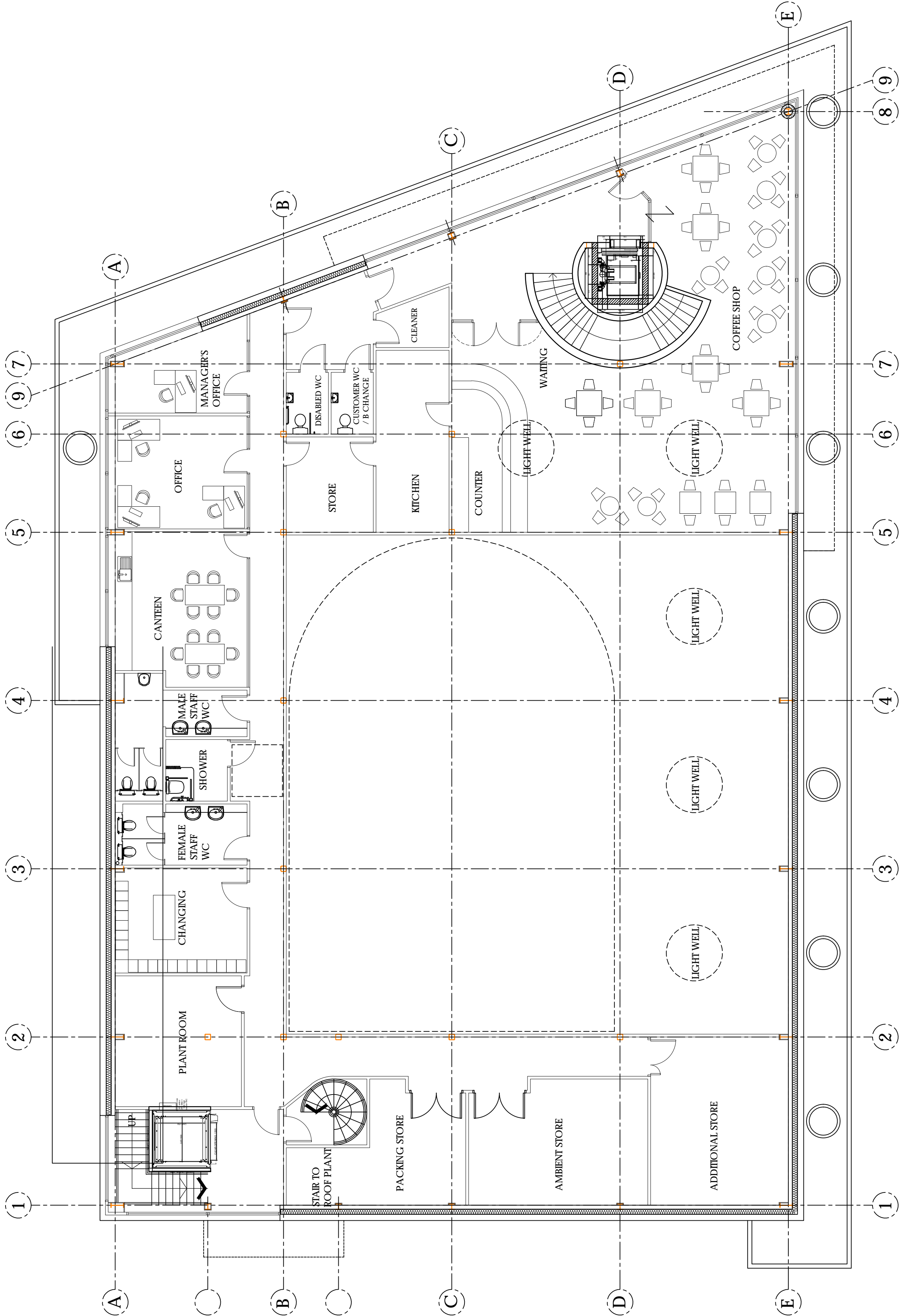
[Add specific risks included in the risk register e.g.]

No Unusual Risks (Delete as appropriate)

Asbestos

When materials containing asbestos exist within the premises the Client must ensure that any designers and contractors are aware of the Asbestos Register, which should identify the location, type and condition of such materials. In all cases where the presence of asbestos could be evident, a Remediation and Relinquishment Survey will be carried out. Any asbestos found during the survey will be recorded and any asbestos discovered during construction work these should be brought to the attention of the person controlling the works and instructions sought. (Delete as appropriate)

Details of these risks have been identified in the risk register. An assessment of these and any other risks must be carried out in order to take the relevant precautions and actions to eliminate or minimise the risks to all parties. (Note - standard risks which a competent contractor should be aware of and be capable of managing are not included).



FIRST FLOOR

PLANNING

ARCHITECTS PLUS

Project	PFD FOODHALL ROSEHILL, CARISLE		
Client	PFD (CARISLE) LTD		
Drawing	PROPOSED FIRST FLOOR PLAN		
Scale	Date	Drawn	Comp No.
1:100 A1	JUNE-16	AS	P06
1:200 A3			

Rev.	Date	Description	Revised by
A	22.08.16	Planning Application Issue	AS
B	15.08.16	Planning Application Amendments	VW

HEALTH & SAFETY

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Roles and Responsibilities

The Client for all construction works have a duty to comply with the regulations. They have a duty to ensure that the Principal Designer and Principal Contractor are appointed and that the project is carried out in a way that manages the health and safety risks. For projects involving more than one contractor, these regulations require the client to appoint a Principal Designer and a Principal Contractor and make sure they carry out their duties.

The Client must provide pre-construction information as soon as is practicable to the Principal Designer and contractor appointed, or being considered for appointment, to the project.

The Client (or someone appointed on their behalf) has a duty to notify the HSE of construction projects involving longer than 30 working days and have more than 20 workers working simultaneously at any point in the project or exceed 500 person days.

The Principal Designer must plan, manage and monitor the pre-construction phase and ensure that so far as is reasonably practicable, the project is carried out without risks to health and safety.

The Principal Designer must liaise with the Principal Contractor for the duration of the project to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the construction phase.

The Principal Contractor must plan, manage and monitor the construction phase and coordinate matters relating to health and safety during the construction phase to ensure that so far as is reasonably practicable, construction work is carried out without risks to health and safety including making sure suitable site instructions and welfare facilities are provided.

The Principal Contractor must liaise with the Principal Designer for the duration of the project to the planning, management and monitoring of the construction phase and the coordination of health and safety matters during the pre-construction phase.

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Everyone involved in a project has a duty to report instances where they or others are working in a way that puts them or anyone else in danger. Any instances must be reported to the person in control of the work.

Project Specific Risks

This drawing must be used in conjunction with other Health and Safety information including the Pre-Construction Information, Risk Register and the Health and Safety File.

- During the design process the following remaining hazards have been identified which may pose a risk to persons:
- a. carrying out or liable to be affected by construction work
 - b. maintaining or cleaning a structure
 - c. using a structure designed as a workplace.

The relevant hazards are:-

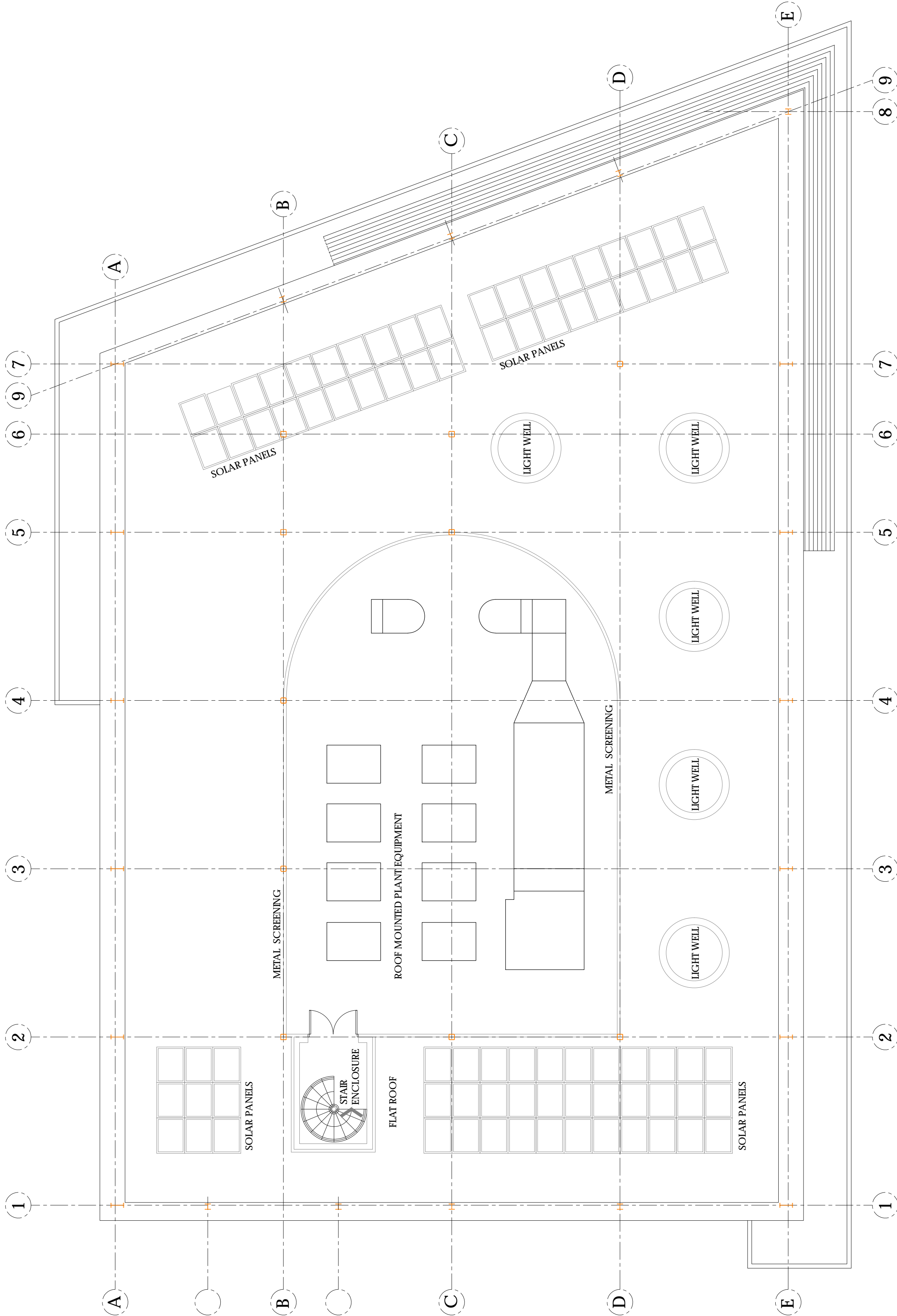
[Add specific risks included in the risk register e.g.]

No Unusual Risks *(Delete as appropriate)*

Asbestos

When materials containing asbestos exist within the premises the Client must ensure that any designers and contractors are aware of the Asbestos Register, which should identify the location, type and condition of such materials. In all cases where the presence of asbestos could be evident, a Remedial and Relinquishment Survey will be carried out. Any asbestos found must be reported to the Principal Designer. Any asbestos discovered during construction work these should be brought to the attention of the person controlling the works and instructions sought. *(Delete as appropriate)*

Details of these risks have been identified in the risk register. An assessment of these and any other risks must be carried out in order to take the relevant precautions and actions to eliminate or minimise the risks to all parties. (Note - standard risks which a competent contractor should be aware of and be capable of managing are not included).

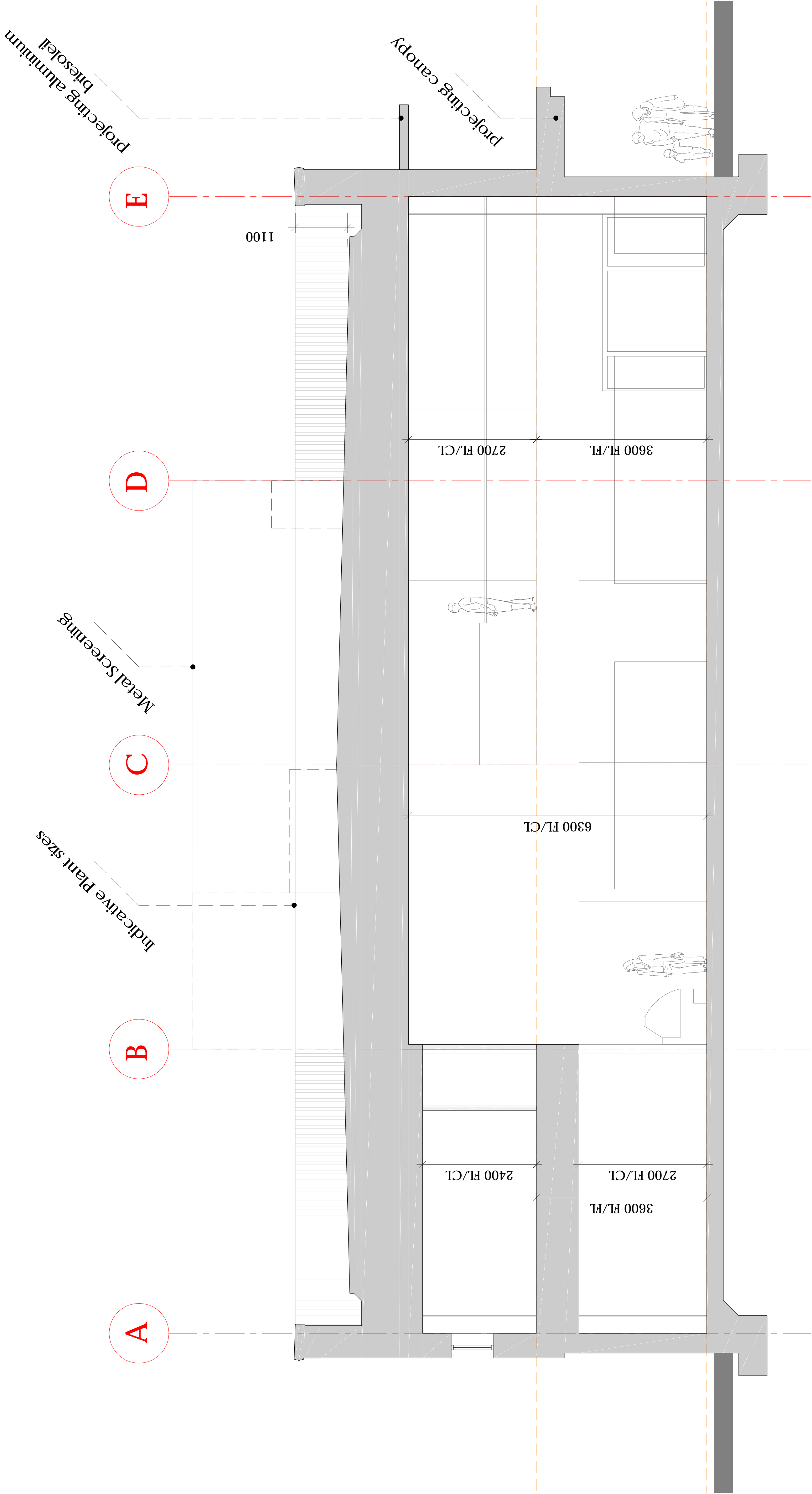


ROOF PLAN

PLANNING

ARCHITECTS PLUS

Project	PFD FOODHALL ROSEHILL, CARISLE		
Client	PFD (CARISLE) LTD		
Drawing	PROPOSED ROOF PLAN		
Scale	Date	Drawn	Comp No.
1:100 A1	JUNE-16	AS	P06
1:200 A3			
			Number
			12044-12B
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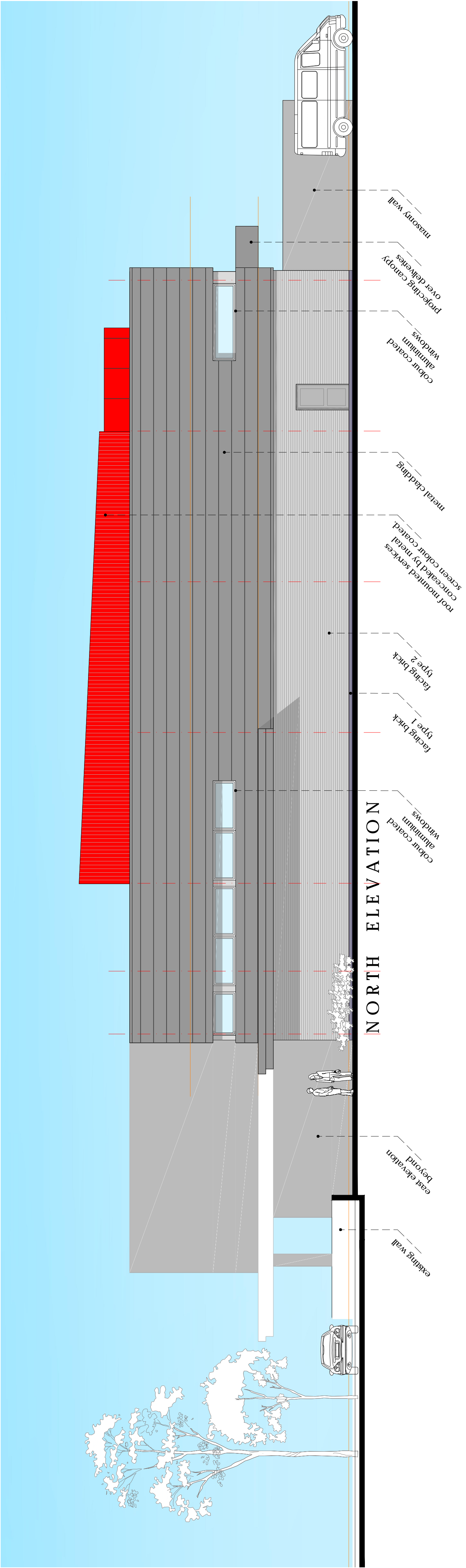
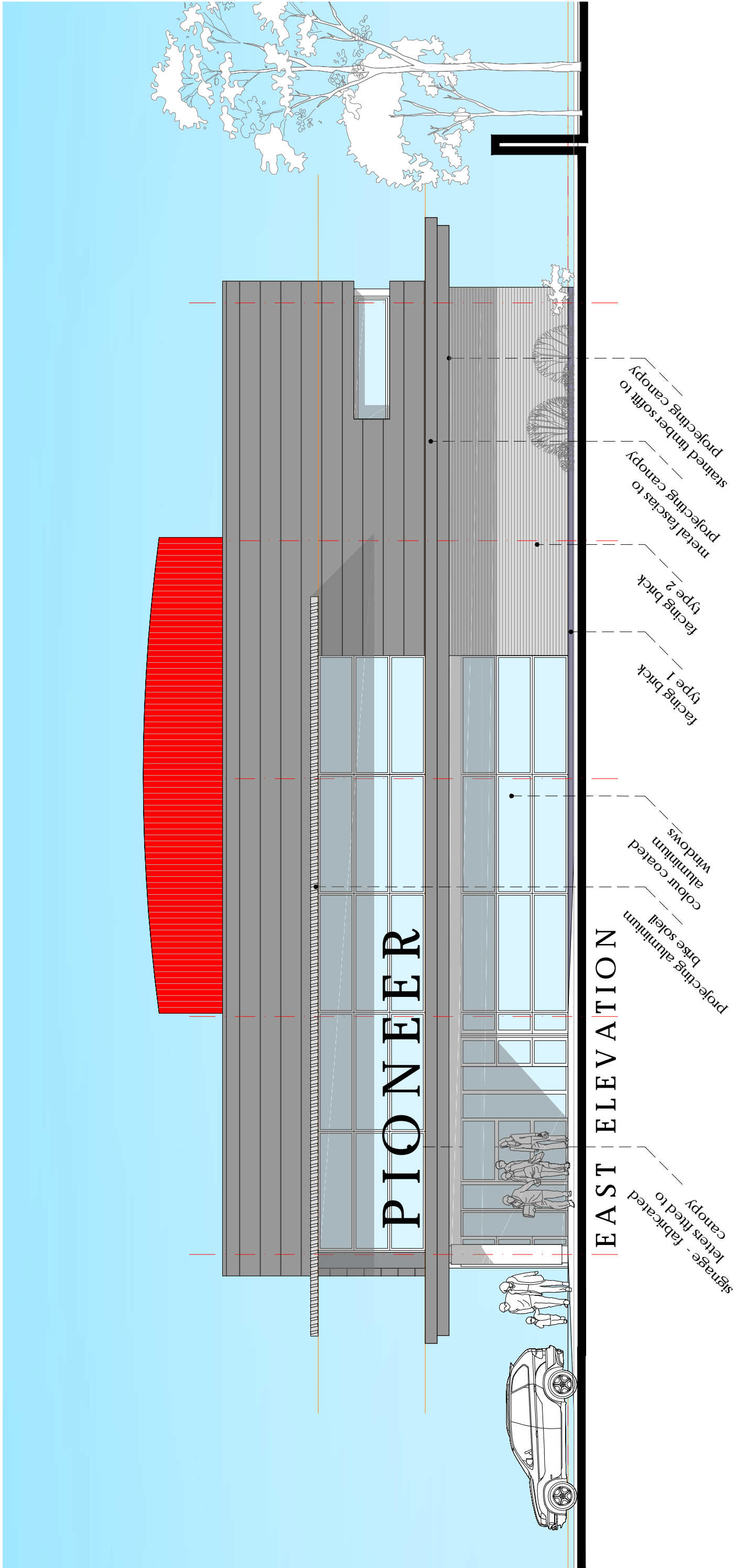
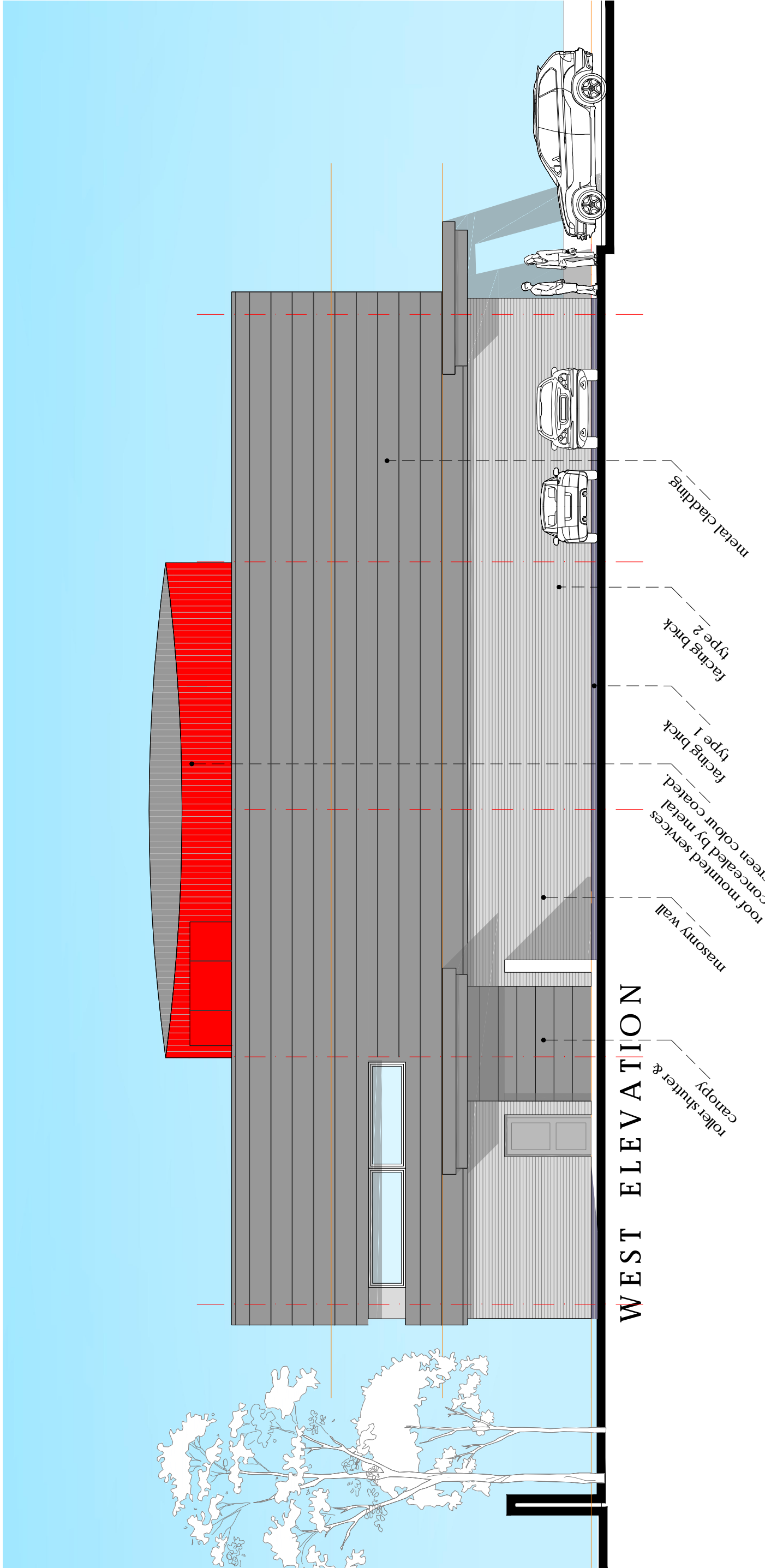
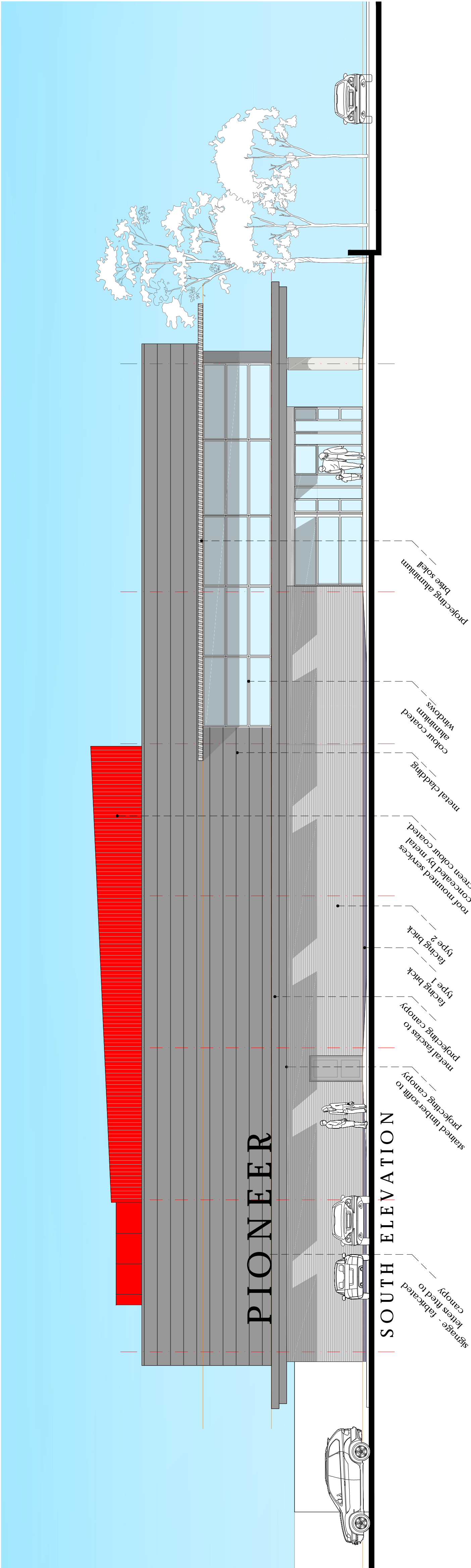


SCHEME DESIGN


























































ARCHITECTS PLUS

Project		PFD FOODHALL, ROSEHILL, CARLISLE	
Client		PFD (CARLISLE) LIMITED	
Drawing		PROPOSED TYPICAL SECTION	
Scale	Date	Drawn	Number
1:50	07.16	VW	12044-13
Comp. No.		P07	
w. www.architectsplus.co.uk • ap@architectsplus.co.uk • t 01228 515144			
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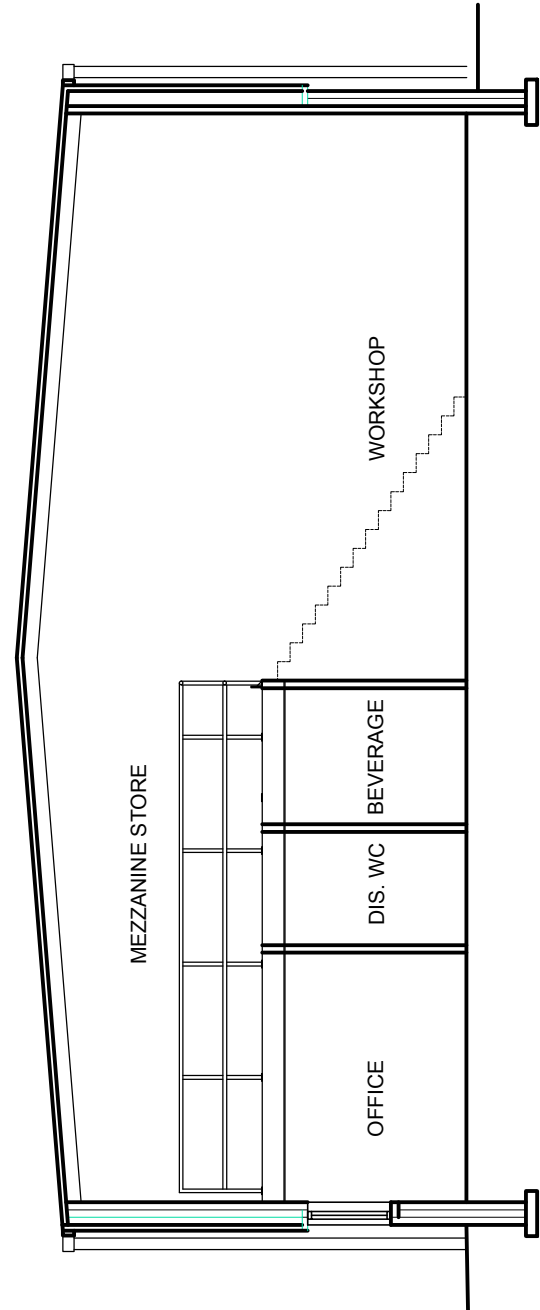
Rev.	Date	Description	Revised by
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B	17.08.16	Planning Application Amendment	VW



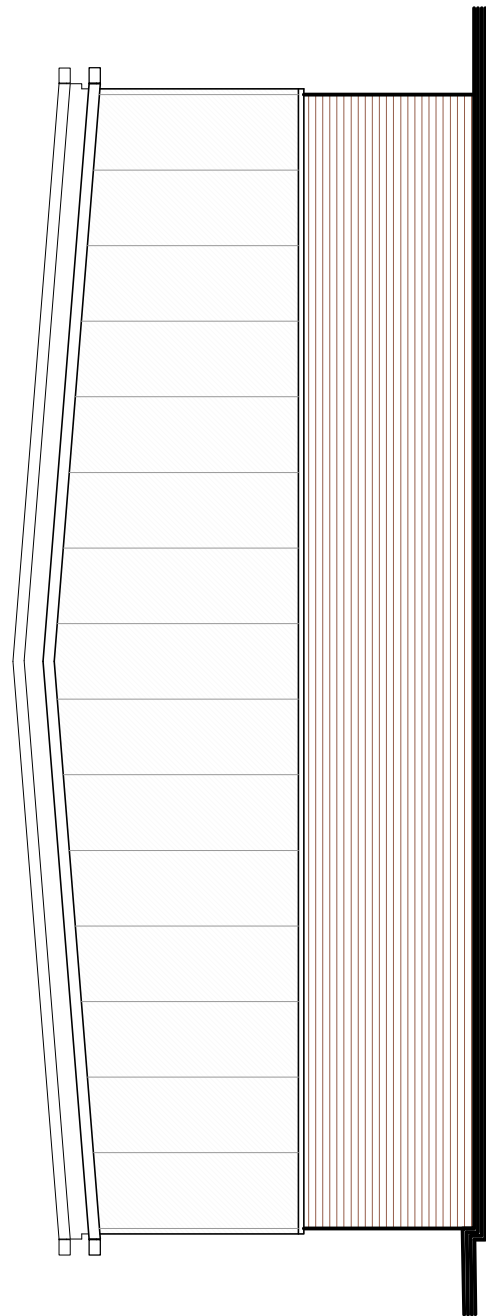
PLANNING ARCHITECTS PLUS

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Client	PFD (CARLISLE) LIMITED								
Drawing	PROPOSED ELEVATIONS								
Scale	1:200	Date	06.16	Drawn	AS	Comp.No.	P07	Number	12044-14B
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									
									

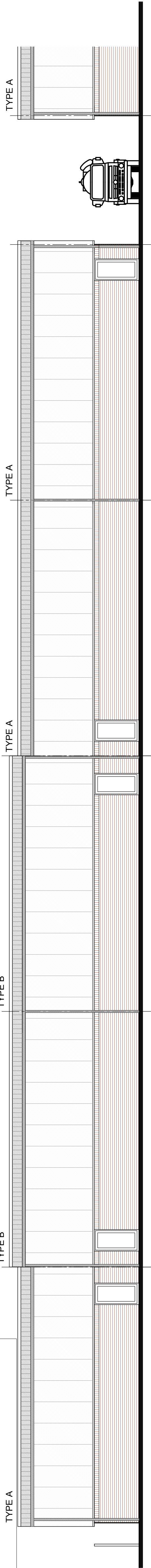
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Walls	Red facing brick walls with concrete blocks to inside. Kingspan Grey White KS1000 Micro Rib cladding.
Doors	White UPVC doors with glassed panel in top half to front elevation. Solid Painted Steel doors to rear elevation.
Windows	Merlin Grey sectional overhead doors. UPVC casement windows; red facing brick cills.
Rain Water Goods	Merlin Grey Plastisol Display 200mmx150mm Rectangular gutters; with square drop pipes.



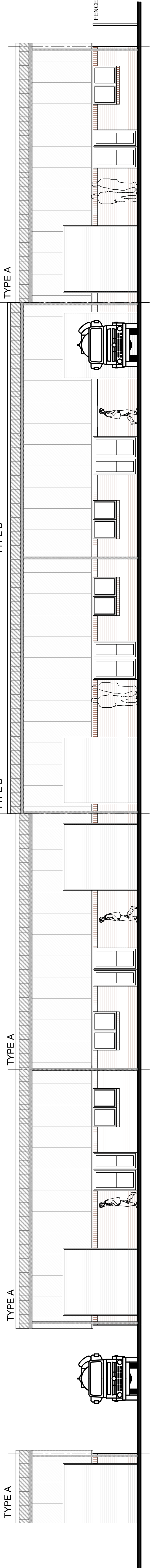
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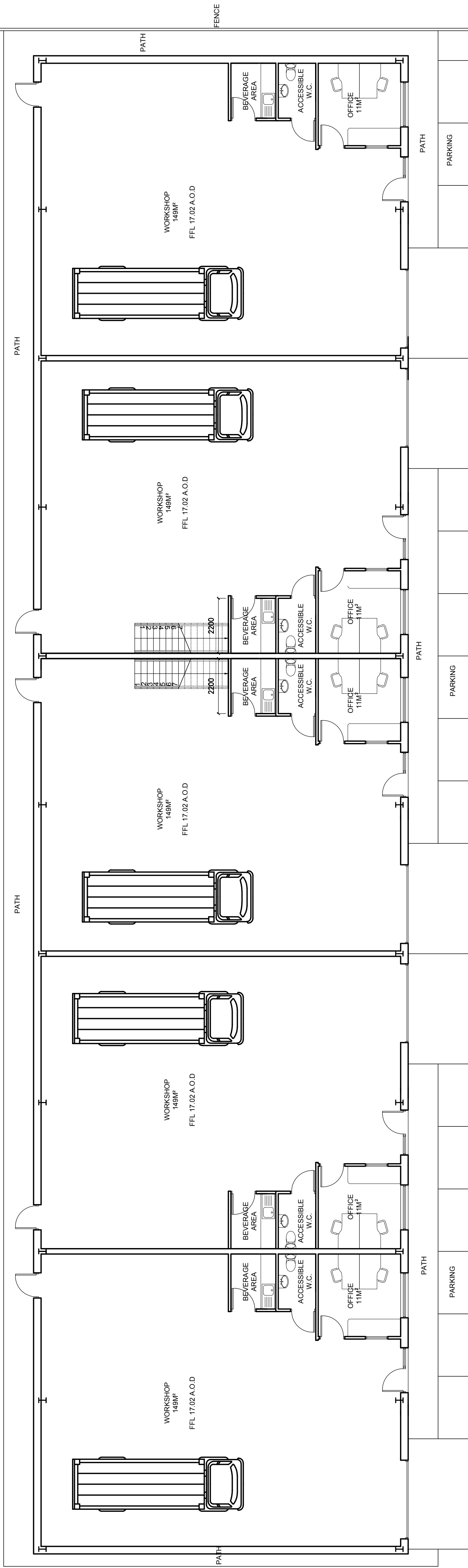
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REAR ELEVATION AS PROPOSED - TYPE A AND TYPE B COMBINED
1:100



FRONT ELEVATION AS PROPOSED - TYPE A AND TYPE B COMBINED
1:100



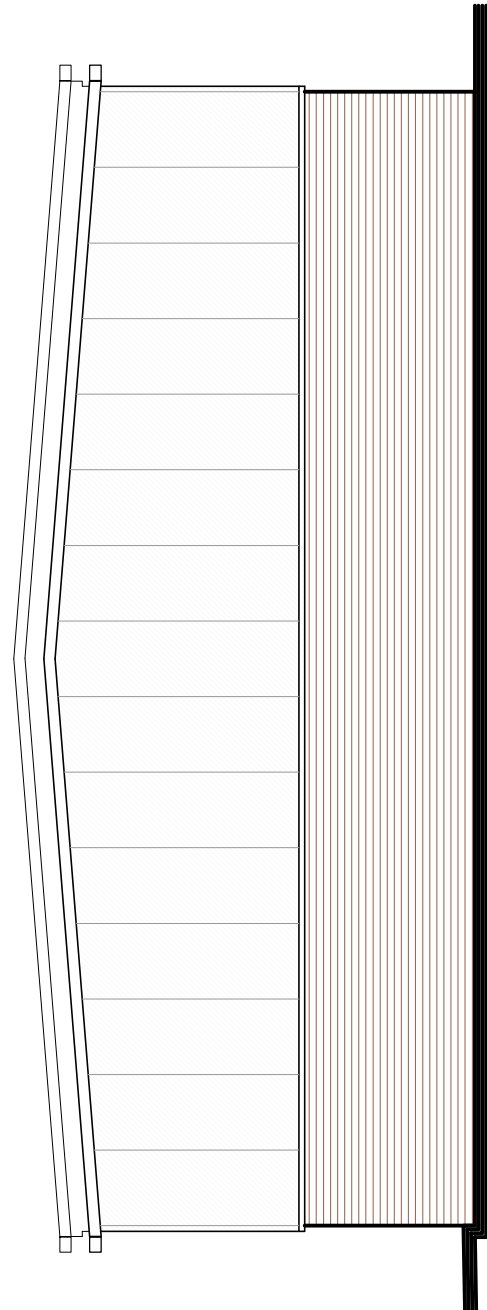
PLAN AS PROPOSED
1:100

Johnston and Wright Chartered Architects
15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559
e-mail enquires@jwarchitects.co.uk

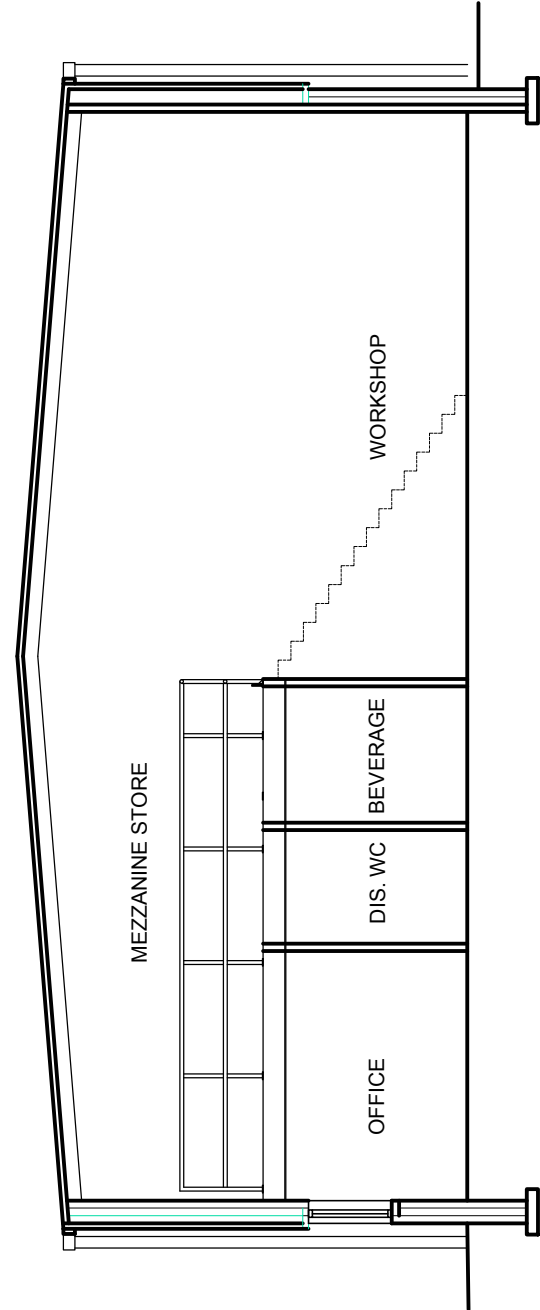
Project PROPOSED DEVELOPMENT AT MONTGOMERY WAY
Drawing ROSEHILL INDUSTRIAL ESTATE, CARLISLE
PROPOSED WORKSHOP UNITS
BLOCK A

Scale 1:100@A1 Date Jun 16 Drawn RM Number 11543 - 14
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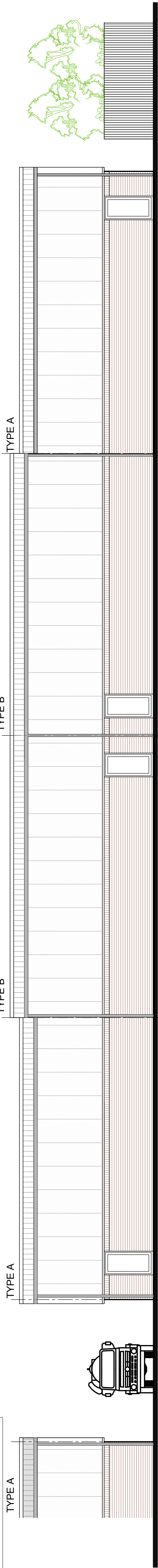
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Rain Water Goods	Merlin Grey Plastisol Display 200mmx150mm Rectangular gutters; with square drop pipes.



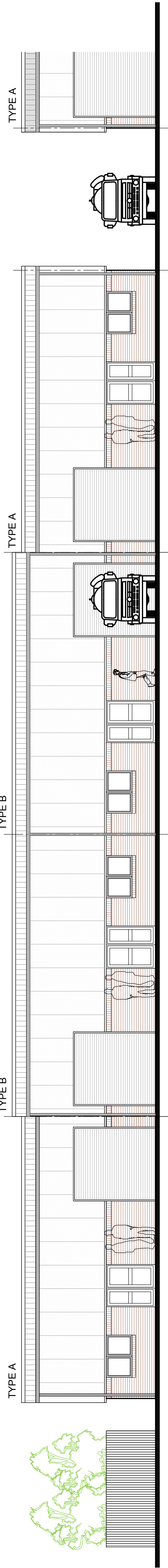
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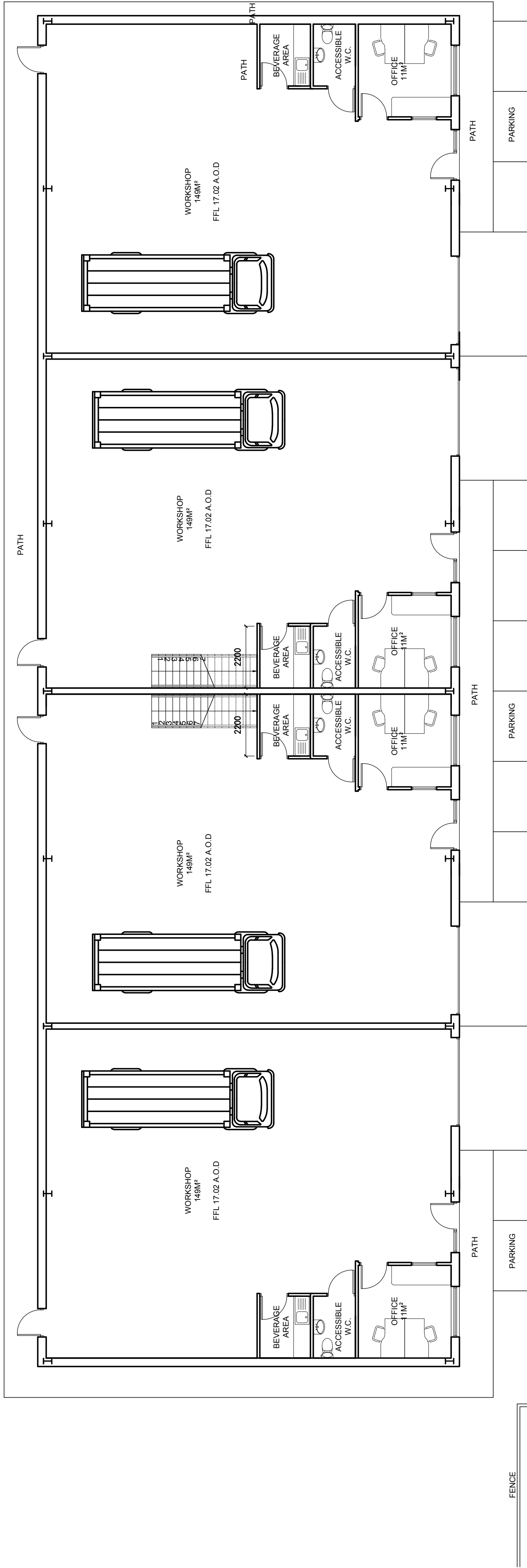
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REAR ELEVATION AS PROPOSED - TYPE A AND TYPE B COMBINED
1:100



FRONT ELEVATION AS PROPOSED - TYPE A AND TYPE B COMBINED
1:100



PLAN AS PROPOSED
1:100

Johnston and Wright

Chartered Architects

15 Castle Street Carlisle Cumbria CA3 8TD tel +44 (0) 1228 525161 fax +44 (0) 1228 515559
e-mail enquiries@jwarchitects.co.uk

Project PROPOSED DEVELOPMENT AT MONTGOMERY WAY

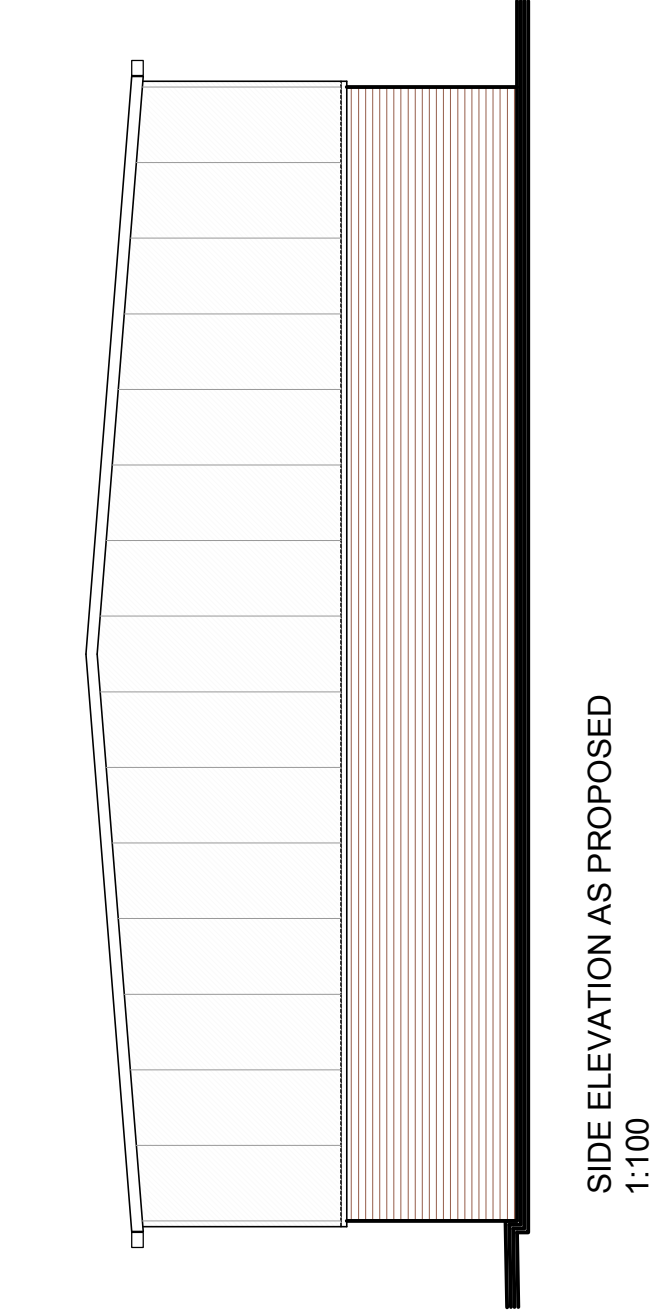
Drawing ROSEHILL INDUSTRIAL ESTATE, CARLISLE

PROPOSED WORKSHOP UNITS
BLOCK B

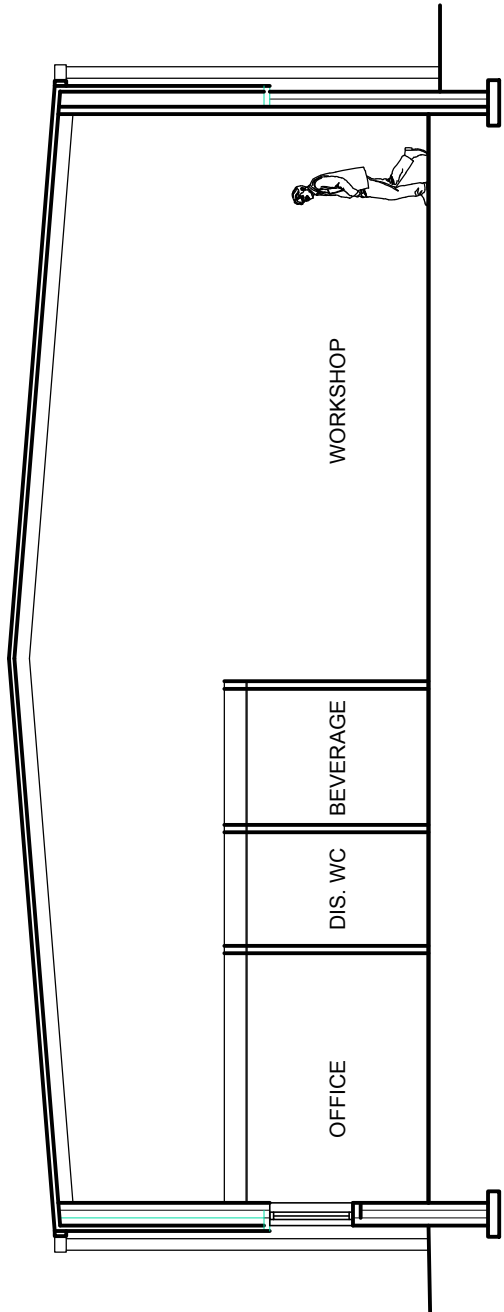
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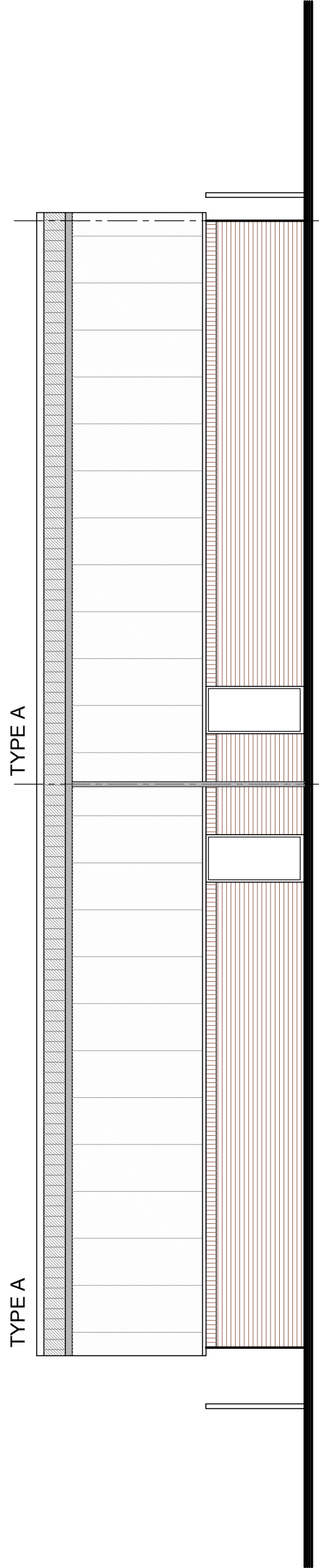
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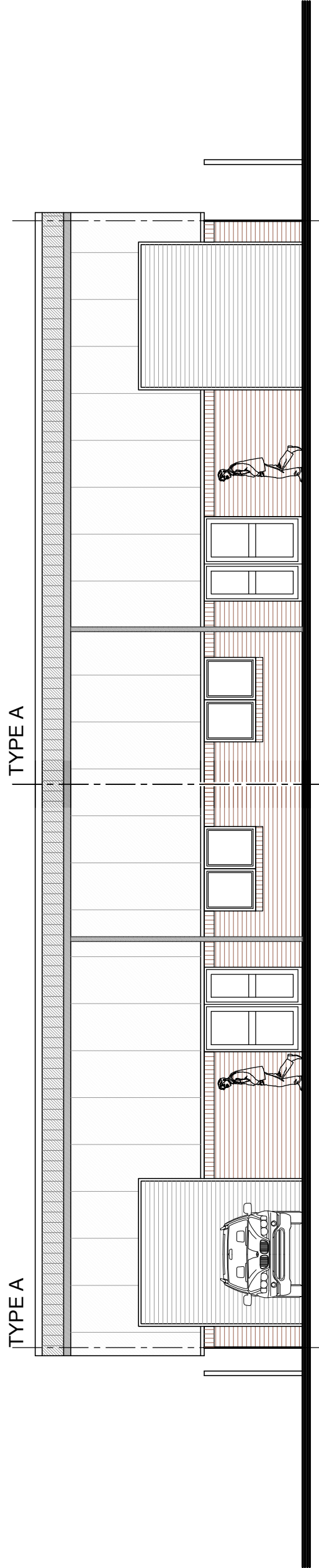
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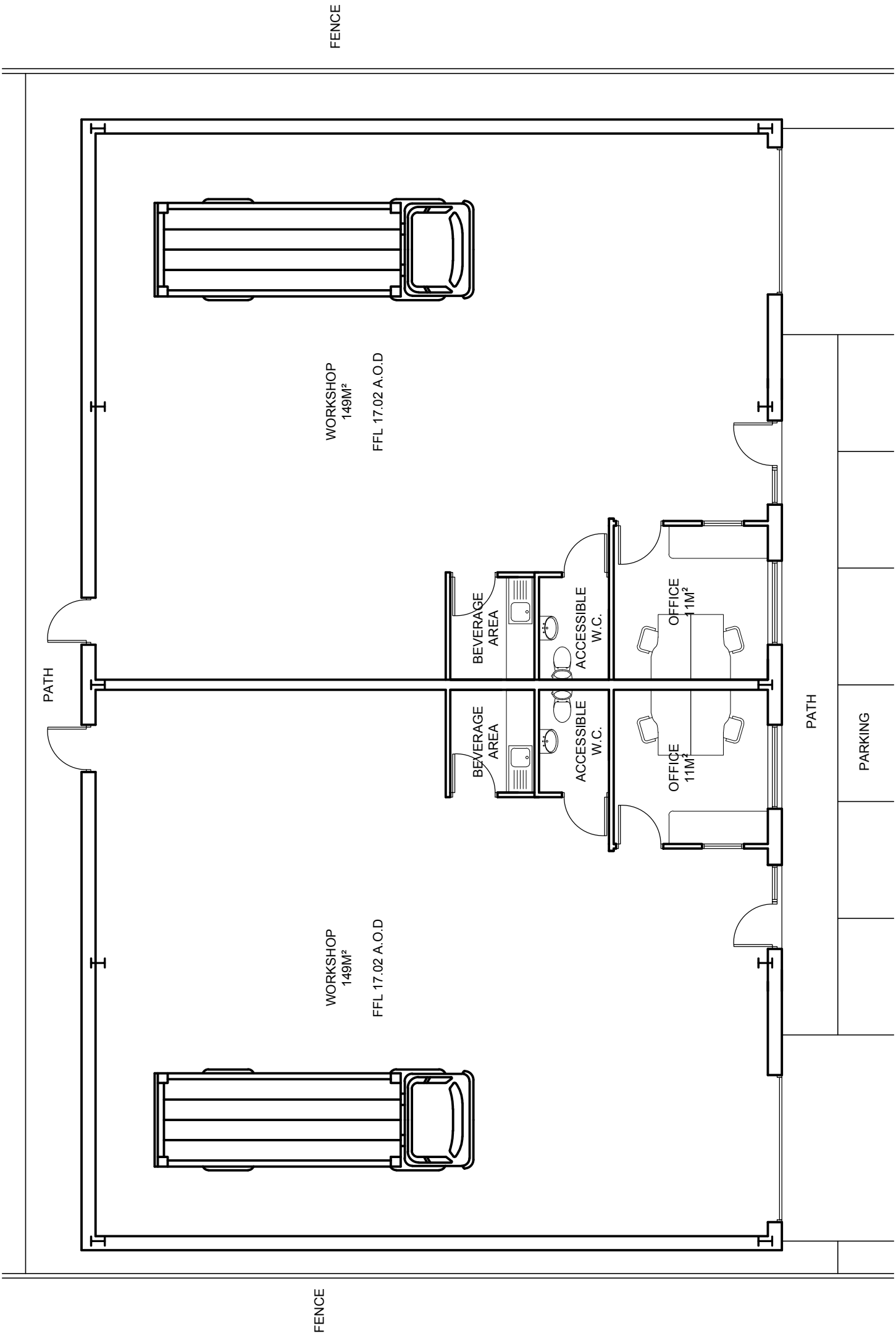
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REAR ELEVATION AS PROPOSED
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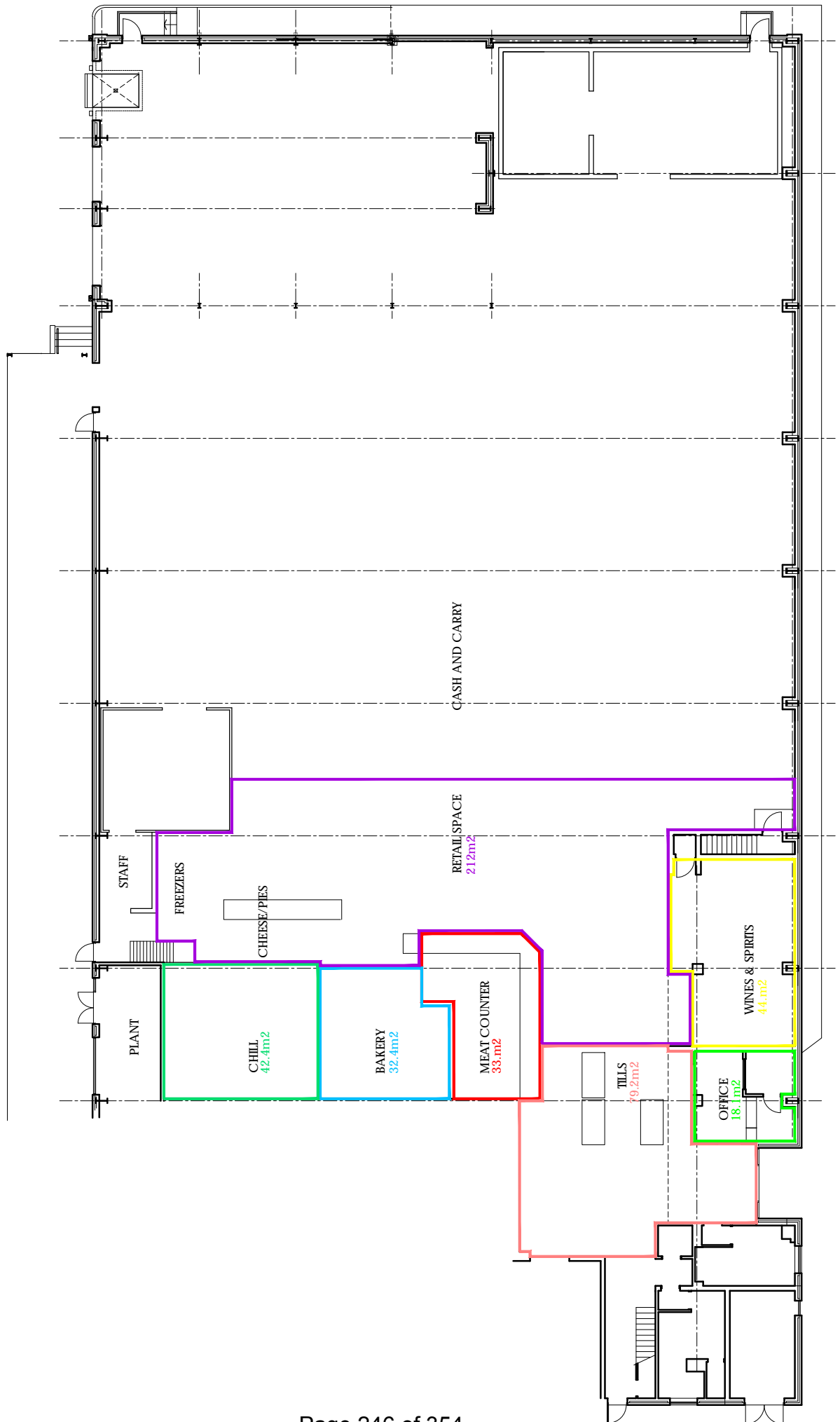


FRONT ELEVATION AS PROPOSED
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PLAN AS PROPOSED
1:100

MATERIALS AS PROPOSED:	
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PLAN

SECURITY REQUIREMENTS

- Construction and dimensions of service yard perimeter treatments and gates to resist breaching and deter climbing
- 2400mm expanded metal mesh fence to be to Loss Prevention Certification Board (LPCB) SR2 accredited under the standard LPS 1175 SR2 and BS EN 1722-10 or greater
 - Good through vision to enable CCTV equipment to be used
 - Masonry wall to be 2400mm high, block work to match that of the building
 - Power operated gates to be to BS EN 1722-10 as fence and to have controlled access secure lock systems

External canopy above pedestrian walkway designed to prevent accessibility by climbing to higher levels. The under side of the soffit to be a minimum of 2800mm above ground level with projecting fascia to create an overhang. Top of canopy to be a minimum of 3400mm above ground level

The general external lighting scheme shall be designed to perform two primary functions: to provide illumination of the footpaths and car park to allow safe pedestrian and vehicular movement across the site, and security lighting around the perimeter of the building whilst maintaining energy efficiency. Entry and exit points shall be minimised through correct selection of design criteria, layout and controls.

- Car parks shall achieve illumination levels in accordance with BS5489-1 (Table 5), with an illumination level of 20 lux average and 0.25 uniformity
- Access roads shall achieve illumination levels in accordance with BS5489-1 (Table B.4), BSEN 13201-1 (Table 3) and Class S2, with a 10 lux average and 3 lux minimum
- Main pedestrian walkways to building entrance will be to CIBSE Lighting guide LG8 and have an average 20 lux

A digital colour CCTV system shall be provided in line with NSI guidelines, and the Data Protection Act to cover internal and external areas of the building including the car park. Recordings shall be of sufficient quality and in acceptable format to submit as evidence in a court of law, in accordance with NACOSS guidelines or equivalent.

All external waste bins and pallets to be stored within security yard, away from building elevation, as per indicated area on drawing.

All external doors and windows to be compliant with LPS 1175 SR2 and fitted with laminated glazing to BS EN 356:2000 P1A.

Street furniture and planting (such as trolley park, seating and bollards) to entrance area to prevent access by vehicles on to pedestrian walkway.

The intruder alarm system shall comply in all respects with EN50131, PD6862 (UK Implementation) DD243:2004 & ACPO and the installation shall be carried out by a NSI approved company. The intruder alarm system controls and components shall be provided to comply with Security Grade 3 (Medium to High risk) standard. The system shall be provided with an output connection back to a remote manned response centre.

Internal access controls (electronic keypads) to doors, to restrict public access to staff areas.

A safe and secure area will be provided for cash storage over night and a secure cash handling facility will be provided.

Secure lockers for staff belongings within staff changing areas.



SCHEDULE A: Applications with Recommendation

16/0784

Item No: 11

Date of Committee: 25/11/2016

Appn Ref No:
16/0784

Applicant:
Mr R Martin

Parish:
Dalston

Agent:
Gray Associates Limited

Ward:
Dalston

Location: Land To South East Of Orton Grange Roundabout, Orton Grange,
Carlisle, CA5 6LA

Proposal: Erection Of 4no. Detached Dwellings

Date of Receipt:
06/09/2016

Statutory Expiry Date
01/11/2016

26 Week Determination
01/02/2017

REPORT

Case Officer: Barbara Percival

1. Recommendation

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

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 dwelling are acceptable
- 2.4 Impact of the proposal on the living conditions of neighbouring residents
- 2.5 Proposed methods of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety
- 2.7 Impact of the proposal on the existing trees and hedgerow
- 2.8 Impact of the proposal on biodiversity
- 2.9 Other matters

3. Application Details

The Site

- 3.1 The application site, equating to approximately 4827 square metres, is part of an agricultural field located to the south east of the A595 roundabout at

Orton Grange. The 'triangular' application site is delineated along its western and eastern boundaries by native hedgerows with several mature trees, subject to a temporary Tree Preservation Order No. 285, located along its south eastern boundary. The northern boundary of the application site is devoid of any boundary treatment; however, there is a native hedgerow planted along the boundary of the field which fronts onto the A595 county highway.

- 3.2 Grange Park Road, a no-through road runs adjacent to the eastern boundary of the site which would provide access to the proposed dwellings together with existing dwellings along Grange Park Road and Orton Grange Park. To the north of the application site is the A595 Carlisle to Thursby road beyond which Cranston's Food Hall and Orton Grange Farm Shop and associated facilities are located. Dobies Garden Centre is located to the south east of the application site. There are bus stops either side of the A595 in close proximity to the application site.

The Proposal

- 3.3 The application seeks Full Planning Permission for the erection of 4no. detached dwellings. Each of the proposed dwellings would be individual in style and design with the amenity spaces serving each of the properties to the front and rear. The sizes and accommodation provided for each of the dwellings are as follows:
- Plot 2 - 15.3 metres in length with a maximum width of 9.8 metres including the porch and a maximum ridge height of 7.1 metres. The ground floor accommodation would comprise of a lounge, kitchen/living room/sun room, hall, utility, w.c., garage and porch with 1no. ensuite bedroom, 3no. bedrooms, landing and bathroom above;
 - Plot 3 - 15.8 metres in length with a maximum width of 9.4 metres and a ridge height of 6.9 metres. The accommodation provided would consist of a kitchen/sun room, lounge, hall, utility, w.c. and garage with 1no. ensuite bedroom, 3no. bedrooms, landing and bathroom above.
 - Plot 4 - 17.15 metres in length with a maximum width of 8.55 including rear porch metres and a maximum ridge height of 7.45 metres. The accommodation provided would comprise of a lounge, kitchen/dining room, hallway, utility, w.c. and garage with 1no. ensuite bedroom, 3no. bedrooms, landing and bathroom above.
 - Plot 5 - 12.6 metres in length with a maximum width of 18.2 including rear porch metres and garage with a maximum ridge height of 7.45 metres. The accommodation provided would comprise of a lounge, kitchen/dining room, study/bedroom, hall, utility, w.c. and garage with 1no. ensuite bedroom, 3no. bedrooms, landing and bathroom above.
- 3.4 The main elevations and gables of Plots 2 and 3 would be finished in a combination of 'Wienerberger Kassandra Multi Stock' facing bricks and render. The front and rear elevations of Plots 3 and 4 would be finished in a

mixture of sandstone and render with the gable elevations finished in facing bricks and render. Kentdale natural blue slates would be used on the roofs of all of the proposed dwellings. The windows and doors would be dark grey uPVC/aluminum. Green Oak stanchions would be used on the front porches of Plots 2, 4 and 5 together with the rear projections of Plots 5 and 4. All the proposed materials and finishes would reflect other properties within the immediate vicinity.

4. Summary of Representations

4.1 This application, as originally submitted, was advertised by the direct notification of forty-one neighbouring properties and the posting of a Site Notice. In response, five representations of objection and one representation of comment were received.

4.2 The representations of objection to the originally identified scheme highlight the following issues:

1. impact on the character of the area
2. loss of a view
3. impact on highway safety
4. loss of value of existing properties
5. maintenance of highway
6. a footpath and street lighting should be subject of a condition
7. proposed method for foul and surface water
8. development not in keeping with local vernacular
9. children's play equipment should be included within the development
10. object to the suggested provision of a play park within the development
11. proposed bund out of character in the locality
12. adequacy of road to accommodate construction vehicles
13. loss of privacy

4.3 Whilst the representation of comment outlines the following issues:

1. do not object to the development but consider bungalows would be more appropriate to reduce the effect on the visual amenity currently enjoyed by existing residents

2. the existing access road should be upgraded
 3. a footpath should be provided along Grange Park Road
 4. adequacy of road to accommodate construction vehicles
 5. proposed drainage methods
 6. the proposed bund is out of character with the area
- 4.4 Revised details have subsequently been submitted which now illustrate the reduction in the number of dwellings within the application site together with revised house types. In response three representations of objection has been received which highlight the following issues:
1. the revisions do not overcome previous objections
 2. the height of the buildings are out of character with the area
 3. Grange Park Road should be resurfaced following any development
 4. a play park should be provided in the northern area of the site
 5. adequacy of road to accommodate construction traffic
 6. a footpath and lighting should be provided along Grange Park Road
 7. the mature trees bordering the site should be retained
 8. impact on highway safety especially during any construction works

5. Summary of Consultation Responses

Local Environment, Waste Services: - no objections;
 Dalston Parish Council: - no observations;
 Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection to the proposed development subject to the imposition of conditions in respect of: visibility; access/parking construction; construction traffic parking; prevention of surface water discharging onto the highway; no additional access/egress and the provision of a footpath;
 Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact United Utilities directly to discuss their requirements in detail. Should diversionary works be required these will be fully chargeable;
 Local Environment - Environmental Protection: - no objections subject to the imposition of a condition in respect of unexpected ground contamination.

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, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents (SPD) 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 outlines that new housing development other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and in the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and be focussed in sustainable locations subject to satisfying five criteria.
- 6.5 When assessing the application against the foregoing policies, the application site is a small parcel of agricultural land which has become detached from the main farmstead of Orton Grange Farm by the re-configuration of the A595 Carlisle to Thursby road following the construction of the Carlisle Northern Development Route. The parcel of land is well contained along its northern, eastern and western boundaries by three county highways, the A595 road, the no-through road of Grange Park Road and the U1134 county highway respectively. Other residential properties are located along Grange Park Road together with Orton Grange Park.
- 6.6 Orton Grange has a variety of services which consist of a butchers, farm shop, cafe, swimming pool, hairdressers and beauty treatment rooms. There are also bus stops immediately adjacent the A595 within close proximity of the application site. Furthermore, Orton Grange is sufficiently well related to Dalston and Carlisle both geographically and in terms of the road network.
- 6.7 In such a context, the application site is well contained within existing landscape features, it is physically connected, and integrates with, the

settlement, and would not lead to an unacceptable intrusion into open countryside. Accordingly, the application site is considered to be in a sustainable location for housing development, therefore, the principle of development is acceptable.

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

- 6.8 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5a 'Ridge and Valley'. The toolkit advises that key characteristics of this landscape are: a series of ridges and valleys that rises gently toward the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields, hedge bound pasture fields dominate, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges, large scale structures generally scarce.
- 6.9 The application site forms part of an agricultural field located between the road network and other residential properties along Grange Park Road. The boundaries of the site are delineated by native hedgerows and a group of mature trees. It is inevitable that the erection of a new dwellings on agricultural land would have some visual impact on the landscape character of the area. In mitigation, the topography of the land is such that the application site is lower than that of the adjacent A595 and slopes from north to south. When travelling along the surrounding highway network, the proposed dwellings would be viewed in the context of other residential properties and farm/commercial buildings together with pockets of landscaping. The majority of the existing landscaping delineating the site with the exception of the proposed accesses would be retained. Further landscaping is also proposed in the northern section of the field which would consist of the formation of a 1.5 metre high kest (raised hedge bank) behind the existing roadside hedgerow . Further tree planting in this section of the field is also proposed. 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

- 6.10 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.
- 6.11 When assessing the character of the area, it is evident that there are a variety of commercial and residential properties of differing styles; however, the majority of those dwellings and buildings with county highway frontages are

either of one and a half storey or two storey construction.

- 6.12 As previously outlined in the report the application seeks Full Planning Permission for the erection of four individual styled detached dwellings. The materials would be sympathetic to other properties within the vicinity with the proposed ridge lines of the proposed dwellings also comparable. Furthermore, the proposal has been so designed to achieve adequate amenity space and off-street parking to serve the proposed dwellings.
- 6.13 Notwithstanding the foregoing, conditions are recommended requiring the submission of existing and proposed ground levels and the height of the proposed finished floor levels and ridge height of the proposed dwellings. Accordingly, the proposed dwellings would complement the local vernacular and would not have such a detrimental impact on the character of the area to warrant a refusal of the application.

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

- 6.14 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 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 be achieved.
- 6.15 Objections have been raised by the occupiers of properties along Grange Park Road in respect of the impact of the development on their living conditions citing loss of privacy, over-dominance, loss of view, intensification of use and loss of value to existing properties.
- 6.16 The objections of the third parties are noted; however, the location of the proposed dwellings not only meet but are in excess of the distances outlined in the SPD which would also mitigate for any perceived potential impact due to scale and massing. Furthermore, the existing landscaping along the eastern boundary of the application site with the exception of the three access points is to be retained.
- 6.17 The loss of a view or potential decrease in value of existing properties are not material planning considerations. In respect of intensification of use, it is inevitable that any development proposals in an otherwise undeveloped area would lead to increased levels of traffic and noise; however, given that the proposal is for four dwellings the level of usage would not be so significant to warrant refusal of the application on this basis.

5. Proposed Method Of Foul And Surface Water Drainage

- 6.18 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. The submitted documents illustrating

that each property would be served by a package treatment plant. Surface water would be via an attenuation system before entering the field drainage system.

- 6.19 Members should note that the Lead Local Flood Authority in respect of surface water drainage raise no objection to the proposal but recommend a series of pre-commencement conditions. These conditions would ensure that the proposed development would not have a detrimental impact on surface water within the vicinity together with further conditions requiring details for a surface water drainage system and management plan.
- 6.20 In respect of foul water drainage, a condition is also recommended requiring the submission of details in respect of the proposed package treatment plants to serve each of the dwelling prior to commencement of any development. This details would then be assessed by the relevant Statutory Consultees. If such details prove to be unacceptable, it may be that the residential development would stall as a result.

6. Impact Of The Proposal On Highway Safety

- 6.21 The submitted drawings illustrate that access to the dwellings would be via Grange Park Road. Plots 2 and 3 would have a shared access with Plots 4 and 5 served by individual accesses.
- 6.22 Cumbria County Council, as Highway Authority, following the receipt of additional information, raise no objections to the proposal subject to the imposition of conditions in respect of: visibility; access/parking construction; construction traffic parking; prevention of surface water discharging onto the highway; no additional access/egress and the provision of a footpath.
- 6.23 Several occupiers of Grange Park Road question the adequacy of the highway to accommodate the additional traffic resulting from the proposed development and construction traffic. The views of the objectors are noted; however, in light of the comments from the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.
- 6.24 Another issue raised by objectors is that a footpath and street lighting be provided along the length of Grange Park Road. The Highway Authority concurs with the provision of a footpath which is subject of a condition; however, do not consider the installation of street lighting necessary. A further concern raised by the objectors is the existing condition of the highway surface and the potential for construction traffic to exacerbate it. This is not a material planning consideration; however, Members should note that Cumbria County Council has confirmed that it is the responsibility of Cumbria County Council to maintain Grange Park Road and are aware of the concerns of the residents.

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

- 6.25 Policy GI6 of the Local Plan seek to ensure that proposals for new development should provide for the protection and integration of existing

trees and hedges where they contribute positively to a locality, and/or are of specific natural or historic value. Furthermore, the City Council's SPD 'Trees and Development' outline that not only should the design of developments seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting. Accordingly, it is important that these issues are considered at the very start of the planning process.

- 6.26 The western and eastern boundaries of the application site are delineated by native hedgerows with a group of trees, subject of Tree Preservation Order 285, in the south eastern section of the site. The submitted drawings document indicate that with the exception of the proposed access the existing trees and hedgerows would be retained. Additional landscaping is also proposed in the northern section of the field adjacent to the application site.
- 6.27 The City Council's Landscape Architect/Tree Officer has been consulted and has verbally confirmed that there are no objections to the proposal subject to the imposition of conditions requiring the submission of a landscaping scheme and tree/hedge protection barriers.

8. Impact Of The Proposal On Biodiversity

- 6.28 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 would not harm protected species or their habitat; however, an Informative is recommended should Members approve the application that if a protected species is found all work must cease immediately and the Local Planning Authority informed. A condition is also recommended that works involving the removal of section of the hedgerows are undertaken outwith the bird nesting season unless the absence of nesting birds has been established through a survey.

9. Other Matters

- 6.29 Views have been received that both support and oppose the provision of a play area within the northern section of the remaining field. Policy GI6 of the Local Plan only requires the provision of an informal space for play and recreational/amenity use on developments of more than twenty dwellings. Accordingly, there is no policy requirement given that the development seeks permission for four dwellings only.

Conclusion

- 6.30 In overall terms, the application is compliant with the objectives of the National Planning Policy Framework, Planning Policy Guidance, relevant Local Plan policies and Supplementary Planning Documents. Accordingly, the application is recommended for approval.

7. Planning History

7.1 There is no relevant planning history.

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 approved documents for this Planning Permission comprise:

1. the submitted planning application form received 31st August 2016;
2. the Supporting Document Rev A received 9th November 2016;
3. the Contamination Desk Top Study received 31st August 2016;
4. the elevations received 20th October 2016 (Drawing No. D.01c);
5. the floor plans received 20th October 2016 (Drawing No. D.02b);
6. the site plan received 9th November 2016 (Drawing No. D.03d);
7. the location plan received 8th November 2016 (Drawing No. D.04b);
8. the drainage detail received 20th October 2016 (Drawing No. D.05);
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.

3. 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.

4. The development shall not commence until visibility splays providing clear visibility of 50 metres in a north westerly direction and 50 metres in a south easterly direction measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway from a point 2.4 metres back from the edge of the carriageway for Plots 3, 4 and 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 formed 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.

5. The development shall not commence until visibility splays providing clear visibility of 45 metres in a north westerly direction and 45 metres in a south easterly direction measured down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway from a point 2.4 metres back from the edge of the carriageway for Plot 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be formed 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. A footway shall be provided on the western side of Grange Park Road that links continuously and conveniently to the nearest existing footways to the north and south of the application site.

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

7. Ramps shall be provided on each side of every access as well as the existing footpath at the northern end of Grange Park Road to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

8. Details of proposed crossings of the highway verge shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossings have been constructed.

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

9. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the

adjacent highway.

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

10. There shall be no vehicular access to or egress from the site other than via the approved accesses, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety. To support Local Transport Plan Policies: LD7, LD8.

11. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5 metres as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: In the interests of highway safety. To support Local transport Plan Policies: LD7, LD8.

12. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto or off the highway shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

13. The roadside ditch shall be piped at each access prior to the development being brought into use, in accordance with details which have first been submitted for approval by the Local Planning Authority. The construction shall be in accordance with a specification which has been approved by the Local Planning Authority.

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

14. The dwellings shall not be occupied until the access and parking requirements have been constructed in accordance with the approved plan. Any such access and or parking provision shall be retained and be capable of use when the development is completed and shall not be removed or altered without the prior consent of the Local Planning Authority.

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

15. Before any development takes place, the designated area for the parking of construction vehicles as illustrated on drawing number D.03d shall be constructed and made available 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 the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users. To support Local Transport Plan Policies: LD8.

16. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to package treatment plants to serve each of the dwellings have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until such treatment plants have been constructed and completed in accordance with the approved plans.

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

17. Full details of the surface water drainage system shall be submitted to the Local Planning Authority for approval prior to development being commenced. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

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

18. No development shall commence until full details of the surface water system demonstrating that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40% to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc) have been agreed in writing with the Local Planning Authority.

Reason: To manage flood risk within the development that results from surface water to minimise the risk to people and property.

19. No development shall commence until details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the Local Planning Authority.

Reason: To safeguard against negative impact outside the development boundary to people and property.

20. No development shall commence until a construction surface water management plan has been agreed in writing with the Local Planning Authority.

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of the watercourse running through the site.

21. Prior to the commencement of any development, a surface water drainage scheme and means of disposal, based on sustainable drainage principles 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 proposed scheme should meet the requirements of Sustainable Drainage Systems: Non-Statutory Technical Standards (March 2015).

Reason: To ensure the surface water system continues to function as designed.

22. For greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak flow greenfield runoff rate for the same event.

Reason: To safeguard against negative impact outside the development boundary to people and property.

23. For greenfield development, the runoff volume from the development to any highway drain, sewer or surface water body in the 1 in 100 year, 6 hour rainfall event should never exceed the greenfield runoff volume for the same event.

Reason: To safeguard against negative impact outside the development boundary to people and property.

24. Prior to commencement the surface water system in which it is proposed to discharge must be investigated to ensure it is capable of receiving existing flows plus the proposed discharge from the development. Remedial action must be taken by the developer if required.

Reason: To ensure flood risk is not increased elsewhere.

25. 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.

26. Prior to commencement of any development full details shall be submitted and approved in writing by the Local Planning Authority of the raised hedge bank and tree planting to the north and west of the application site as indicated on drawing numbers D.03d and D.04b. Such details shall include the proposed types, species planting heights and planting densities of all trees and shrubs to be planted together with the height and profile of the raised bank. Thereafter all works shall be carried out in the first planting season following the approval of the submitted details; and any trees or shrubs which die, become diseased or are lopped, topped, uprooted or wilfully destroyed within the following five years shall be replaced by appropriate nursery stock.

Reason: To ensure a satisfactory landscaping scheme is prepared in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

27. No development shall take place until full details of a landscaping scheme has 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 the dwellings. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

28. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the hedgerow to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. 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 trees/hedges to be retained on site in support of Policies GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

29. No site clearance or works to the retained hedgerow 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 nesting birds in accordance with Policy GI3 of the

Carlisle District Local Plan 2015-2030.

30. 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 1600 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.

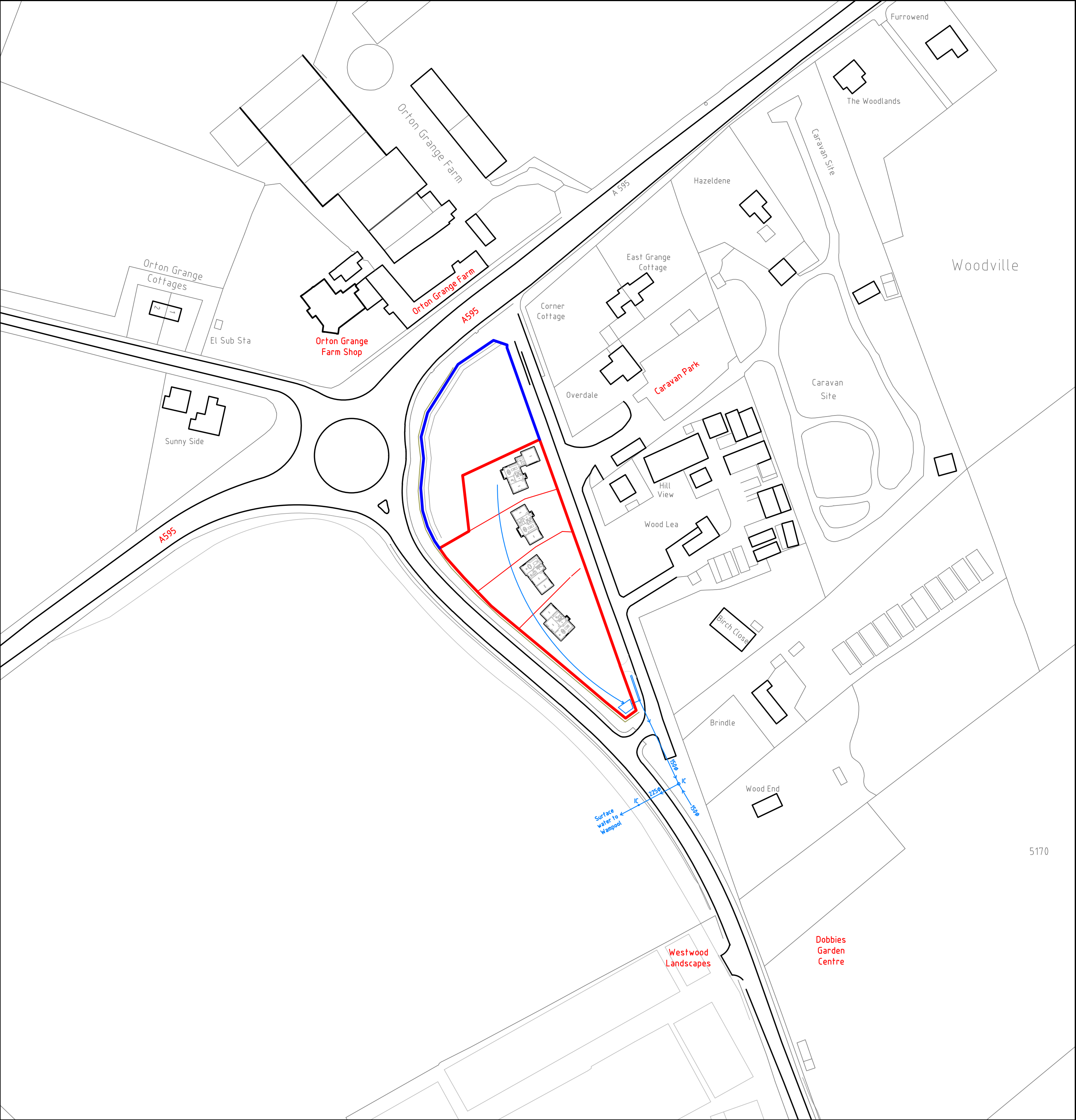
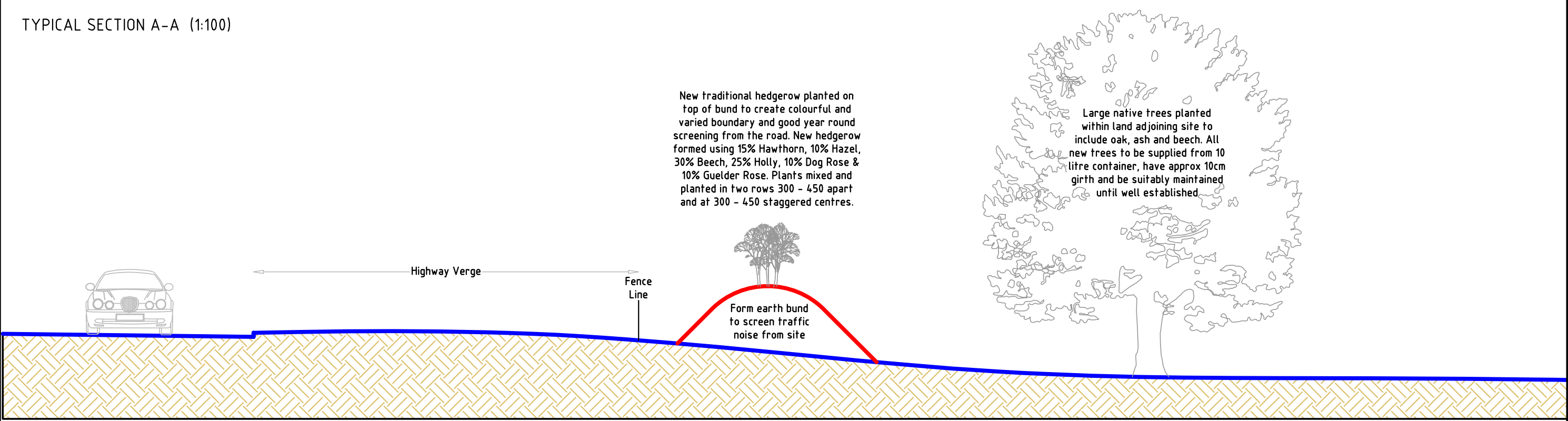
31. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary 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.

32. Prior to the occupation of the first property suitable receptacles shall be provided for the collection of waste and recycling for each unit in line with the schemes available in the Carlisle district.

Reason: In accordance with Policy CP14 of the Carlisle District Local Plan 2001-2016 and Policy IP5 of the Carlisle District Local Plan 2015-2030.



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Revision Status				Initials
Rev	Date	Amendments		

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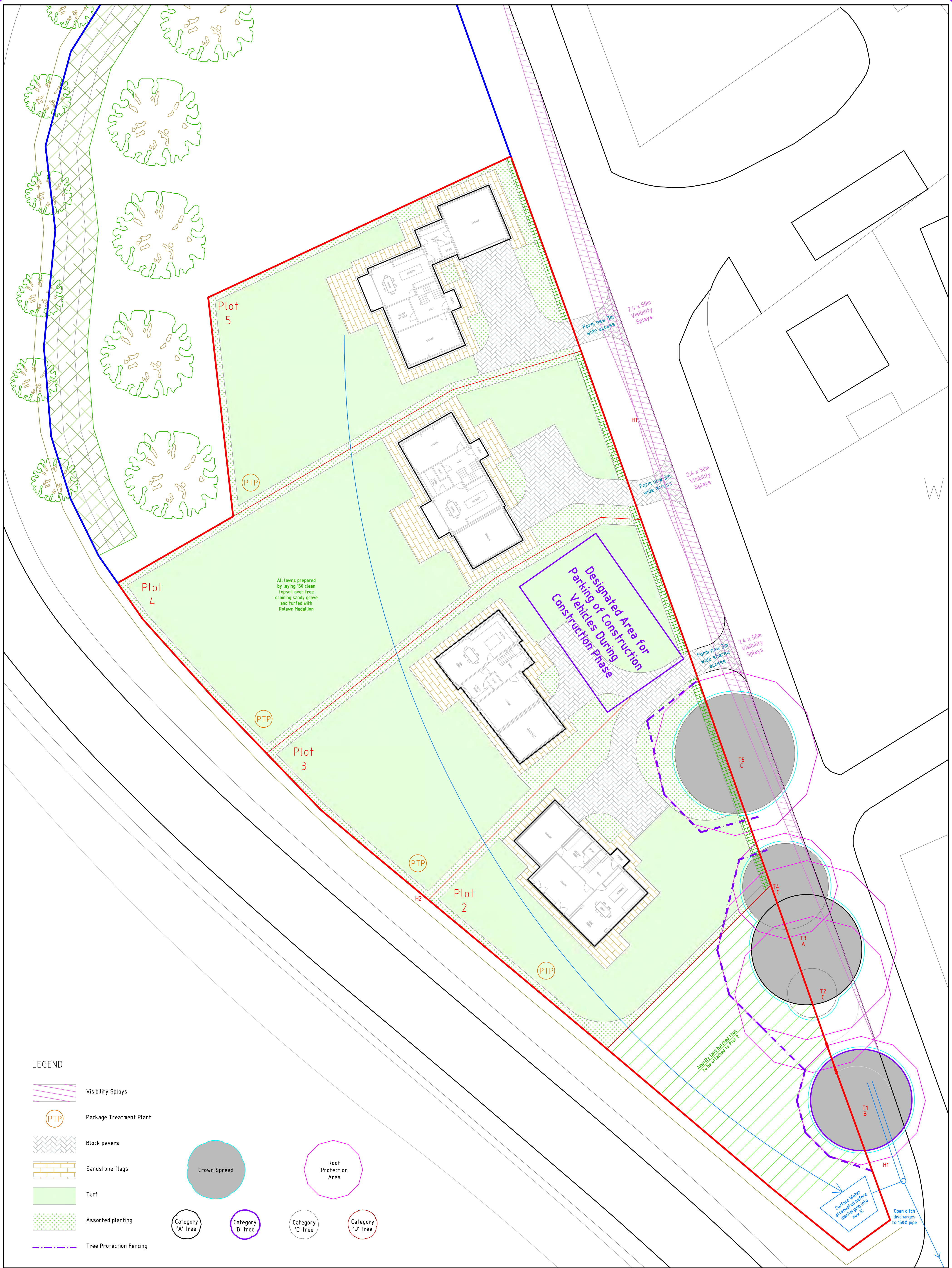
Page 265 of 354

Client

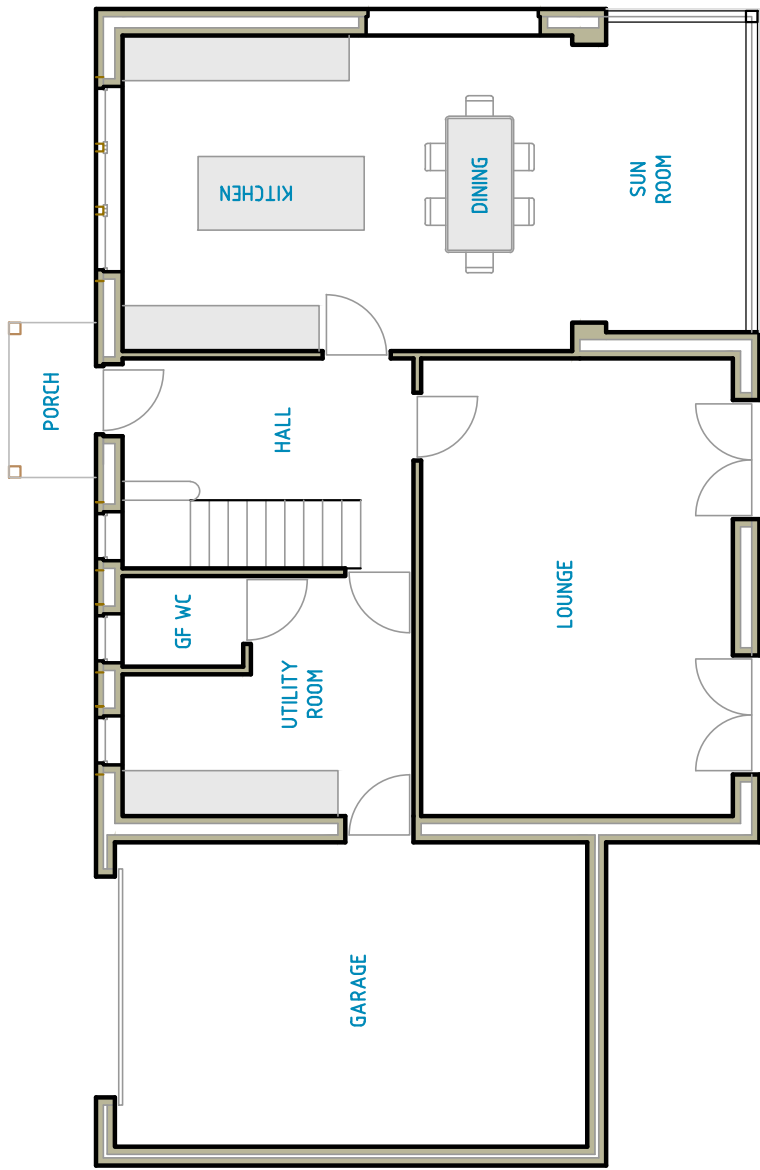
Richard Martin

Drawing

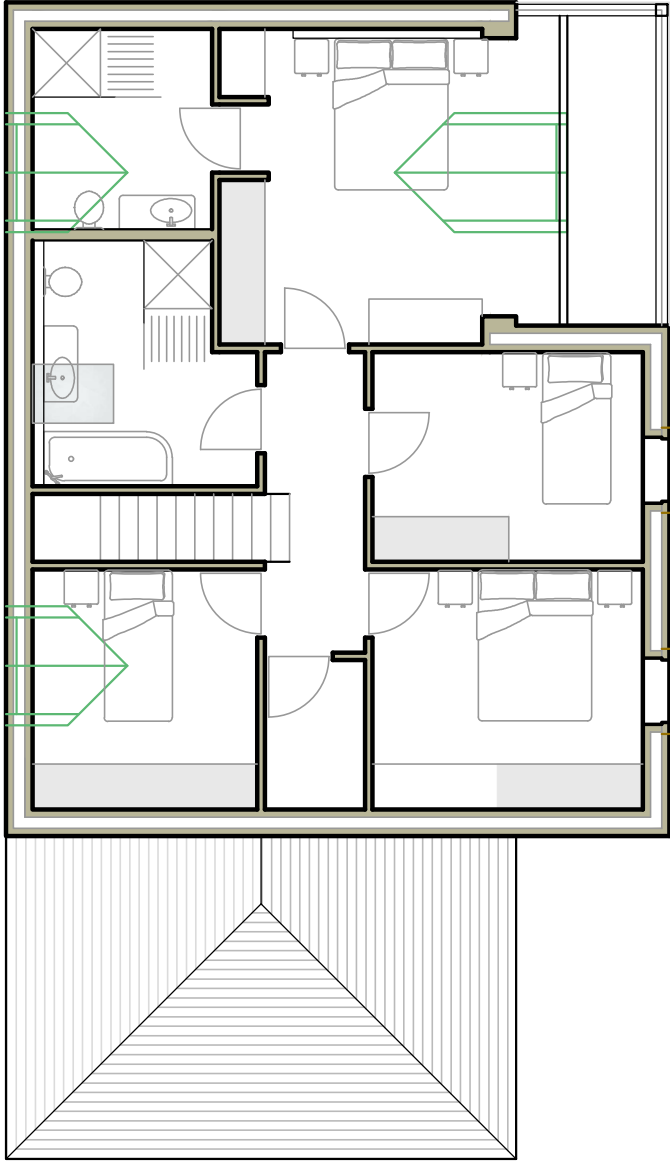
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Scheme: Development of Site at Orton Grange
Scale: 1:1250
Date: Oct 2015
Dwg No.: D.04b
Drawn: D Gray



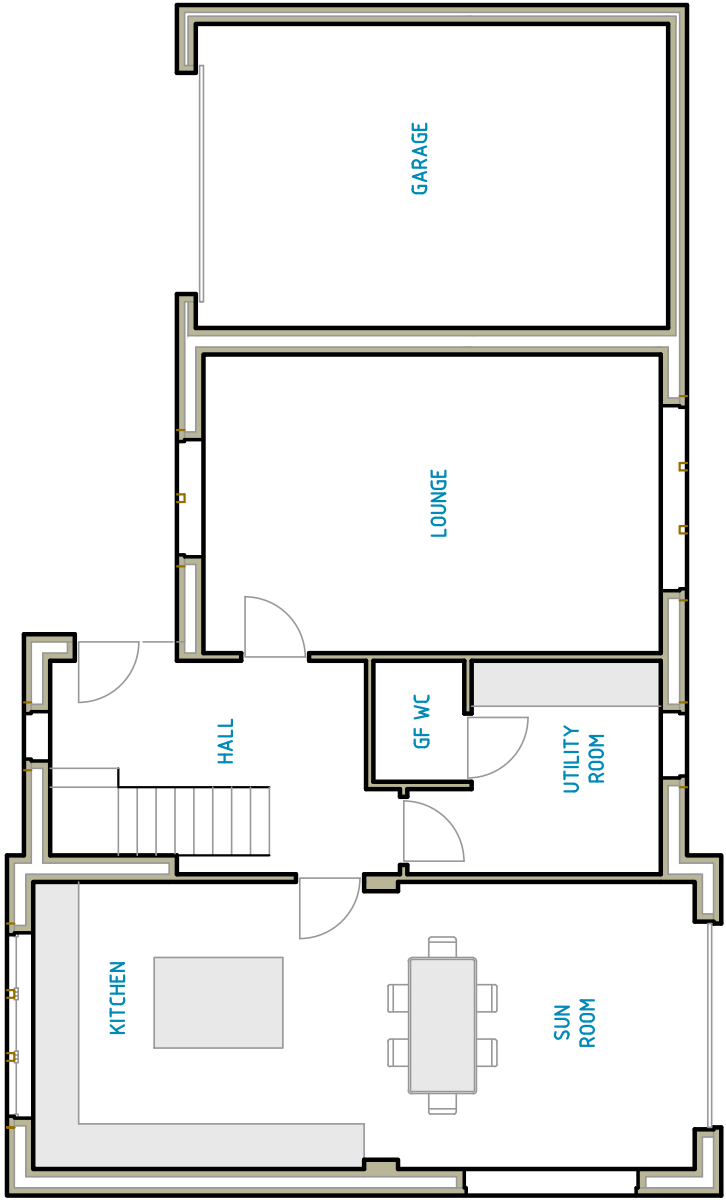
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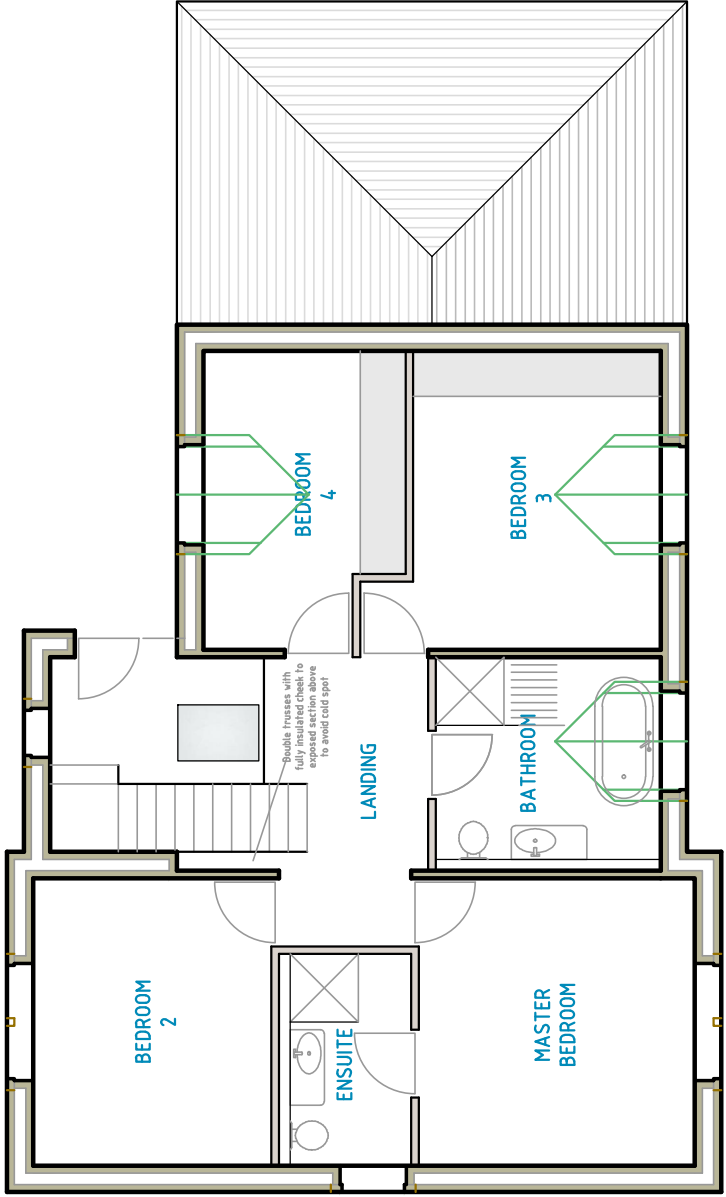
PLOT 2 – GROUND FLOOR PLAN



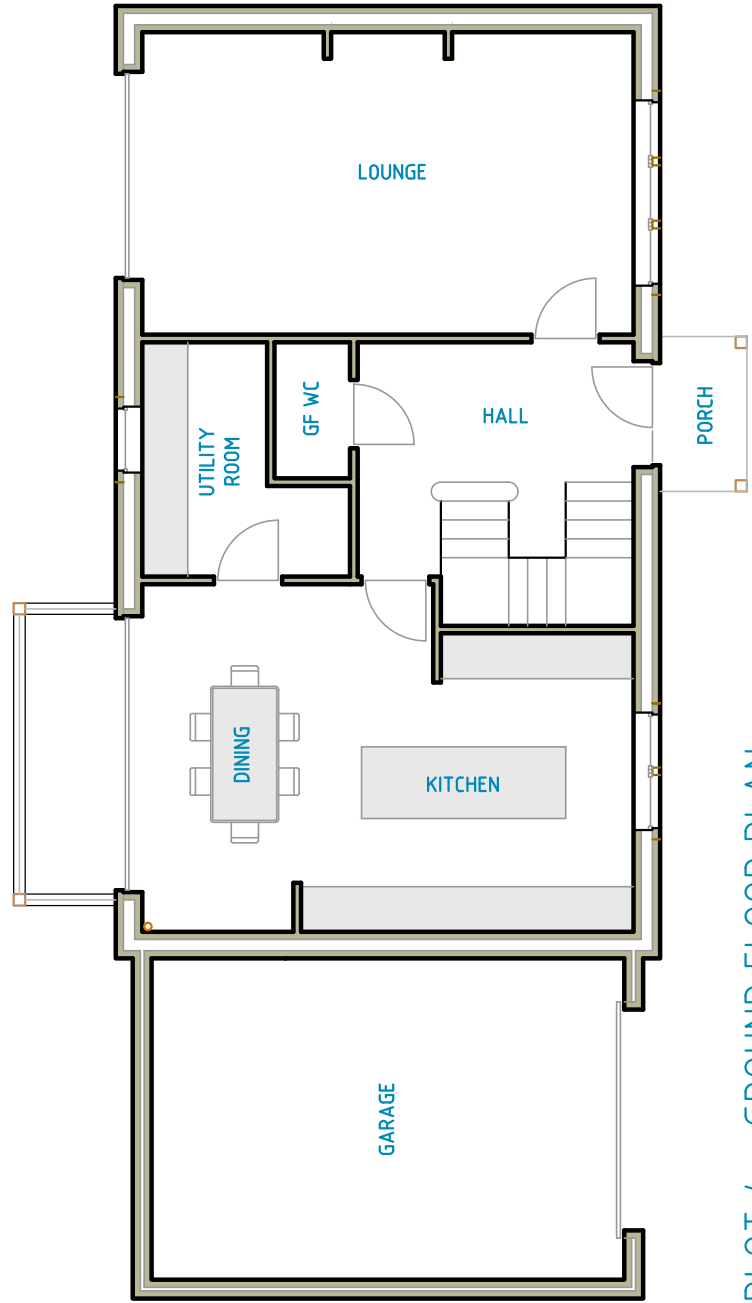
PLOT 2 – FIRST FLOOR PLAN



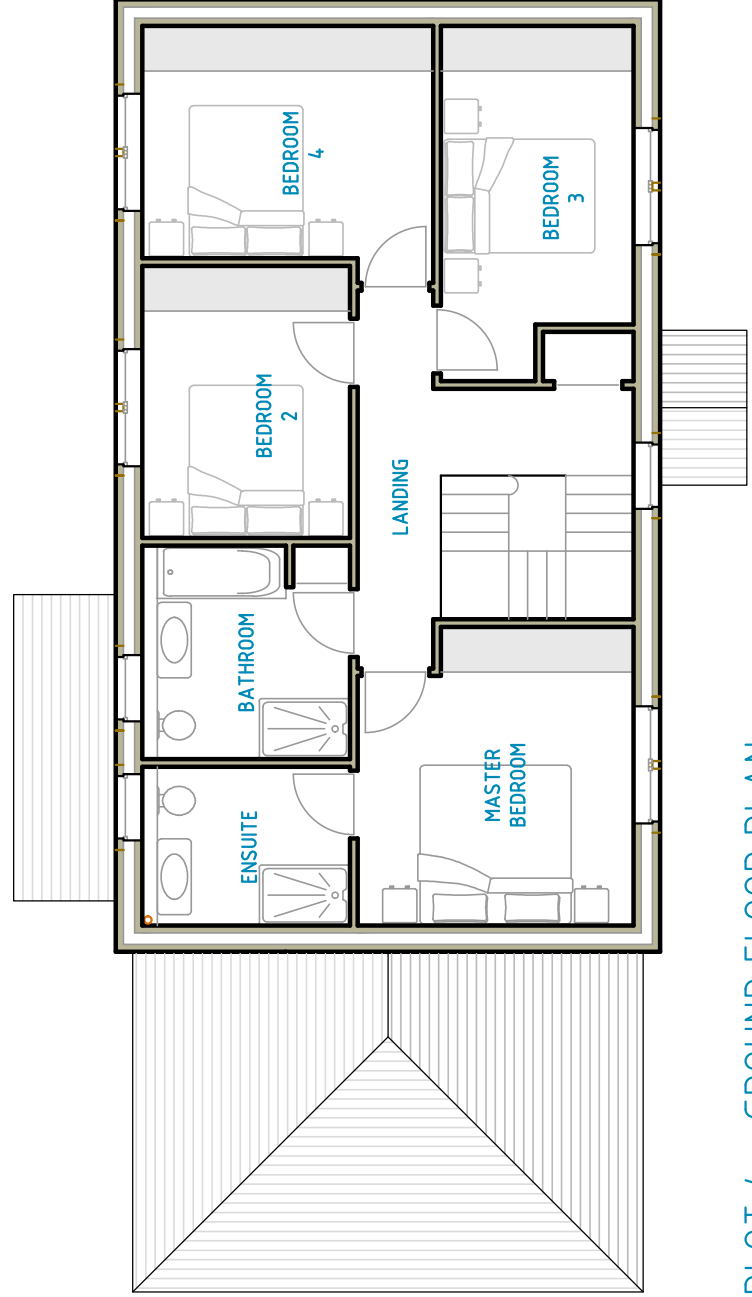
PLOT 3 – GROUND FLOOR PLAN



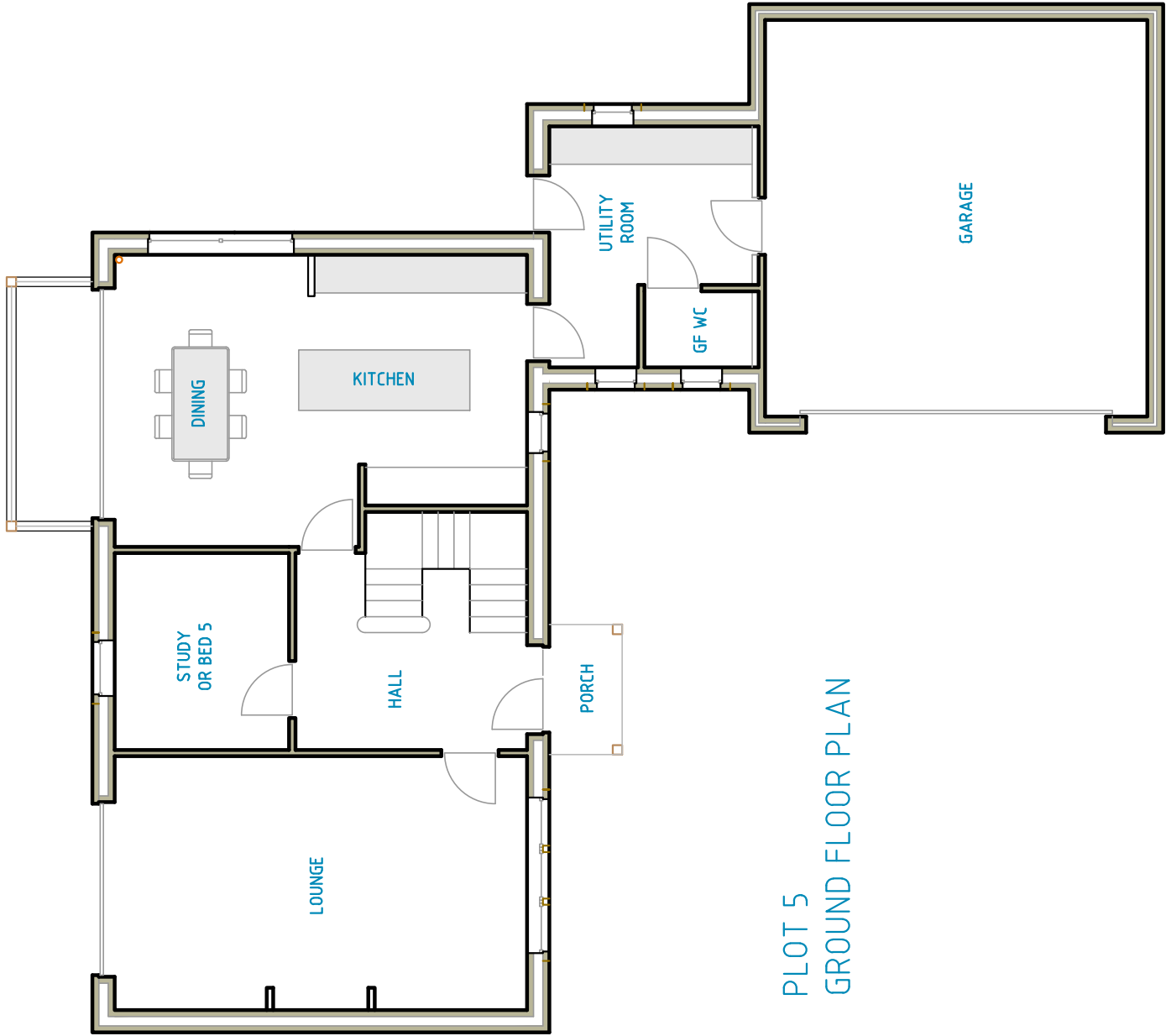
PLOT 3 – FIRST FLOOR PLAN



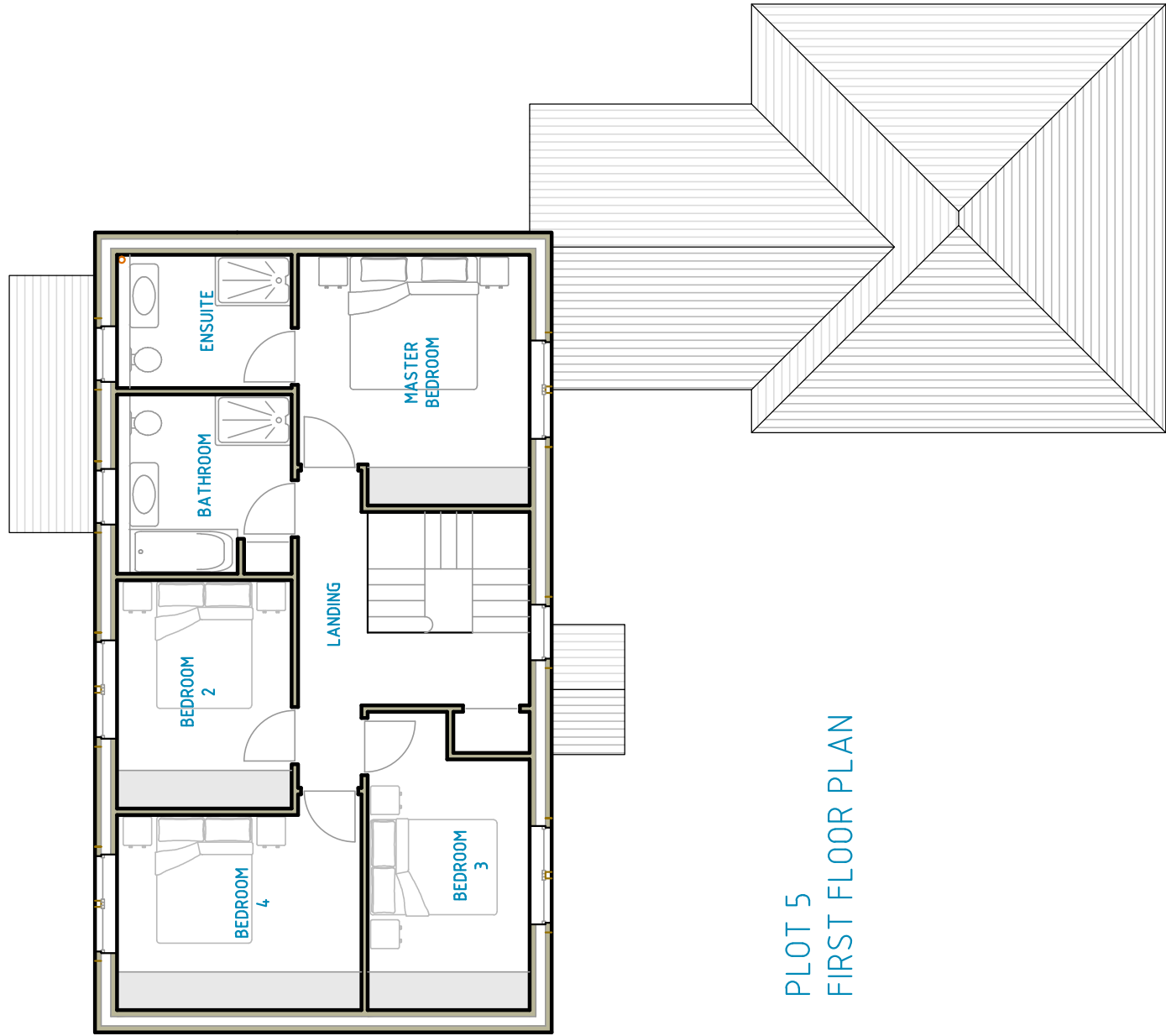
PLOT 4 – GROUND FLOOR PLAN



PLOT 4 – GROUND FLOOR PLAN



PLOT 5
GROUND FLOOR PLAN



PLOT 5
FIRST FLOOR PLAN

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Rev	Date			

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Drawing Title: Floor Plans

Scheme: Development of Site at Orion Grange

Scale: 1:100

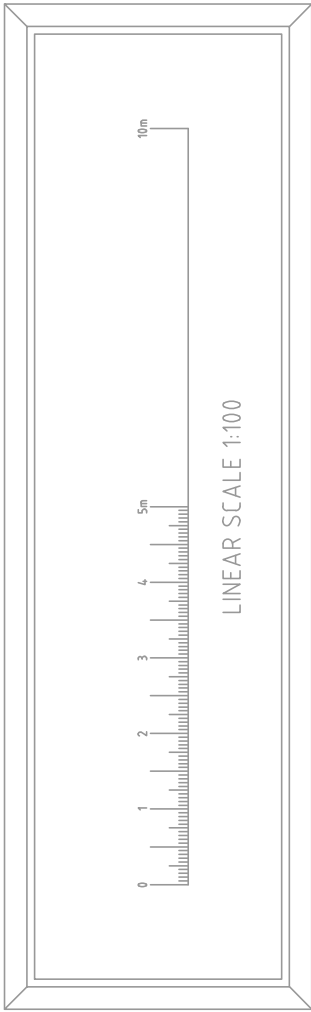
Date: Oct 2016

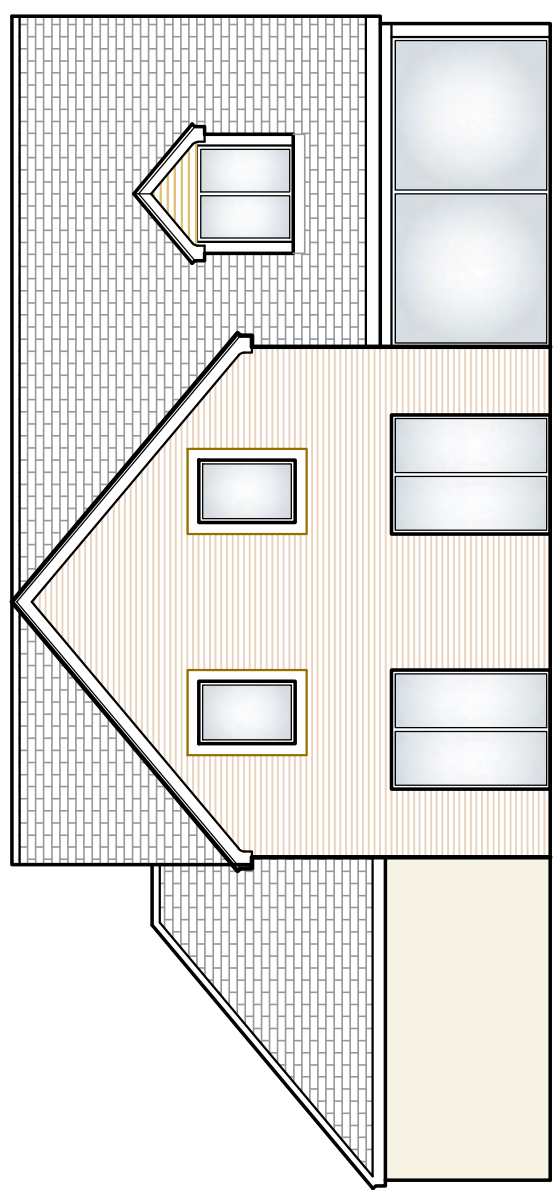
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Drawn: D Gray

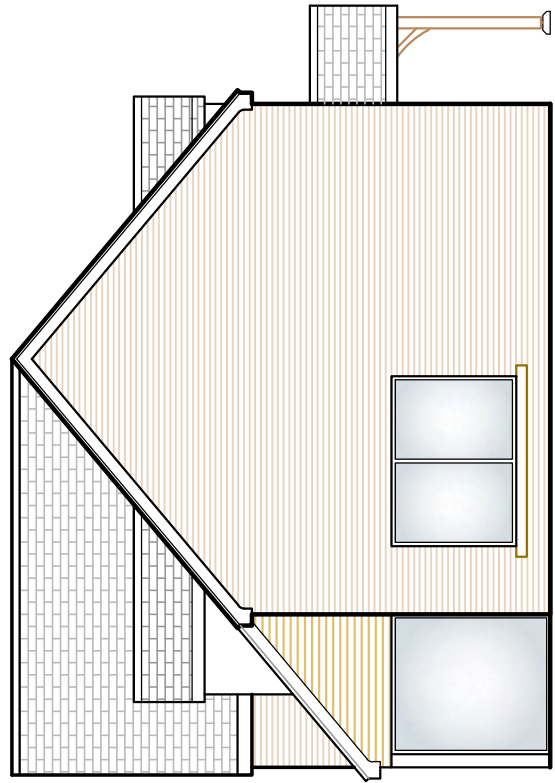
Client

Richard Martin

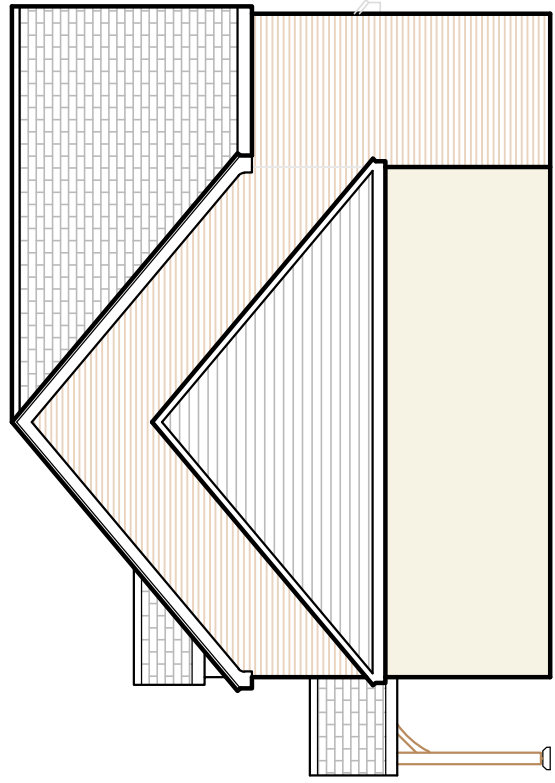




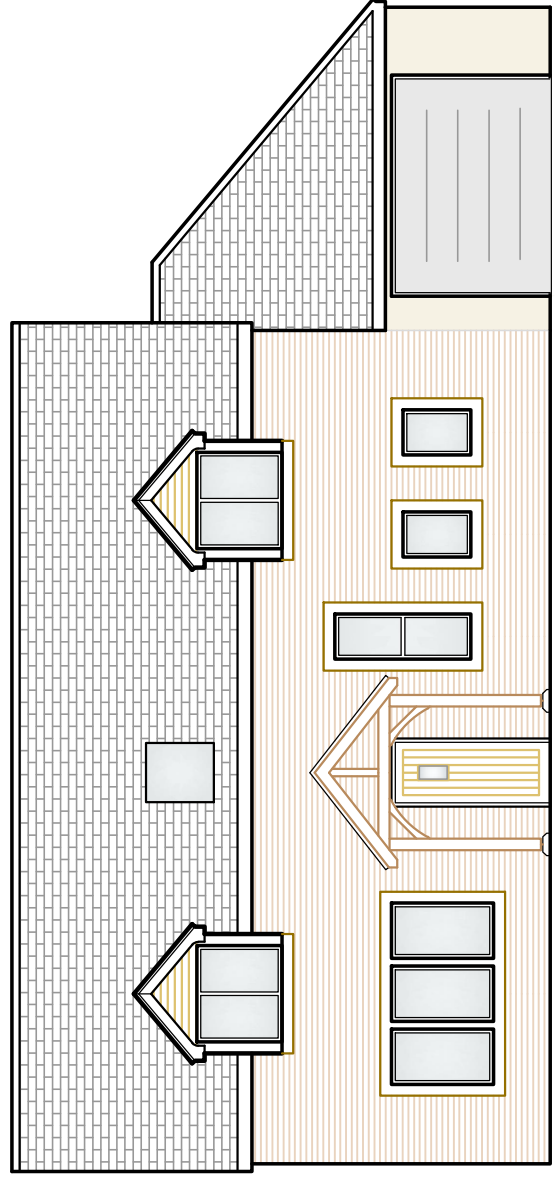
PLOT 2 - SOUTH WEST ELEVATION



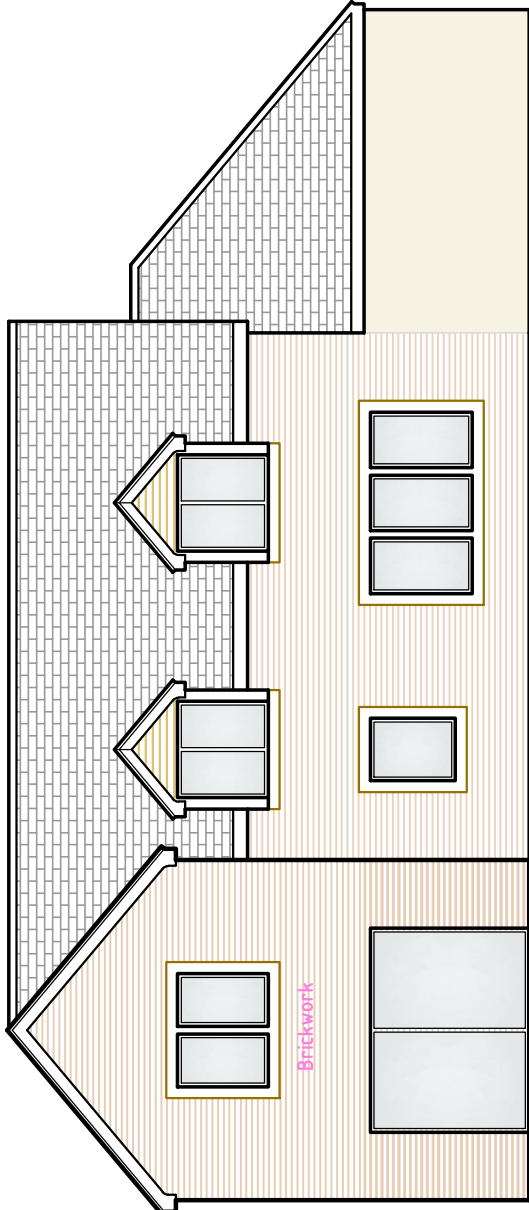
PLOT 2 - SOUTH EAST ELEVATION



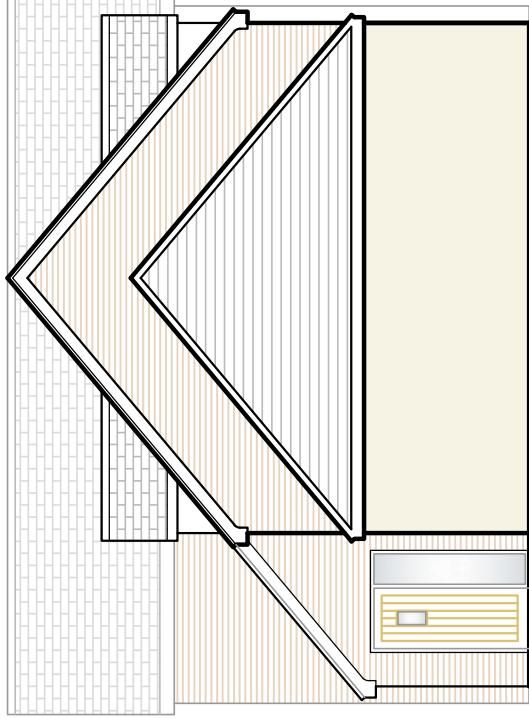
PLOT 2 - NORTH EAST ELEVATION



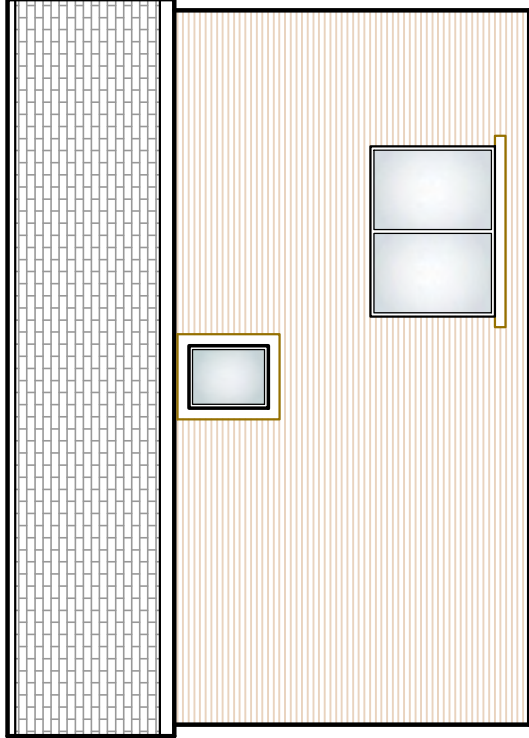
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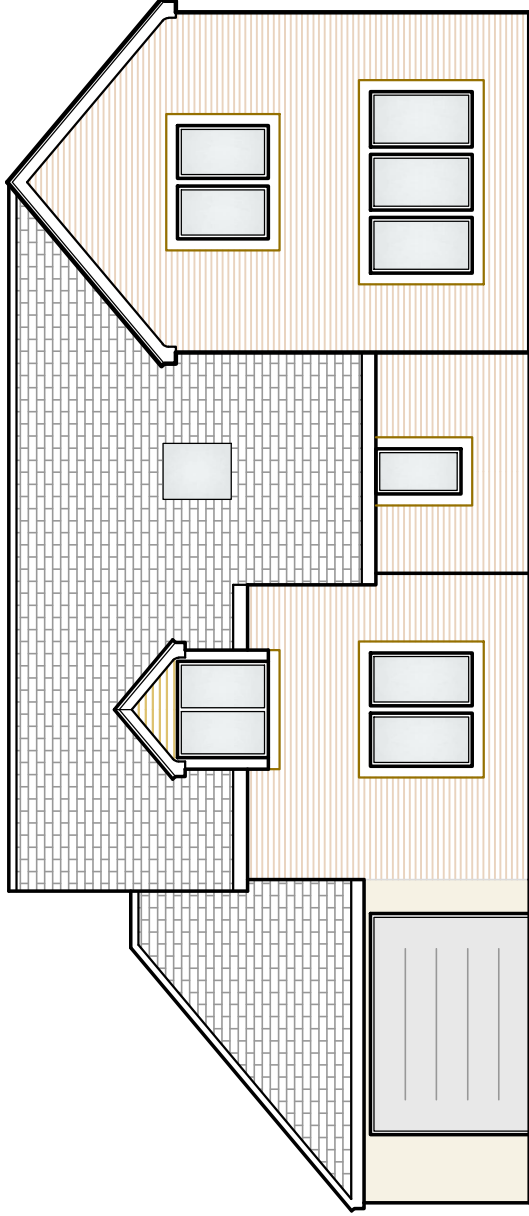
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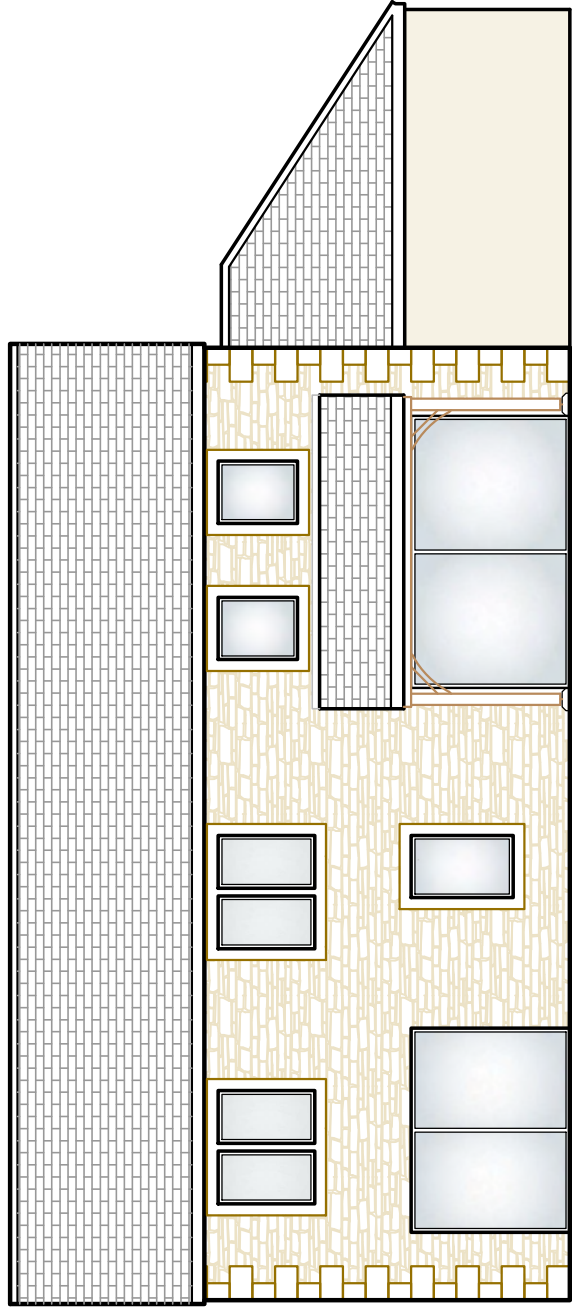
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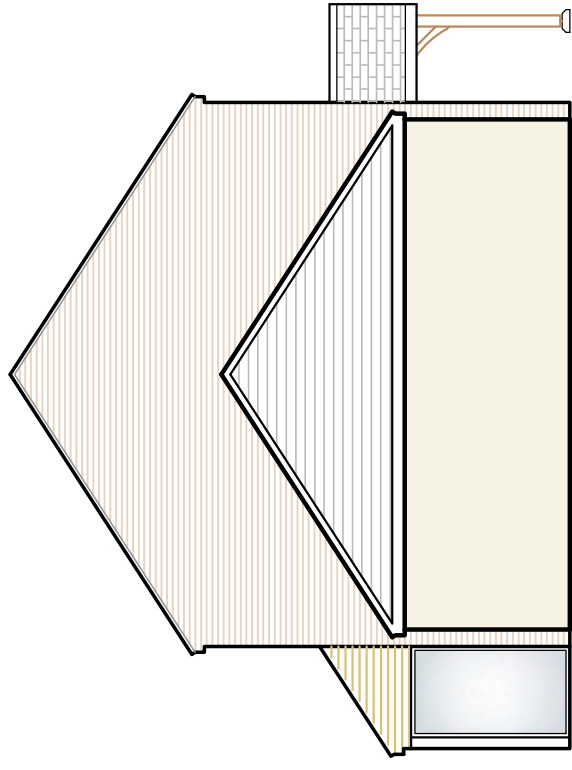
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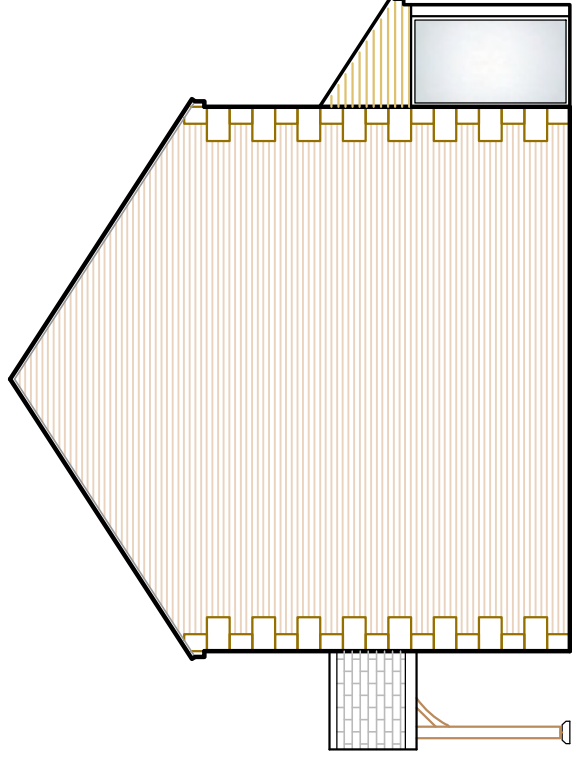
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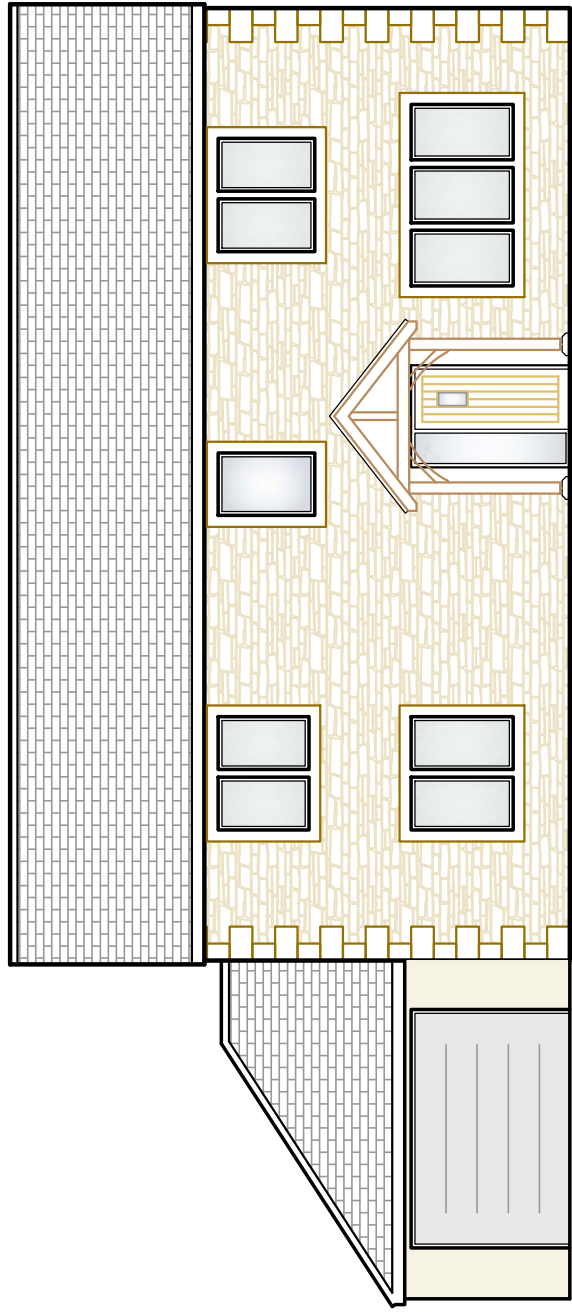
PLOT 4 - SOUTH WEST ELEVATION



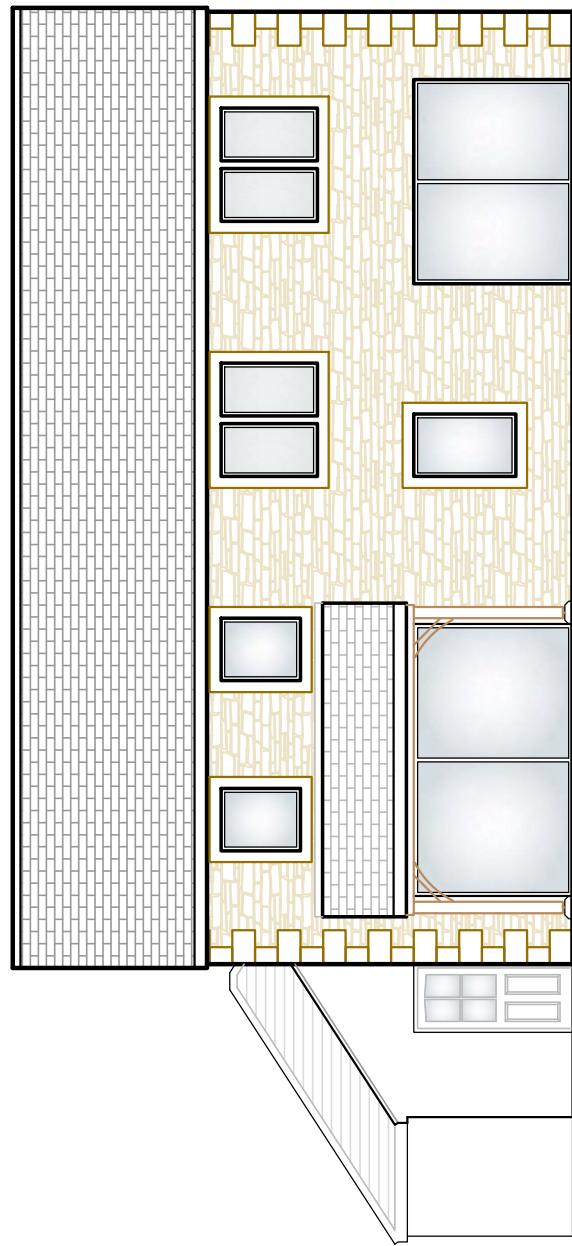
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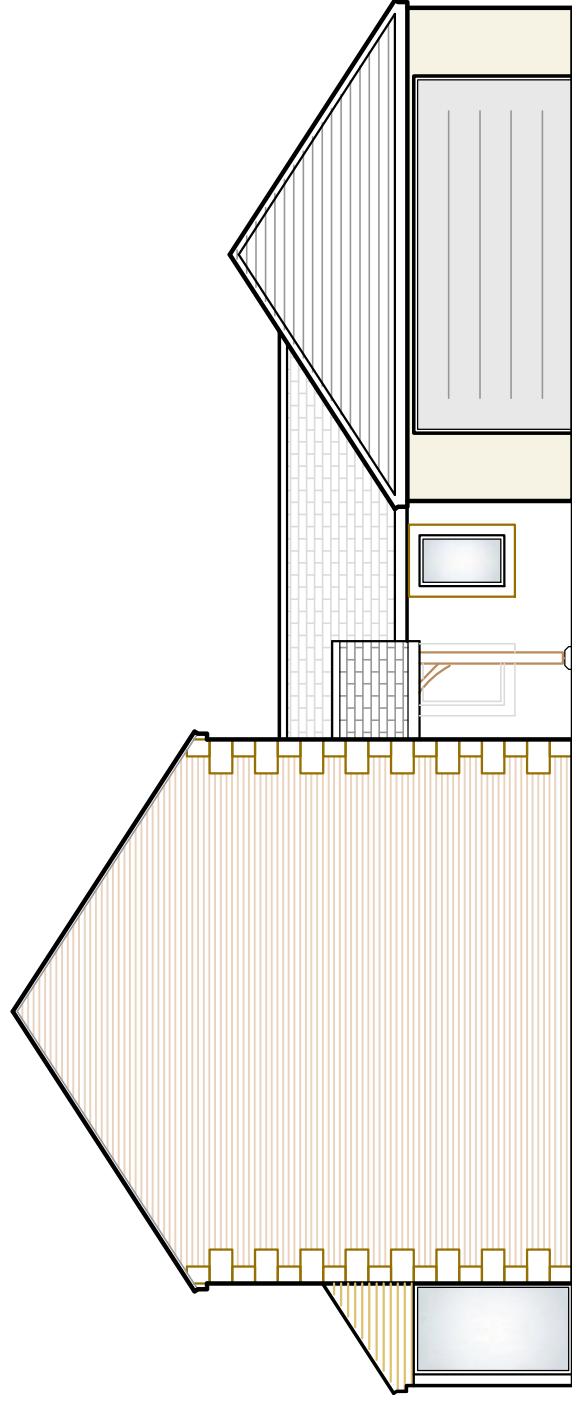
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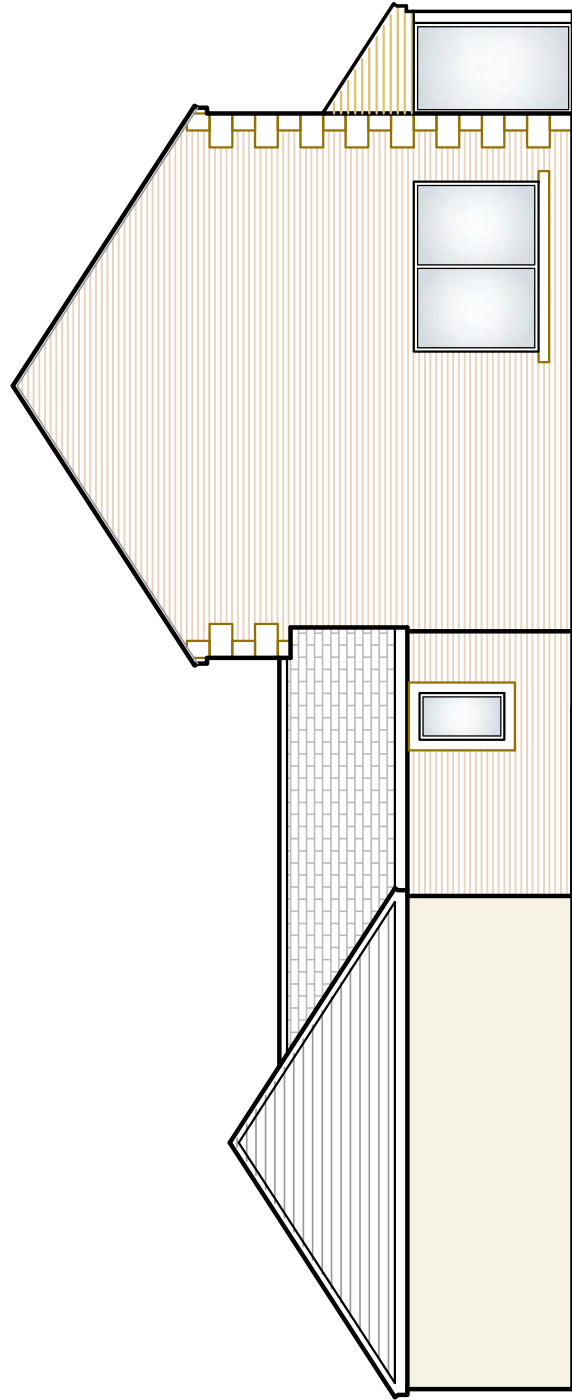
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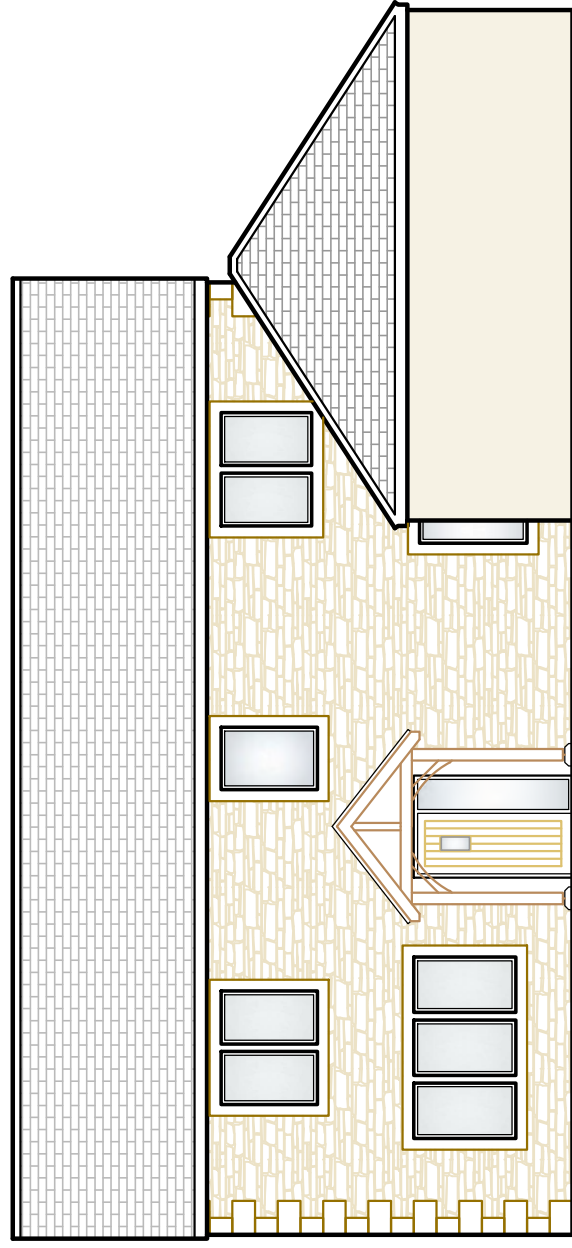
PLOT 5 - SOUTH WEST ELEVATION



PLOT 5 - SOUTH EAST ELEVATION

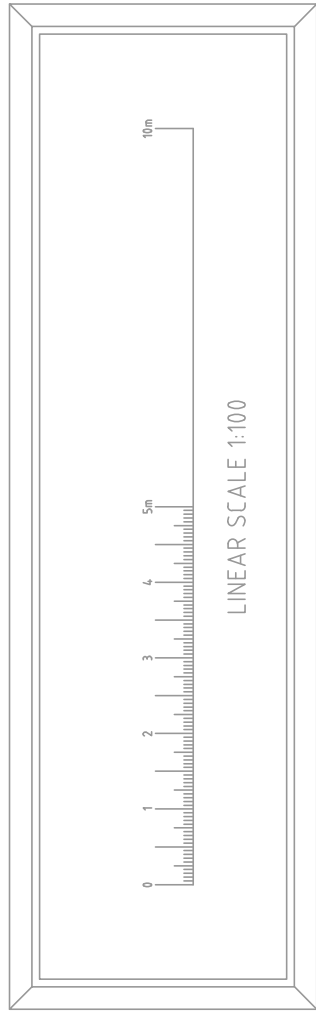


PLOT 5 - NORTH WEST ELEVATION



PLOT 5 - NORTH EAST ELEVATION

- LEGEND
- Brickwork
 - Stone
 - Render
 - Slate roof
 - Timber boarding



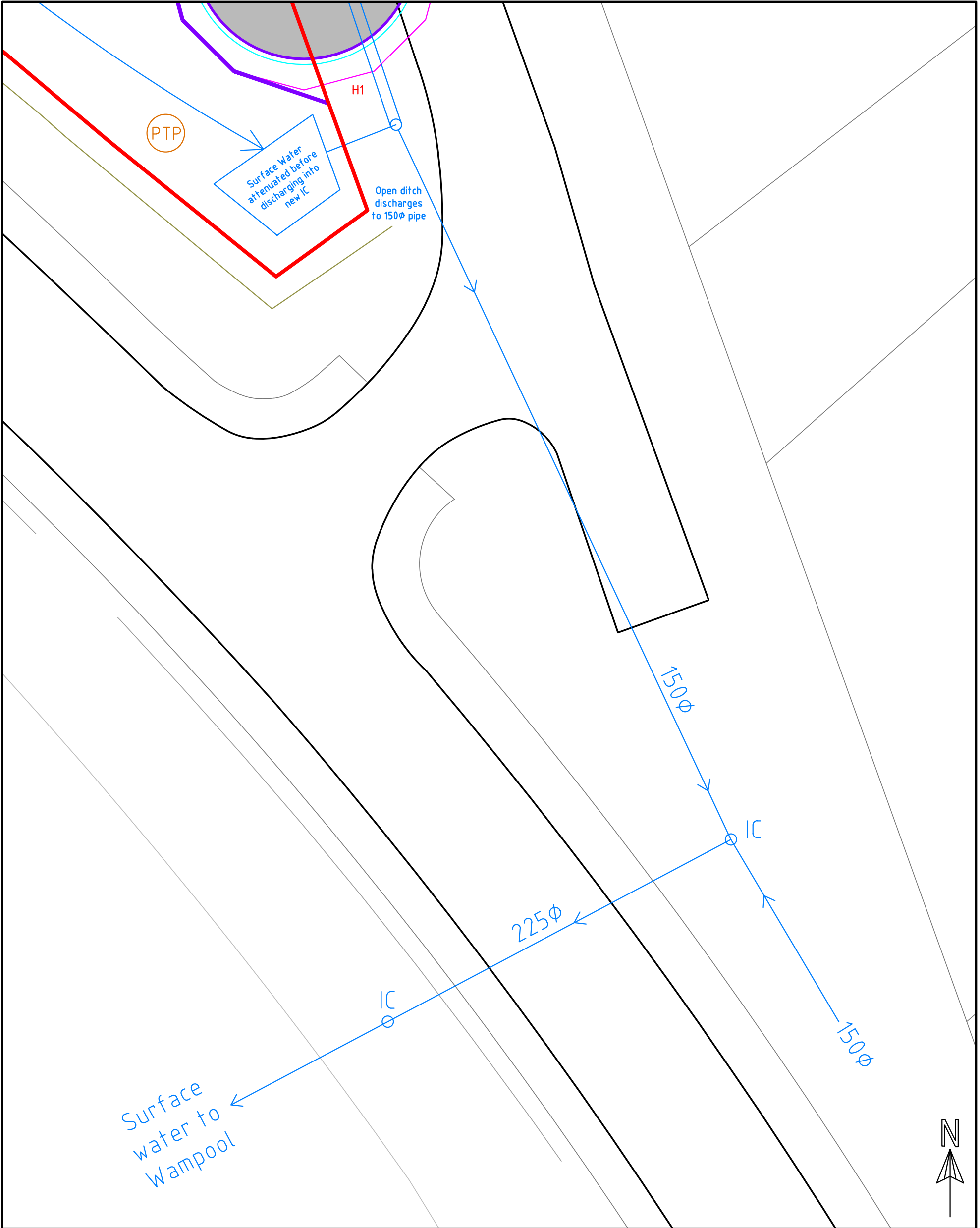
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Rev	Date	Amendments	

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Client
Richard Martin

Drawing
Title: Elevations
Scheme: Development of Site at Otton Grange
Scale: 1:100
Date: Oct 2016
Dwg No.: D01c
Drawn: D Gray



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Client

Richard Martin

Drawing

Title: Drainage Detail
Scheme: Development of Site at Orton Grange
Scale: 1:200
Date: Oct 2016
Dwg No.: D.05
Drawn: D Gray

Drawing to be printed at A3

SCHEDULE B

SCHEDULE B

SCHEDULE C

SCHEDULE C

SCHEDULE C: Applications Determined by Other Authorities

Item No: 12

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/9005

Applicant:

Fortum Carlisle Limited &
Kingmoor Park Properties
Limited

Parish:

Kingmoor

Date of Receipt:

20/06/2016

Agent:

Cumbria County Council -
Economy & Planning

Ward:

Stanwix Rural

Location:

Land to the North of Kings Drive, Kingmoor Park
Industrial Estate, Carlisle, CA6 4SE

Grid Reference:

338099 559158

Proposal: Erection Of An Energy From Waste Plant Including Reception & Fuel Processing Hall, Boiler House & Air Cooled Condensing Building & Associated Operations Including 70m High Flue Stack, 2no. Silos For Storage Of Fuel, 4no. Silos For The Storage Of Ash, Car Parking & New Access Roads, Gatehouse, Utilities Building, Weighbridge & Balancing Pond

Amendment:

REPORT

Case Officer: Angus Hutchinson

City Council Observations on the Proposal:

Decision: City Council Observation - Observations

Date: 27/07/2016

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 24/10/2016

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

CUMBRIA COUNTY COUNCIL

**TOWN AND COUNTRY PLANNING ACT, 1990
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015**

NOTICE OF PLANNING CONSENT

To: Fortum Carlisle Limited and Kingmoor Park Properties Limited
The Marketing Suite
Regents Court
Kingmoor Business Park
Carlisle
CA6 4SJ

In pursuance of the powers under the above Act and Order the Cumbria County Council as local planning authority hereby **permit** the development described in your application and on the plans/drawings attached thereto received on 10 June 2016.

viz: Erection of an energy from waste plant including reception and fuel processing hall, boiler house and air cooled condensing building and associated operations including 70 m high flue stack, 2 no silos for storage of fuel, 4 no silos for the storage of ash, car parking and new access roads, gatehouse, utilities building, weighbridge, and balancing pond.

Kingmoor Park Industrial Estate, Land to North of Kings Drive, Carlisle, Cumbria, CA6 4SE

Subject to due compliance with the following conditions:

Time Limit

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(1) (a) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Notification of the date of commencement of the development shall be made in writing to the Waste Planning Authority within 7 days of such commencement.

Reason: To enable the Waste Planning Authority to monitor the development to ensure compliance with this permission.

3. Notification of the commencement of the commissioning of the plant and commencement of operations shall be made in writing to the Waste Planning Authority within 7 days of each commencement.

Reason: To enable the Waste Planning Authority to monitor the development to ensure compliance with this permission.

Approved Scheme

4. 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 10 June 2016
 - b. Additional Information :
 - Letter dated 28 June 2016 (transport assessment)
 - IPRT Specialist Transport Planning Consultants – Junction Assessment of A689/Parkhouse Road – dated 16 June 2016
 - c. Plans numbered and named:
 - i) Planning Drawing 01 – Site Location Plan
 - ii) Planning Drawing 02 – Aerial Context Plan
 - iii) Planning Drawing 03 – Ownership plan
 - iv) Planning Drawing 04 – Site Layout (i)
 - v) Planning Drawing 05 – Site Layout (ii)
 - vi) Planning Drawing 06 – Site elevations (i)
 - vii) Planning Drawing 07 – Site elevations (ii)
 - viii) Planning Drawing 08 – Landscape Masterplan
 - ix) Planning Drawing 09 – Process Diagram (i)
 - x) Planning Drawing 10 – Process Diagram (ii)
 - xi) Planning Drawing 10 – Boiler House Internal Elevation (indicative)
 - d. The details or schemes approved in accordance with the conditions attached to this permission.

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

5. A copy of this permission and all the documents referred to in condition 4 and details approved for the purposes of the conditions to this planning permission shall be available for inspection throughout the construction phase of the development. Their existence and the content of the approved documents shall be made known to all operatives likely to be affected by matters covered by them.

Reason: To ensure that those operating the site are conversant with and enabled to comply with the requirements of the conditions with this permission.

Land Contamination and Site Investigation

6. No construction development shall commence until a scheme to deal with any contamination of the site has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall identify any remedial measures required to deal with any hazards identified, and such measures shall be implemented before the commencement of construction of any of the buildings hereby permitted. The scheme shall include:
 - a) A site investigation report identifying and documenting the extent, scale and nature of any contamination and ground conditions in areas to be excavated;
 - b) A detailed scheme for any remedial works and measures to be undertaken to avoid risk from contaminants identified by the site investigation during excavation and construction works and proposals for future maintenance and monitoring, along with verification methodology. The scheme shall include nomination of a competent person to oversee and implement the works;

- c) A verification plan providing details of the data that will be collected to demonstrate that the works set out in (b) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, any maintenance required and any arrangements for contingency action. Where step (b) above is implemented, following completion of the measures identified in the approved scheme, a verification report that demonstrates the effectiveness of the remediation shall be submitted to the Waste Planning Authority for approval in writing prior to the plant being commissioned.

The approved scheme shall be implemented in full and shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (and subsequent legislation) in relation to the intended use of the land after remediation.

Reason: To secure the satisfactory development of the application site and to ensure protection of controlled waters and to conform with Policy DC14 of the Cumbria MWDF Generic Development Control Policies.

7. If during the construction phase of the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Waste Planning Authority) shall be carried out until the developer has submitted to, and obtained written approval from the Waste Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. The approved amendment to the remediation strategy shall be carried out as part of the development.

Reason: To ensure that the risk of on site contamination is kept to a minimum and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Construction Management Plan

8. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Waste Planning Authority. The Plan shall include details of the following:
 - a) Contractors compound/parking provision including a plan reserving adequate land for the parking of vehicles engaged in construction operations, including vehicular access;
 - b) The location and design of wheel cleaning facilities including the provision for cleaning of the site entrances and adjacent highway to prevent debris from the site being deposited by vehicle wheels upon the public highway ;
 - c) Temporary internal road and management of traffic within and accessing the site;
 - d) Means of receiving material;
 - e) Identification of potential sources and measures to control;
 - i. Noise
 - ii. Dust
 - iii. vibration
 - f) A noise management plan during construction phase;
 - g) The storage of fuels and soils during construction phase;
 - h) A scheme for recycling/disposing of waste resulting from construction works;

- i) Details of temporary lighting during construction;
- j) Access gates shall be hung to open away from the public highway, no less than 10m from the carriageway edge and shall incorporate visibility splays;
- k) Details of temporary construction/warning signage;
- l) Provision for facilities of manoeuvring, loading and unloading of vehicles'
- m) Construction vehicle routing.

The construction phase of the development shall be carried out in accordance with the approved Construction Management Plan.

Reason: To ensure the construction is carried out in accordance with the approved scheme and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Highways, Transportation and Car Parking

9. No development shall commence until detailed drawings providing the construction details including surfacing material (to be bituminous or cement bound materials), drainage and junction layout, of the new access road have been submitted to and approved in writing with the Waste Planning Authority. The access road shall be constructed and made available for use prior to any construction works starting on the site.

Reason: To ensure that the proposed new access road is constructed in the interest of highway safety and general amenity and to conform with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.

10. The sole access to and egress from the site shall be from Kings Drive as shown on Drawing 04 dated June 2016.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to conform with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.

11. All vehicles used to transport materials from the site during the construction phase and operational life of the site onto the public highway shall be sheeted or otherwise contained to prevent the migration of material out of the vehicle or container.

Reason: In the interest of local amenity and highway safety and to prevent release of litter on to neighbouring properties and to conform with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.

12. Prior to the commencement of development a scheme and programme describing the types of reversing alarms to be fitted to mobile plant on the site throughout the construction and operation phases of the development shall be submitted to the Waste Planning Authority for approval in writing. The scheme and programme shall provide for the fitting of non-audible reversing systems and include details of alternative measures that will be adopted should non-audible warning systems fail to operate or be unsuitable. Following the written approval by the Waste Planning Authority the scheme and programme shall be implemented in its entirety on commencement of the construction phase of the development and the measures contained within the approved scheme shall thereafter be utilised at all times throughout the operational life of the site.

Reason: To safeguard the amenity of local residents and adjacent properties/landowners and land users and to conform Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

13. No development shall commence until details of a cycleway and footway link between the application site and the nearest public highway have been submitted to and approved in writing by the Waste Planning Authority. The approved cycleway and footway shall be in place and made available for use before the development is brought into operational use.

Reason: To ensure that pedestrians and cyclists are protected against vehicular users of the highway and to conform with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.

14. No deliveries of refuse derived fuel shall be made to the site until all the external hard surface areas including the car parking areas shown on drawing no 05 site layout (ii) have been constructed, laid out and made available for use.

Reason: To ensure a minimum standard of access provision is available when the development brought into use and to conform with Policy DC1 of the Cumbria MWDF Generic Development Control Policies.

Surface Water Drainage

15. No development shall commence until a scheme detailing the surface water drainage system and grey water capture system, prepared in accordance with Section 5 - Surface Water Drainage of the Flood Risk Assessment (Appendix 12.1 of the Environmental Statement) has been submitted to and approved by the Waste Planning Authority. The scheme shall include details of how the following will be achieved:

- a. the capture of grey water for re use on the site;
- b. the mitigation any negative impact on surface water from the development on flood risk outside the development boundary
- c. that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so;
- d. that flooding will not occur to any building in a 1 in 100 year event plus 30 % to account for climate change
- e. that where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc.)
- f. the management and maintenance of the scheme.

The approved scheme shall be implemented in full prior to the development being brought into use and thereafter maintained throughout the operational life of the site.

Reason: In the interests of highway safety and environmental management and to conform with Policy DC14 of the Cumbria MWDF Generic Development Control Policies.

Details of site levels buildings and materials

16. No development shall commence until details of all building(s)/structure(s) including finished site and ground floor level in relation to existing site levels and adjoining land and buildings have been submitted to and approved in writing by the Waste Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development is built in accordance with the approved details.

17. No development shall commence until details of the design and layout of the proposed weighbridge and gatehouse have been submitted in writing to the Waste Planning Authority for approval in writing. The weighbridge and gatehouse shall be constructed in accordance with the approved details.

Reason: To ensure the development is built in accordance with the approved details.

18. No development shall commence until details of the colour scheme and samples of the materials and colour of the materials to be used on all external surfaces of all the buildings, external plant and machinery and flue stack have been submitted to and approved in writing by the Waste Planning Authority. The colour scheme shall include a combination of light and dark colours to break up the visual mass of the buildings and flue stack. The development shall be carried out in accordance with the approved details.

Reason: To secure the satisfactory development of the application site and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

19. Notwithstanding the details shown on the plans hereby approved, the height of the chimney stack shall not exceed 70m in height x 2.5m in diameter as measured from the approved ground levels for the purposes of condition 16.

Reason: To protect the visual amenities of the immediate area and to conform with Policy DC 2 of the Cumbria MWDF Generic Development Control Policies.

20. Prior to the development hereby permitted being brought into use, the operator shall submit to the Waste Planning Authority for approval in writing, verification that the facility has achieved Stage R1 Status through Design Stage Certification from the Environment Agency. The facility shall thereafter be configured in accordance with these approved details. Once operational, alterations to the processing plant may be undertaken to satisfy Best Available Technique or continued compliance with R1 or its successor scheme.

Reason: To ensure the development would move waste up the waste hierarchy in accordance with national and local planning policy guidance.

Lighting Scheme

21. No development shall commence until a scheme and programme for the lighting of the site has been submitted to the Waste Planning Authority for approval in writing. The scheme and programme shall include details of:

- a) Type and intensity of lights
- b) Types of masking or baffle at head
- c) Type, height and colour of lighting columns
- d) Number and size of lighting units per column
- e) Light spread diagrams showing lux levels at the site boundary and calculation of the impact of these on nearby residential properties
- f) Phasing of the implementation of the approved scheme.

The lighting shall thereafter be installed in accordance with the approved scheme and programme.

Reason: To ensure that light pollution does not have an over bearing impact on the area and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Fencing

22. No development shall commence until a scheme for all new fencing and gates has been submitted to and approved in writing by the Waste Planning Authority. The scheme shall include details of location, style, height, finishes and colour of the fences/gates to be erected. All fencing and gates shall be erected in accordance with the approved scheme prior to the commissioning of the plant and maintained for the duration of the operational life of the site.

Reason: To ensure good design, security and in the interest of amenity.

Construction Hours of Operation

23. No site construction work, delivery or removal of materials shall take place on the site outside the hours of:

07:00 to 18:00 Monday to Fridays (except Public Holidays)
08:00 to 13:00 Saturday

No site construction work, delivery or removal of materials shall take place on Sundays; Bank Holidays and other Public Holidays.

Reason: To protect the amenity of local residents and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Noise and Dust

24. The rating levels for cumulative noise from all plant and machinery during the construction phase and operational life of the site shall not exceed 5dB below the existing LA90 background levels and 10 dB below the existing LAeq at any noise sensitive premises as assessed in accordance with British Standard 4142 (2014).

Reason: To protect the amenities of local residents from noise pollution and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Storage of Fuels, Oils and Chemicals

25. No fuels, oils, chemicals or other potentially polluting liquids shall be stored within the site unless stored within tanks to be sited on impervious bases and surrounded by impervious bund walls that enclose an area and with a wall height that is capable of containing 110% of the largest tank, or, if there is more than one tank, the combined volume of the multiple tanks. All fill and draw valves and sight glasses shall be located within the bund and all fill and draw valves must be set to discharge downwards into the bund.

Reason: To avoid the pollution of any watercourse or groundwater resource and to conform with Policy DC 14 of the Cumbria MWDF Generic Development Control Policies.

Storage of Waste

26. There shall be no storage of wastes, reclaimed materials or residues outside the buildings.

Reason: In the interest of visual amenities of adjoining land users and users of A689 and to conform with Policy DC2 of the Cumbria MWDF Generic Development Control Policies.

Landscaping

27. The landscaping scheme shown on Planning Drawing 08 Landscape Masterplan shall be implemented within the first available planting season on completion of the construction phase of the development.

Reason: To secure the satisfactory establishment and maintenance of a landscaping scheme in the interests of local and residential amenity.

28. The landscaping shall be maintained for a period of five years from the date of planting. Any trees or shrubs which die or become seriously damaged or diseased within the five years from planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the Waste Planning Authority.

Reason: To secure the satisfactory establishment and maintenance of a landscaping scheme in the interests of local and residential amenity.

Archaeology

29. No development shall commence until a scheme and programme for archaeological investigation and recording has been submitted to and approved in writing by the Waste Planning Authority. The scheme and programme shall include provision for proposed action to be taken should archaeological finds be present. The approved scheme shall be carried out in its entirety.

Reason: In order to secure the satisfactory archaeological recording of the application and to conform with Policy DC11 of the Cumbria MWDF Generic Development Control Policies.

Ecology

30. No development shall commence until ecological exclusion fencing to prevent the inward migration of great crested newts has been erected around the boundary of the site edged red on Planning Drawing 01- Site Location Plan. The fence shall remain in situ throughout the construction of the development.

Reason: To ensure the Local Planning Authorities compliance with the National Planning Policy Framework and the NERC biodiversity duty as reflected in the CMWLDF and Carlisle District Local Plan.

31. The development hereby permitted shall not commence until a Natural England licensed scheme of great crested newt mitigation has been granted in accordance with CHAPTER 8 'Mitigation' of the Hesketh Ecology report 'Great Crested Newt Survey, Kingmoor Park, Carlisle' submitted as Appendix 7.2 of the Environmental Statement.

Reason: To ensure the Local Planning Authorities compliance with the National Planning Policy Framework and the NERC biodiversity duty as reflected in the CMWLDF and Carlisle District Local Plan.

32. No trees, bushes or hedges within the development site shall be removed, lowered or pruned during the bird nesting season between 1 March and 31 July inclusive. If areas cannot be cleared outside this time, they should be checked for breeding birds in accordance with Natural England's Guidance and, if appropriate, an exclusion zone set up around any vegetation to be protected. No work shall be undertaken within the exclusion zone until birds and any dependant young have vacated the area.

Reason: To protect nesting birds and to conform with Policy DC10 of the Cumbria MWDF Generic Development Control Policies.

33. No development shall commence until details of measures to prevent birds from nesting/roosting on the roofs or facades of the building have been submitted to and approved in writing by the Waste Planning Authority. The approved measures shall be in place before the building is brought into use.

Reason: In the interests amenities of users of the new building and residential amenities.

Definitions

Heavy goods vehicle: a vehicle of more than 7.5 tonnes gross weight

1 Lux: this is the equivalent of 1 lumen per square metre

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

The applicant's attention is drawn to the observations of the following consultees:

Ministry of Defence: In the interest of air safety the MoD request that the flue stack is fitted with an aviation warning light. The stack should be fitted with a minimum intensity 25 candela Omni directional flashing red light or equivalent infrared light fitted at the highest practicable point of the structure.

The developer should notify UK DVOF & Powerlines at the Defence Geographic Centre with the following information prior to the development commencing:

- a. Precise location of the development
- b. Date of commencement of construction
- c. Date of completion of construction
- d. The height above ground level of the tallest structure
- e. The maximum height above ground level of the tallest structure
- f. If the structure will be lit with air navigation warning beacons

Address DVOF@mod.uk or D-UKDVOF & Power Lines, Air Information Centre, Defence Geographic Centre, DGIA, Elmwood Avenue, Feltham

Railtrack: If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer.

All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling. The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.

Maximum allowable levels of vibration - CFA piling is preferred as this tends to give rise to less vibration. Excessive vibration caused by piling can damage railway structures and cause movement to the railway track as a result of the consolidation of track ballast. The developer must demonstrate that the vibration does not exceed a peak particle velocity of 5mm/s at any structure or with respect to the rail track.

With a development of a certain height that may/will require use of a tower crane, the developer must bear in mind the following. Tower crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Engineer prior to implementation. Tower cranes have the potential to topple over onto the railway; the arms of the cranes could over-sail onto Network Rail air-space and potentially impact any over-headlines, or drop materials accidentally onto the operational railway.

CCC Highways: This consent requires the construction, improvement or alteration of an access to the public highway. Under Section 184 of the Highways Act 1980, the County Council, as Highway Authority, must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Before any works to the access commence you should contact betterhighways.carlisle@cumbria.gov.uk quoting the planning permission reference.

Dated the 24th October 2016



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Signed: Angela Jones
Assistant Director of Environment & Regulatory Services
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 which have arisen in relation to dealing with the planning application and has implemented the requirements of the National Planning Policy Framework.
- The policies and reasons for the approval of this planning application are set out within the planning officers' report on the application which can be viewed online via: Onlineplanning.cumbria.gov.uk/ePlanningOPS/searchPageLoad.do
- Where the permission is granted subject to conditions, attention is directed to the attached Appendix/Notes.
- The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
- Submissions to discharge conditions may require a fee (*see point 5 of Appendix*)
- Any approval to be given by the Corporate Director of Environment & Community Services or any other officer of Cumbria County Council shall be 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. Unless specifically exempt by the Waste Management Licensing Regulations 1994, all operations involving “controlled waste”, which includes most wastes excluding mine and radioactive waste, requires a Waste Management Licence or Pollution Prevention and Control Permit issued by the Environment Agency. Where your proposal includes the disposal, storage, transfer or treatment of any waste material on the permission site, you should contact the Environment Agency, Ghyll Mount, Gillan Way, Penrith 40 Business Park, Penrith, CA11 9BP (Tel. 03708 506506), regarding applying for a licence, if you have not already done so. It is a criminal offence to deposit controlled waste and in certain circumstances to store, transfer or treat waste without a licence.
2. Obtaining any planning permission does not imply that any consents or licences required to be obtained from United Utilities Plc or the Environment Agency would be granted. You are advised to consult the appropriate body to determine if any such consent or licence may be required.
3. 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.
4. 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.
5. 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. Applications will be acknowledged and the Local Planning Authority is required to determine them within 8 weeks of receipt unless otherwise agreed in writing. A fee of £97 is payable for each submission (except for mining and landfill sites where fees are chargeable for site visits). A single submission may relate to more than one condition. If the County Council does not make a decision within 12 weeks of the date of submission the fee will be returned.
6. There is a right of appeal against the failure to determine applications within the specified period and against the refusal of any consent, agreement or approval for which application is made (see enclosed “Notes in respect of Appeals to The Secretary of State”).

NOTES IN RESPECT OF APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990. Please note, only the applicant possesses the right of appeal.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at: [Planningportal.gov.uk/pcs](https://planningportal.gov.uk/pcs)
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

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

SCHEDULE D

SCHEDULE D

SCHEDULE E

SCHEDULE E

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 08/10/2016 and 11/11/2016

Appn Ref No:
15/0841

Applicant:
Northern Gas Networks

Parish:
Carlisle

Date of Receipt:
27/10/2015

Agent:
Mr Sneddon

Ward:
Castle

Location:
Unit 1F to 1H, Port Road Business Park, Carlisle,
CA2 7AF

Grid Reference:
339034 556026

Proposal: Display Of 2no. Non Illuminated Fascia Signs

Amendment:

Decision: Grant Permission

Date: 24/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
15/0989

Applicant:
PK Real Energy

Parish:
Cumrew

Date of Receipt:
12/11/2015

Agent:
Portscene

Ward:
Great Corby & Geltsdale

Location:
Cumrew House, Cumrew, Heads Nook, Brampton,
CA8 9DD

Grid Reference:
355050 550430

Proposal: Installation Of Solar PV Panels To Roofs (LBC)

Amendment:

Decision: Grant Permission

Date: 10/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0562

Applicant:
Doctor Matther

Parish:
Carlisle

Date of Receipt:
21/06/2016

Agent:
Matthew Deering Architects Harraby
Ltd.

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Land at Brunel Way/Eastern Way, Durrhill
Industrial Estate, Carlisle, CA1 3NT

Grid Reference:

342003 554513

Proposal: Erection Of Dental Surgery

Amendment:

Decision: Grant Permission

Date: 25/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0563

Applicant:

Hollywood Nails

Parish:

Carlisle

Date of Receipt:

20/06/2016 23:00:10

Agent:

Edwin Thompson LLP

Ward:

Castle

Location:

103 & 105 Lowther Street, Carlisle, CA3 8ED

Grid Reference:

340201 556045

Proposal: Change Of Use From Retail To Nail Salon At 103 Lowther Street;
Internal Alterations To Connect 103 & 105 Lowther Street To Create
1No. Unit; Refurbishment Of Street Elevation And Shop Front Including
Fixed Lighting; Installation Of Ventilation Duct Outlets In Rear Wall
(Revised Application)

Amendment:

1. Revisions to the windows and structural work, drawing nos.:

H1226P02 Rev A

H1226P03

H1226P04

Decision: Grant Permission

Date: 01/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0564

Applicant:

Hollywood Nails

Parish:

Carlisle

Date of Receipt:

21/06/2016

Agent:

Edwin Thompson LLP

Ward:

Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

103 & 105 Lowther Street, Carlisle, CA3 8ED

Grid Reference:

340201 556045

Proposal: Internal Alterations To Connect 103 & 105 Lowther Street To Create 1No. Unit; Refurbishment Of Street Elevation And Shop Front Including Fixed Lighting; Installation Of Ventilation Duct Outlets In Rear Wall; And Display Of Signage (LBC) (Revised Application)

Amendment:

1. Revisions to the windows and structural work, drawing nos.:

H1226P02 Rev A

H1226P03

H1226P04

Decision: Grant Permission

Date: 31/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0579

Applicant:

Story Contracting Ltd

Parish:

Carlisle

Date of Receipt:

24/06/2016

Agent:

PFK Planning

Ward:

Belle Vue

Location:

Storys Car Park, Marconi Road, Burgh Road
Industrial Estate, Carlisle

Grid Reference:

337833 556382

Proposal: Formation Of Car Park On Existing Storage Area

Amendment:

Decision: Grant Permission

Date: 13/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0594

Applicant:

Ms Ryan

Parish:

Irthington

Date of Receipt:

15/09/2016

Agent:

Black Box Architects
Limited

Ward:

Stanwix Rural

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Freelands Place, Hethersgill, Brampton, CA6 6EY

Grid Reference:

347888 564612

Proposal: Change Of Use Of Barn To Additional Living Accommodation Together With Single Storey Extension To Existing Dwelling To Provide Dining Room

Amendment:

Decision: Grant Permission

Date: 08/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0634

Applicant:

Mr Douglas Merrall

Parish:

Irthington

Date of Receipt:

09/08/2016

Agent:**Ward:**

Stanwix Rural

Location:

The Green, Irthington, Carlisle, CA6 4NJ

Grid Reference:

349669 561460

Proposal: Alterations And Re-roofing Of Existing Agricultural Buildings

Amendment:

Decision: Grant Permission

Date: 04/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0649

Applicant:

Mr Ben Hodgson

Parish:

Dalston

Date of Receipt:

08/09/2016

Agent:

Black Box Architects
Limited

Ward:

Dalston

Location:

Land adjacent Gill House, The Gill, Dalston,
Carlisle, CA5 7JP

Grid Reference:

335914 548314

Proposal: Erection Of 2no. Dwellings (Outline)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Refuse Permission

Date: 26/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0703

Applicant:
E&N Farrer Ltd

Parish:
Irthington

Date of Receipt:
08/08/2016

Agent:
Tsada Building Design
Services

Ward:
Stanwix Rural

Location:
E & N Farrer Ltd, Hangar 115, Carlisle Airport,
Irthington, Carlisle CA6 4NW

Grid Reference:
347732 561269

Proposal: Removal Of Existing Open Wagon Wash; Reformation Of Storage Yard
And Erection Of Covered Wagon Wash

Amendment:

Decision: Grant Permission

Date: 28/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0705

Applicant:
W L Musgrave & Sons

Parish:
Dalston

Date of Receipt:
05/08/2016

Agent:
Reading Agricultural
Consultant

Ward:
Dalston

Location:
Cardew Hall Farm, Dalston, Carlisle, Cumbria, CA5
7JQ

Grid Reference:
334997 549839

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Planning Permission 15/0955

Amendment:

Decision: Grant Permission

Date: 13/10/2016

Between 08/10/2016 and 11/11/2016

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
16/0720

Applicant:
TGC Emerald Ltd

Parish:
Kingmoor

Date of Receipt:
10/08/2016

Agent:

Ward:
Stanwix Rural

Location:
Units F1 and F2 of Kingmoor Park North, Kingmoor
Park, Carlisle, CA6 4SH

Grid Reference:
338314 560166

Proposal: Installation And Operation Of 3No. Gas Powered Electricity Generators
In Existing Building; Erection Of Free Standing Electricity Substation,
Gas Kiosk And Radiators To North Of Building; Associated Vents To
Front And Side Elevations And Exhaust Stacks On Roof

Amendment:

1. Air Quality Assessment
2. Environmental Noise Impact Assessment

Decision: Grant Permission

Date: 27/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0732

Applicant:
Maris Properties

Parish:
Burgh-by-Sands

Date of Receipt:
11/08/2016

Agent:
Maris Properties

Ward:
Burgh

Location:
Land adjacent to Longburgh Cottage, Longburgh,
Burgh By Sands, CA5 6AF

Grid Reference:
330917 558814

Proposal: Discharge Of Conditions 3 (Materials); 4 (Hard/Soft Landscaping); 5
(Boundary Treatments); 6 (Surface Water Drainage); 7 (Tree/Hedge
Protection); 8 (Wildlife Enhancement Measures); 10 (Ground/Floor
Levels); 14 (Surface Water Discharge); 16 (Construction Vehicle
Parking) And 17 (Window Details) Of Previously Approved Permission
16/0096

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 21/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0734

Applicant:
Kingmoor Park Properties
Limited

Parish:
Kingmoor

Date of Receipt:
17/08/2016

Agent:
Taylor & Hardy

Ward:
Stanwix Rural

Location:
Land at Crindledyke, Crindledyke Estate Road,
Carlisle, CA6 4BZ

Grid Reference:
338254 560433

Proposal: Erection Of Dwellings (Outline)

Amendment:

Decision: Grant Permission

Date: 02/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0737

Applicant:
Mr Sam Dixon

Parish:
Wetheral

Date of Receipt:
01/09/2016

Agent:
Living Building Design

Ward:
Great Corby & Geltsdale

Location:
17 Woodlands, Great Corby, Carlisle, CA4 8LX

Grid Reference:
346991 554649

Proposal: Single Storey Rear Extension To Provide Dining Area

Amendment:

Decision: Grant Permission

Date: 18/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0738

Applicant:
Mr John Fraser

Parish:
Rockcliffe

Date of Receipt:

Agent:

Ward:

SCHEDULE E: Decisions Issued Under Delegated Powers

14/09/2016

Duncan Stuart Architect

Longtown & Rockcliffe

Location:

Former Highland Laddie, Todhills, Carlisle, CA6
4HB

Grid Reference:

336835 563102

Proposal: Demolition Of Former Public House And Erection Of 3No. Dwellings
(Outline)

Amendment:

Decision: Grant Permission

Date: 09/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0740

Applicant:

Mr T Ewart

Parish:

Beaumont

Date of Receipt:

16/08/2016 11:02:44

Agent:

JPR Building Design Ltd

Ward:

Burgh

Location:

The Old Station, Kirkandrews-on-Eden, Carlisle,
CA5 6DJ

Grid Reference:

335178 558536

Proposal: Discharge Of Conditions 5 (Surface Water Discharge) And 8 (Materials)
Of Previously Approved Permission 16/0047

Amendment:

Decision: Partial Discharge of Conditions
11/10/2016

Date:

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0743

Applicant:

Burge Halston Ltd

Parish:

Carlisle

Date of Receipt:

17/08/2016

Agent:

Blackbox Architects

Ward:

Castle

Location:

Former Lonsdale Cinema, Warwick Road, Carlisle,
CA1 1DN

Grid Reference:

340375 555707

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved Permission 13/0869

Amendment:

Decision: Grant Permission

Date: 12/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0748

Applicant:
Mrs Sarah Watson

Parish:
Hayton

Date of Receipt:
17/08/2016

Agent:
Tyler Design Services

Ward:
Harraby

Location:
52 Hurley Road, Little Corby, Carlisle, CA4 8QF

Grid Reference:
347924 557242

Proposal: Two Storey Rear Extension To Provide Dining Kitchen On Ground Floor With 2No. Bedrooms Above; Single Storey Side Extension To Provide Utility Room

Amendment:

Decision: Grant Permission

Date: 12/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0749

Applicant:
Magnus Homes Ltd

Parish:
Wetheral

Date of Receipt:
17/08/2016 16:02:46

Agent:
Ashwood Design Associates

Ward:
Wetheral

Location:
Land to the rear of Thornedge, Station Road, Cumwhinton, Carlisle

Grid Reference:
345239 552889

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved Permission 14/0816

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 12/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0753

Applicant:
Mr P Davidson

Parish:

Date of Receipt:
18/08/2016

Agent:
Jock Gordon Architectural
SVS Ltd

Ward:
Harraby

Location:
14 Highwood Crescent, Carlisle, CA1 3LF

Grid Reference:
342179 553793

Proposal: Erection Of Rear Extension To Provide Dining Room & Living Room
With Study Above Together With 4 No. Masonry Piers Along Front
Boundary (Part Retrospective) (Revised Application)

Amendment:

Decision: Grant Permission

Date: 11/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0755

Applicant:
McDonald's Restaurants
Ltd

Parish:
Carlisle

Date of Receipt:
18/08/2016 13:02:55

Agent:
Planware Ltd

Ward:
Castle

Location:
McDonald's Restaurant, 56-58 Scotch Street,
Carlisle, CA3 8PN

Grid Reference:
340078 556015

Proposal: Alterations To Existing Shop Front

Amendment:

Decision: Grant Permission

Date: 13/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

16/0756 McDonald's Restaurants Carlisle
Ltd

Date of Receipt: 18/08/2016 13:02:55
Agent: Planware Ltd
Ward: Castle

Location: McDonald's Restaurant, 56-58 Scotch Street,
Carlisle, CA3 8PN
Grid Reference: 340078 556015

Proposal: Installation Of 1 No. Internally Illuminated Fascia Sign (Comprising of name and logo) And 1No. Internal LCD Promotional Screen; Retention of 1No. Externally Illuminated Projecting Sign

Amendment:

Decision: Grant Permission

Date: 13/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No: 16/0759
Applicant: Mr Kenneth Hogg
Parish: Hayton
Date of Receipt: 19/08/2016
Agent: Mr Matthew Hogg
Ward: Great Corby & Geltsdale

Location: L/A Ashmere, Talkin, Brampton, CA8 1LU
Grid Reference: 355105 557150

Proposal: Erection Of 2No. Dwellings (Outline)

Amendment:

Decision: Grant Permission

Date: 18/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No: 16/0761
Applicant: Mr Osborne
Parish: Carlanton
Date of Receipt: 19/08/2016 11:02:45
Agent:
Ward: Great Corby & Geltsdale

Location: Black Dub, Heads Nook, Brampton, CA8 9BX
Grid Reference: 353032 552844

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Conversion Of Barn To Provide An Annex To Form Additional Living Accommodation Together With An Extension To Provide Porch And Garden Room (Revised Application)

Amendment:

Decision: Grant Permission

Date: 14/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0763

Applicant:
Lloyd Limited

Parish:
Carlisle

Date of Receipt:
23/08/2016

Agent:
Swarbrick Associates

Ward:
Belah

Location:
Lloyd Ltd, Unit 51 Kingstown Broadway, Carlisle,
CA3 0EF

Grid Reference:
339223 559015

Proposal: Extension And Re-Modelling Of Existing Agricultural, Lawn And Leisure Depot To Form Feed Store, Extended Lawnmower Service Centre, Along With New Wash And Valeting Bays

Amendment:

Decision: Grant Permission

Date: 13/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0764

Applicant:
Mr Ward

Parish:
Arthuret

Date of Receipt:
14/09/2016

Agent:
P W Temple Ltd

Ward:
Longtown & Rockcliffe

Location:
Whisk Cottage, Longtown, Carlisle, CA6 5PX

Grid Reference:
341666 572289

Proposal: Change Of Use From Garden To Agricultural Land; Erection Of Stable And Machinery Store

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 01/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0765

Applicant:
Mr Andrew Brown

Parish:
Wetheral

Date of Receipt:
24/08/2016

Agent:
Irthing Developments LTD

Ward:
Wetheral

Location:
Wrayside, Wetheral Shield, Wetheral, Carlisle,
Cumbria, CA4 8HZ

Grid Reference:
347775 551887

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved
Permission 15/0229

Amendment:

Decision: Grant Permission

Date: 14/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0770

Applicant:
Dalston Medical Group

Parish:
Dalston

Date of Receipt:
02/09/2016

Agent:
Gray Associates Limited

Ward:
Dalston

Location:
Dalston Medical Surgery, Bank Croft, Townhead
Road, Dalston, Carlisle, CA5 7PZ

Grid Reference:
336762 549976

Proposal: Removal Of Conservatory; Erection Of Single Storey Extension To
Provide Store

Amendment:

Decision: Grant Permission

Date: 26/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

Applicant:

Parish:

SCHEDULE E: Decisions Issued Under Delegated Powers

16/0772 Sunsave 46 (Newby West) Cummersdale Ltd

Date of Receipt:
25/08/2016

Agent:
Parker Dann Ltd

Ward:
Dalston

Location:
Land between Orton Park Farm & Newby West,
Carlisle, CA2 6QY

Grid Reference:
336298 553577

Proposal: Installation Of Buried High Voltage Grid Connection Cable For
Photovoltaic Solar Farm Approved Under Permission 15/0405
(Retrospective)

Amendment:

Decision: Grant Permission

Date: 13/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0773

Applicant:
Mr D Main

Parish:
Arthuret

Date of Receipt:
23/08/2016 16:02:42

Agent:
Tsada Building Design
Services

Ward:
Longtown & Rockcliffe

Location:
117 Moor Road, Longtown, Carlisle, CA6 5XB

Grid Reference:
338798 569061

Proposal: Discharge Of Conditions 5 (Foul & Surface Water Drainage); 7 (Timber
Decking) And 8 (Materials) Of Previously Approved Permission 13/0522

Amendment:

Decision: Partial Discharge of Conditions
17/10/2016

Date:

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0775

Applicant:
Dunedin UK Industrial
Property IV Limited
Partnership

Parish:
Brampton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

26/08/2016

Agent:

c/o Taylor & Hardy Limited

Ward:

Brampton

Location:

Unit 11, Old Brewery Yard, Craw Hall, Brampton,
CA8 1TR

Grid Reference:

353359 560885

Proposal: Change Of Use Of Building From Gymnasium (Use Class D2) To
Business (Use Class B1/B2/B8)

Amendment:

Decision: Grant Permission

Date: 14/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0782

Applicant:

Mr Knipe

Parish:

Hayton

Date of Receipt:

30/08/2016

Agent:

JPR Building Design Ltd

Ward:

Hayton

Location:

Wellfield, 1 Council Houses, Faugh, Heads Nook,
Brampton, CA8 9EG

Grid Reference:

350851 554980

Proposal: Demolition Of Existing Outhouse; Erection Of Single Storey Side And
Rear Extension To Provide Garage, Carport, Utility Room With W.C. And
Garden Room (Part Revised Application)

Amendment:

Decision: Grant Permission

Date: 21/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0783

Applicant:

Mr C J Routledge

Parish:

Carlisle

Date of Receipt:

30/08/2016

Agent:

Jock Gordon Architectural
SVS Ltd

Ward:

St Aidans

Location:

78 Brook Street, Carlisle, CA1 2HX

Grid Reference:

341013 555262

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Change Of Use Of Commercial Storage Unit To Residential Use
Amendment:

Decision: Grant Permission

Date: 21/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0785

Applicant:
Mr & Mrs G Smith

Parish:
Arthuret

Date of Receipt:
30/08/2016 23:02:52

Agent:
Spence and Dower

Ward:
Longtown & Rockcliffe

Location:
Netherby Hall, Longtown, Carlisle, CA6 5PR

Grid Reference:
339659 571617

Proposal: Alterations To Layout Of Existing Dwelling; Reinstatement Of Derelict Dwelling; Refurbishment Of Buildings To Create General Store, Boiler House And Gardner/Grooms Facilities And Erection Of 2no. Glasshouses (Revised Application) (LBC)

Amendment:

Decision: Grant Permission

Date: 19/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0786

Applicant:
Mr & Mrs Coe

Parish:

Date of Receipt:
30/08/2016 16:02:42

Agent:
Darnton B3 Architects

Ward:
Harraby

Location:
90 Mayfield Avenue, Carlisle, CA1 3LY

Grid Reference:
342071 554396

Proposal: Single Storey Rear Extension To Provide 1No. Bedroom

Amendment:

Decision: Grant Permission

Date: 18/10/2016

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0789

Applicant:
Dalston Hall Holiday Park

Parish:
Dalston

Date of Receipt:
31/08/2016 11:02:43

Agent:
Kate Bellwood Associates

Ward:
Dalston

Location:
Dalston Hall Caravan Park, Dalston, Carlisle, CA5
7JX

Grid Reference:
337701 551733

Proposal: Removal Of Condition 3 (To Allow Holiday Occupation Of Approved Units For 12 Months) And Variation Of Condition 5 (Restriction Of Colours Of Holiday Lodges & Static Caravans To Green, Brown & Beige) Of Previously Approved Planning Permission 14/0124

Amendment:

Decision: Grant Permission

Date: 24/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0792

Applicant:
Solport & Stapleton Parish Council

Parish:
Stapleton

Date of Receipt:
09/09/2016

Agent:
Mr David Baxter

Ward:
Lyne

Location:
Stapleton Public Hall, Roweltown, Carlisle, CA6 6LA

Grid Reference:
349414 571389

Proposal: Change Of Use From Agricultural Land To Car Parking For Village Hall

Amendment:

Decision: Grant Permission

Date: 27/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0793

Applicant:
Occupational Health
Acquisitions Ltd

Parish:
Carlisle

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
01/09/2016

Agent:

Ward:
Belah

Location:
Craig Robinson Veterinary Surgery, 38 Hether
Drive, Carlisle, CA3 0ES

Grid Reference:
339125 558524

Proposal: Change Of Use From Veterinary Surgery To Occupational Health
Services

Amendment:

Decision: Grant Permission

Date: 21/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0794

Applicant:
Edge Power Limited & Mr
& Mrs J Wrennall

Parish:
Cummersdale

Date of Receipt:
01/09/2016 16:03:20

Agent:
Edge Power Ltd

Ward:
Dalston

Location:
Kingrigg Farm, Newby Cross, Carlisle, CA5 6JP

Grid Reference:
337467 553314

Proposal: Erection Of Standby Electricity Generation Plant In New Portal Framed
Building And Installation Of Ancillary Equipment

Amendment:

Decision: Grant Permission

Date: 20/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0796

Applicant:
STOR 141 Ltd

Parish:
Carlisle

Date of Receipt:
02/09/2016 13:03:37

Agent:
RPS Planning and
Development

Ward:
Currock

Location:
Land bounded by former Railway Line and

Grid Reference:
340249 555013

SCHEDULE E: Decisions Issued Under Delegated Powers

Bousteads Grassing, Rome Street, Carlisle

Proposal: Erection Of A Gas Fired Energy Reserve Facility And Ancillary Infrastructure

Amendment:

Decision: Grant Permission

Date: 01/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0801

Applicant:
Virgin Media Ltd

Parish:
Carlisle

Date of Receipt:
12/09/2016

Agent:
Resolution Interiors Ltd

Ward:
Castle

Location:
4 Grapes Lane, The Lanes, Carlisle, CA3 8NH

Grid Reference:
340151 555948

Proposal: Installation Of 1No. Internally Illuminated Fascia Sign

Amendment:

Decision: Grant Permission

Date: 21/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0802

Applicant:
Mr McGregor

Parish:
Carlisle

Date of Receipt:
06/09/2016

Agent:
Black Box Architects
Limited

Ward:
Stanwix Urban

Location:
The Hour Glass, 1 Scotland Road, Carlisle, CA3 9HR

Grid Reference:
339985 556993

Proposal: Change Of Use Of Existing First Floor Residential Accommodation To Provide Additional W.C. And Kitchen Facilities

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 19/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0806

Applicant:
Mr Shields

Parish:
Carlisle

Date of Receipt:
06/09/2016 13:02:48

Agent:
Robinson Drafting &
Design

Ward:
Yewdale

Location:
120 Yewdale Road, Carlisle, CA2 7SB

Grid Reference:
337390 555481

Proposal: Erection Of First Storey Extension To Provide Extended Bathroom And
1No. Ensuite Bedroom

Amendment:

Decision: Grant Permission

Date: 21/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0807

Applicant:
Lidl UK GmbH

Parish:
Carlisle

Date of Receipt:
06/09/2016 13:02:46

Agent:
Miss Payne

Ward:
Denton Holme

Location:
Lidl UK GMBS, Madford Retail Park, Charlotte
Street, Carlisle, CA2 5BT

Grid Reference:
339911 555492

Proposal: Variation Of Condition 6 (Trading/Delivery Hours) Of Previously
Approved Planning Permission 03/0425 To Read " The Premises Shall
Not Be Open To The Public Outside Of The Hours Of 07.00 To 23.00
Monday To Saturday (Including Bank Holidays) & 10.00 To 16.00 On
Sundays"

Amendment:

Decision: Grant Permission

Date: 01/11/2016

Between 08/10/2016 and 11/11/2016

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
16/0808

Applicant:
Woodgrange
Developments Ltd

Parish:
Stanwix Rural

Date of Receipt:
08/09/2016

Agent:
Black Box Architects
Limited

Ward:
Stanwix Urban

Location:
11 Whiteclosegate, Carlisle, CA3 0JA

Grid Reference:
341016 557803

Proposal: Single Storey Rear Extension To Provide Additional Living
Accommodation; Two Storey Side Extension To Provide Utility On Ground
Floor With Bathroom Above

Amendment:

Decision: Grant Permission

Date: 25/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0810

Applicant:
Mrs A Glendinning

Parish:
Wetheral

Date of Receipt:
08/09/2016 16:03:03

Agent:
dp plans Limited

Ward:
Wetheral

Location:
8 Holme Fauld, Scotby, CA4 8BL

Grid Reference:
343895 555911

Proposal: First Floor Side Extension Over Existing Garage To Provide 1No.
En-Suite Bedroom; Single Storey Rear Extension To Provide Sun Room;
Garage Extension To Front Elevation With Pitched Roof To Provide Wet
Room

Amendment:

Decision: Grant Permission

Date: 28/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0818

Applicant:
Mr Ridley

Parish:
Walton

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:

14/09/2016

Agent:

Tsada Building Design
Services

Ward:

Irthing

Location:

L/A rear of 1 & 2 Whitehouse, Walton, Brampton,
CA8 2DJ

Grid Reference:

352050 564665

Proposal: Erection Of 1no. Bungalow & Garage (Plot 3) (Revised Application)

Amendment:

Decision: Grant Permission

Date: 28/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0820

Applicant:

Mr & Mrs Morris

Parish:

Carlisle

Date of Receipt:

14/09/2016

Agent:

Jock Gordon Architectural
SVS Ltd

Ward:

Belah

Location:

42 Newfield Drive, Carlisle, CA3 0AF

Grid Reference:

339720 558793

Proposal: Single Storey Rear Extension To Provide Larger Kitchen And Dining
Area

Amendment:

Decision: Grant Permission

Date: 27/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0821

Applicant:

Miss Lopez Martin

Parish:

Carlisle

Date of Receipt:

29/09/2016

Agent:**Ward:**

Currock

Location:

68 Botchergate, Carlisle, CA1 1QL

Grid Reference:

340415 555482

Proposal: Display of 1No. Internally Illuminated Aluminium Composite Sign Tray

SCHEDULE E: Decisions Issued Under Delegated Powers

And Window Vinyl Manifestation

Amendment:

Decision: Grant Permission

Date: 04/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0823

Applicant:
Tiny Town CA LTD

Parish:
Carlisle

Date of Receipt:
15/09/2016

Agent:

Ward:
Castle

Location:
8B English Gate Plaza, Botchergate, Carlisle, CA1
1RP

Grid Reference:
340439 555567

Proposal: Change Of Use From Night Club (Formally Botanica) To D2 For A
Children's Play Centre Including Coffee Shop.

Amendment:

Decision: Grant Permission

Date: 19/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0829

Applicant:
Mr Stuart Maxwell

Parish:
Carlisle

Date of Receipt:
16/09/2016

Agent:
Dave Andrew Architectural
Design

Ward:
Stanwix Urban

Location:
18 Etterby Street, Carlisle, CA3 9JB

Grid Reference:
339924 557140

Proposal: Tanking of Basement and Removal of Walls Forming Coal Store and
Pantry

Amendment:

Decision: Grant Permission

Date: 09/11/2016

SCHEDULE E: Decisions Issued Under Delegated Powers

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0830

Applicant:
Mr Stuart Maxwell

Parish:
Carlisle

Date of Receipt:
16/09/2016

Agent:
David Andrew Architectural Design

Ward:
Stanwix Urban

Location:
18 Etterby Street, Carlisle, CA3 9JB

Grid Reference:
339924 557140

Proposal: Alterations To First Floor To Re Site Bathroom And Form Additional Bedroom

Amendment:

Decision: Grant Permission

Date: 08/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0832

Applicant:
Clarke Telecom

Parish:
Carlisle

Date of Receipt:
19/09/2016

Agent:
Clarke Telecom

Ward:
St Aidans

Location:
Land at Brunton Park, Warwick Road, Carlisle, CA1 1LL

Grid Reference:
341453 556118

Proposal: Installation Of A Replacement Monopole Cover All Height (25m) Supporting 6 No. Antennas, 1 No. 0.3m Transmission Dish, 2 No. Equipment Cabinets, 1 No. Meter Cabinet Within A 2.1m Palisade Fenced Compound & Ancillary Development Thereto Including The Removal Of The Existing Antennas (from The Brunton Park Stadium Building) & Installation Of A 2.2m Raised Steel Platform & Associated Steps (Amendments To Planning Approval 15/0964)

Amendment:

Decision: Grant Permission

Date: 25/10/2016

Between 08/10/2016 and 11/11/2016

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
16/0834

Applicant:
Carlisle Youth Zone

Parish:
Carlisle

Date of Receipt:
03/10/2016

Agent:
Architects Plus (UK) Ltd

Ward:
St Aidans

Location:
Carlisle Youth Zone, Victoria Place, Carlisle, CA1
1LR

Grid Reference:
340961 556068

Proposal: Proposed New Entrance Door In East Elevation With An Addition Of New External Canopy; Replacement Of Fire Escape Door With Full Height Window; Forming Of A New Reception Area And On First Floor Formation Of New Cafe In Existing Gym.

Amendment:

Decision: Grant Permission

Date: 07/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0835

Applicant:
Miss Victoria Little

Parish:
Carlisle

Date of Receipt:
27/09/2016

Agent:

Ward:
Denton Holme

Location:
27a Dalston Road, Carlisle, CA2 5NP

Grid Reference:
339346 555337

Proposal: Change Of Use From Residential To (A1) Beauty Salon

Amendment:

Decision: Grant Permission

Date: 04/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0837

Applicant:
Narco

Parish:
Carlisle

Date of Receipt:
30/09/2016

Agent:
Carigiet Cowen

Ward:
Castle

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:
Suite 6, 1 St Marys Gate, Carlisle, CA3 8SX

Grid Reference:
339986 556024

Proposal: Change Of Use From First And Second Floor Offices (B1) To
Non-Residential Institution (D1)

Amendment:

Decision: Grant Permission

Date: 07/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0839

Applicant:
Mr & Mrs Dodd

Parish:
Brampton

Date of Receipt:
23/09/2016

Agent:
CAD Connections

Ward:
Brampton

Location:
1 Howard Road, Brampton, CA8 1BQ

Grid Reference:
352798 561682

Proposal: Proposed Single Storey Side Extension Providing Enlarged Dining Area,
Wc And Utility/Boot Room.

Amendment:

Decision: Grant Permission

Date: 25/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0840

Applicant:
William Wilson (Carlisle)
LTD

Parish:
Carlisle

Date of Receipt:
22/09/2016

Agent:

Ward:
Castle

Location:
41-51 Castle Street, Carlisle, CA3 8SR

Grid Reference:
339954 556012

Proposal: Change Of Use Of Part Ground Floor From Retail (A1) To A Cafe/Bar
(A3)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 25/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0841

Applicant:
Mr Goddard

Parish:
Wetheral

Date of Receipt:
22/09/2016 13:02:41

Agent:
Black Box Architects
Limited

Ward:
Wetheral

Location:
3 The Glebe, Wetheral, Carlisle, CA4 8EY

Grid Reference:
346671 554232

Proposal: Proposed Demolition Of Sunroom And Erection Of Single Storey Rear Extension To Provide Kitchen And Dining Area

Amendment:

Decision: Grant Permission

Date: 31/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0845

Applicant:
J Edgar Developments

Parish:
Carlisle

Date of Receipt:
28/09/2016

Agent:
Taylor and Hardy

Ward:
Denton Holme

Location:
Land at Bousteads Grassing, Rome Street, Carlisle

Grid Reference:
340135 554992

Proposal: Siting Of 14 Storage Containers (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 31/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0851

Applicant:
Simtor Limited

Parish:
Wetheral

SCHEDULE E: Decisions Issued Under Delegated Powers

Date of Receipt:
27/09/2016

Agent:
Architects Plus (UK) Ltd

Ward:
Wetheral

Location:
Wellholme Lea, 35 Scotby Village, Scotby, Carlisle,
CA4 8BS

Grid Reference:
344114 554920

Proposal: Demolition Of A Section Of Boundary Wall, Gates & Gateposts;
Relocation Of Gateposts And Gates To New Location And Rebuilding Of
Boundary Wall To Infill As Required.

Amendment:

Decision: Grant Permission

Date: 01/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0852

Applicant:
Simtor Limited

Parish:
Wetheral

Date of Receipt:
29/09/2016

Agent:
Architects Plus (UK) Ltd

Ward:
Wetheral

Location:
Wellholme Lea, 35 Scotby Village, Scotby, Carlisle,
CA4 8BS

Grid Reference:
344114 554920

Proposal: Demolition Of A Section Of Boundary Wall, Gates & Gateposts;
Relocation Of Gateposts And Gates To New Location And Rebuilding Of
Boundary Wall To Infill As Required. (LBC)

Amendment:

Decision: Grant Permission

Date: 01/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0853

Applicant:
Mr Ian Cannon

Parish:
Carlisle

Date of Receipt:
27/09/2016

Agent:
Mr Gavin Gill

Ward:
Denton Holme

Location:
8 Percy Road, Carlisle, CA2 6ES

Grid Reference:
339229 554816

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Demolition Of Existing Single Storey Rear Extension And Replace With
A Larger Single Storey Extension To Provide Kitchen/Dining Area

Amendment:

Decision: Grant Permission

Date: 02/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0856

Applicant:
Mr Billy Swainson

Parish:
Burgh-by-Sands

Date of Receipt:
06/10/2016

Agent:
Gray Associates Limited

Ward:
Burgh

Location:
Bramblebeck Cottage, Moor Park, Thurstonfield,
Carlisle, CA5 6HB

Grid Reference:
332412 556770

Proposal: Change Of Use Of Parcel Of Land From Residential To Agricultural And
Change Of Use Of Small Area Of Field To Residential (Part
Retrospective)

Amendment:

Decision: Grant Permission

Date: 07/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0858

Applicant:
AP & J Brown Ltd

Parish:
Hayton

Date of Receipt:
05/10/2016

Agent:
Swarbrick Associates

Ward:
Hayton

Location:
Lands to rear and east of Croftlands, Allenwood,
Heads Nook, Brampton, CA8 9AF

Grid Reference:
349415 555320

Proposal: Discharge Of Conditions 4 (Details Of Estate Road Specification) And 5
(House Access And Parking Areas Drainage) Of Previously Approved
Planning Permission 16/0013

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 11/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0859

Applicant:
Mr Duncan Chisholm

Parish:
Dalston

Date of Receipt:
29/09/2016

Agent:

Ward:
Dalston

Location:
Lonning Side, Lakerigg, Dalston, Carlisle, CA5 7BS

Grid Reference:
336326 548149

Proposal: Non Material Amendment (Addition Of Window To Side Elevation) Of
Previously Approved Permission 16/0602

Amendment:

Decision: Withdrawn by Applicant/or by default

Date: 11/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0863

Applicant:
JLSG Inns

Parish:
Irthington

Date of Receipt:
30/09/2016 11:02:41

Agent:
Gray Associates Limited

Ward:
Stanwix Rural

Location:
Salutation Inn, Irthington, Carlisle, CA6 4NJ

Grid Reference:
349696 561498

Proposal: Single Rear Extensions To Provide Walk In Fridge And Cellar Along
With Two Storey Side Extension To Provide Extended Bar Area On
Ground Floor With Independent Owners Accommodation And Ensuite
Letting Bedrooms Above

Amendment:

Decision: Grant Permission

Date: 07/11/2016

Between 08/10/2016 and 11/11/2016

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
16/0864

Applicant:
Mobile Mini (UK) Ltd

Parish:
Dalston

Date of Receipt:
30/09/2016 13:02:44

Agent:
Beaumont & Cowling

Ward:
Dalston

Location:
Mobile Mini UK Ltd, Site 1, Barras Lane Industrial
Estate, Dalston, Carlisle, CA5 7ND

Grid Reference:
336490 550656

Proposal: Proposed Installation of 4no Single Storey Metal Containers Linked
Together For Use As Office Accommodation

Amendment:

Decision: Grant Permission

Date: 08/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0879

Applicant:
Mr Knighton

Parish:
Solport

Date of Receipt:
05/10/2016 13:02:50

Agent:
Robinson Drafting &
Design

Ward:
Lyne

Location:
Lynedale, Hethersgill, Carlisle, CA6 6HX

Grid Reference:
347575 571189

Proposal: Single Storey Extension To Provide Additional Living Accommodation;
Erection Of Detached Outbuilding To Provide Carport/ Store/ Workshop
(Revised Application) (Part Retrospective)

Amendment:

Decision: Grant Permission

Date: 07/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0885

Applicant:
Mr Anderson

Parish:
Hayton

Date of Receipt:
10/10/2016

Agent:
black box architects limited

Ward:
Hayton

SCHEDULE E: Decisions Issued Under Delegated Powers

Location:

Land adjacent Bothy Cottage, Hayton, Brampton,
CA8 9HT

Grid Reference:

351105 557886

Proposal: Erection Of Detached House (Revised Application)

Amendment:

Decision: Grant Permission

Date: 07/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0887

Applicant:

Mr & Mrs Mellor

Parish:

Carlisle

Date of Receipt:

07/10/2016 16:02:41

Agent:

Tsada Building Design
Services

Ward:

Stanwix Urban

Location:

The Villa, 73 Beech Grove, Carlisle, CA3 9BL

Grid Reference:

340193 557691

Proposal: Non Amendment Of Previously Approved Permission 15/0211 For
Additional Velux Window To Rear Elevation, Removal Of Ground Floor
Windows To South Side & Replacement Of Asbestos Roof Tiles With
Grey Slate Tile

Amendment:

Decision: Amendment Accepted
13/10/2016

Date:

Between 08/10/2016 and 11/11/2016

Appn Ref No:

16/0892

Applicant:

Mr Anthony Carr

Parish:

Wetheral

Date of Receipt:

10/10/2016

Agent:

Abacus Building Design

Ward:

Great Corby & Geltsdale

Location:

Dry Arch, Broadwath, Heads Nook, Brampton, CA8
9BD

Grid Reference:

348224 554881

SCHEDULE E: Decisions Issued Under Delegated Powers

Proposal: Discharge Of Condition 8 (Vehicle Parking For Construction Operations)
Of Previously Approved Permission 16/0779

Amendment:

Decision: Grant Permission

Date: 04/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0893

Applicant:
William Strike Limited

Parish:
Stanwix Rural

Date of Receipt:
13/10/2016

Agent:

Ward:
Stanwix Rural

Location:
Houghton Hall Garden Centre, Houghton, Carlisle,
CA6 4JB

Grid Reference:
341191 559864

Proposal: Discharge of Condition 3 (Materials) Attached to Planning Approval
16/0485

Amendment:

Decision: Grant Permission

Date: 28/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0895

Applicant:
Mr Chisholm

Parish:
Dalston

Date of Receipt:
11/10/2016 23:02:43

Agent:

Ward:
Dalston

Location:
Lonning Side, Lakerigg, Dalston, Carlisle, CA5 7BS

Grid Reference:
336326 548149

Proposal: Erection Of Single Storey Rear Extension To Provide Lounge, Kitchen &
Utility Together With Internal Alterations And Removal Of Porch To Front
Elevation (Revised Application)

Amendment:

SCHEDULE E: Decisions Issued Under Delegated Powers

Decision: Grant Permission

Date: 03/11/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/0922

Applicant:
Mr Craig Postlethwaite

Parish:
Wetheral

Date of Receipt:
20/10/2016

Agent:

Ward:
Wetheral

Location:
140 Scotby Road, Scotby, Carlisle, CA4 8BJ

Grid Reference:
343910 556099

Proposal: Non Material Amendment (Change From Oak Posts To Brick Built Pillars & Walls) Of Previous Approved Planning Permission 16/0230

Amendment:

Decision: Amendment Accepted
25/10/2016

Date:

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/9007

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
10/10/2016

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Currock

Location:
Community Learning Disability Unit, Arnwood
House, 138 Blackwell Road, Carlisle, CA2 4DL

Grid Reference:
340267 554206

Proposal: Demolition Of Existing Two Storey Property And Construction Of New Single Storey Building With Parking To Provide Edge Of Care Facilities Within The Local Community

Amendment:

Decision: City Council Observation - Observations
Date: 24/10/2016

Between 08/10/2016 and 11/11/2016

SCHEDULE E: Decisions Issued Under Delegated Powers

Appn Ref No:
16/9008

Applicant:
United Utilities Water PLC

Parish:
Carlisle

Date of Receipt:
17/10/2016

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Castle

Location:
United Utilities, Carlisle Wastewater Treatment
Works, Willowholme Industrial Estate, Willowholme
Road, Carlisle, CA2 5SH

Grid Reference:
338910 556681

Proposal: Erection Of Building On Raised Platform To House New Standby
Generator

Amendment:

Decision: City Council Observation - Observations
Date: 31/10/2016

Between 08/10/2016 and 11/11/2016

Appn Ref No:
16/9102

Applicant:
Cumbria County Council

Parish:
Carlisle

Date of Receipt:
30/09/2016

Agent:
Cumbria County Council -
Economy & Planning

Ward:
Castle

Location:
107 Botchergate, Carlisle, CA1 1RZ

Grid Reference:
340516 555444

Proposal: Discharge Of Condition 17 (Hard & Soft Landscaping) Of Previously
Approved Permission 14/9015/CTY

Amendment:

Decision: City Council Observation - Raise No Objection
Date: 20/10/2016

Report to Development Control Committee

Agenda
Item:
A.2

Meeting Date: 25 November 2016
Portfolio: Economy, Enterprise, and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: CONFIRMATION OF TREE PRESERVATION ORDER 283
TOWER FARM, RICKERBY, CARLISLE.
Report of: Corporate Director of Economic Development
Report Number: ED.34/16

Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 283 Tower Farm, Rickerby, Carlisle in light of objections to the making of the tree preservation order.

Recommendations:

Tree Preservation Order 283 Tower Farm, Rickerby, Carlisle be confirmed without modifications.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1.0 BACKGROUND

- 1.1** In July 2016 Carlisle City Council received a formal consultation from the Forestry Commission on a felling licence application at Tower Farm, Rickerby. The proposal included the felling of 16 oak trees along the road between Rickerby and Linstock.
- 1.2** As part of the consultation process the Ward Councillors and the Parish Council were asked for their views. The proposal to fell the trees was not welcomed by either the Ward Members or the Parish Council.
- 1.3** As well as the comments from the Ward Councillors and the Parish Council representations have also been received from Cllr Robson, the Friends of Rickerby Park, and fifteen members of the public expressing their concern about the loss of the trees and supporting the tree preservation order. The representations in favour of the tree preservation order are summarised below;
- (i) The trees are a substantial visual amenity.
 - (ii) The trees enhance the Rickerby Conservation Area.
 - (iii) Removal of the trees would diminish the quality of this section of the Hadrian's Wall National Trail.
 - (iv) The trees add significantly to the local environment and biodiversity.
 - (v) Removing the trees will exacerbate the flooding problems experienced in this area.
- 1.4** Members should note that the responses from the Parish Council and Ward Members did not preclude the felling of trees, rather that the amenity the trees provide should be retained, but where appropriate, for reasons of good management, trees felled and replaced.
- 1.5** Discussions were held between the City Council and the Forestry Commission. A compromise position was agreed on what would be an acceptable level of felling and which trees were to be felled. However, when this compromise was put to the applicant they came forward with a different option. This other option was unacceptable. All the oak trees, not just the 16 scheduled for felling, along this stretch of road were assessed for their suitability for inclusion in a tree preservation order, and found to merit protection. Tree Preservation Order 283 was therefore made to

protect all the 28 oak trees along this stretch of the road. The tree preservation order plan is attached hereto at Appendix 1.

1.6 One letter of objection to the making of the Order was received by Carlisle City Council. The letter of objection along with the officer's reply is attached hereto at Appendix 2.

1.7 The objections are summarised below. The officer's reply follows immediately after in *italics*;

- (i) There will be a loss of revenue of £12,500 as the timber cannot be felled.

Tree preservation orders are made where it is expedient in the interest of amenity. The loss of revenue is not an issue that has to be considered when deciding if the trees merit protection. Compensation may be payable to address the loss of timber value.

- (ii) Falling trees and branches are a risk to all road users.
Where there is a risk of foreseeable failure, of either a branch or whole tree, which could result in harm, the tree preservation order will not prevent work being undertaken to reduce the risk of failure to an acceptable level. However, because one tree in the row shed one limb does not mean that all the trees in the row are dangerous and need to be felled.

- (iii) An agreed compromise on the felling had been reached between the Forestry Commission, Carlisle City Council, and yourself.

A compromise on the felling licence application was not agreed with the City Council. A compromise was put forward by the Forestry Commission. However, a different option was put forward by your agent that was unacceptable.

- (iv) The trees are outwith the Rickerby Conservation Area and therefore the landscape is of 'lower concern'.

All landscapes matter not just designated landscapes or conservation areas. Policy GI 1 in the adopted Local Plan states that all landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development. Hedgerow trees are a key element of this landscape character type. The loss of these trees

would have a negative impact on the quality of this landscape, and the approach to the Rickerby Conservation Area.

- (v) Loss of some trees will not result in a loss of enjoyment of the landscape for walkers on Walkers on Hadrians Wall National Trail.

When considering whether or not to protect trees an assessment of the amenity value of the trees is carried out. The trees scored highly due to their size and prominent location demonstrating that there would be a loss of amenity. The amenity provided by the trees is intrinsic. Lack of knowledge of the trees existence does not lessen the loss of amenity. Of course there are many local people who walk and drive this route regularly and do have knowledge of the trees.

- (vi) Walkers' views of some of the trees are obscured by a hedge.

The hedge between the trees and a stretch of the National Trail does not obscure the trees.

- (vii) Little account has been made of the amenity by the trees on the opposite side of the road which will lessen the impact of removing 16 oaks.

As noted above all the trees which were originally considered for removal were assessed for their amenity. Whilst there are trees opposite, that they will remain does not lessen the assessed amenity value of the protected trees, or lessen the negative impact if they were to be removed.

- (viii) The farm is under good management and the removed trees will be replaced.

The good stewardship of the farm is not in question. It is the loss of amenity arising from the removal of the trees that has to be considered. The loss of 16 mostly large prominent trees will have a significant negative impact on the amenity of the location. Replacement with small transplants will not replace the lost amenity for many decades.

- (ix) Three trees require immediate removal and these should be excluded from the tree preservation order.

All of the trees, when assessed, merited protection by means of a tree preservation order. An application to remove T5, T21, and T28 would be judged on its merits and take account of the condition of the trees. However, the tree preservation order is the only mechanism to ensure replacement, and for that reason the trees must remain protected.

- (x) The Council will be liable for compensation totalling 100% of the value of the trees if felling is not permitted.

Compensation may be payable, but it is questionable whether in this instance it would be. Even if compensation was payable it would not be for 100% of the current timber value. It would be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of a refusal to fell the trees, and have to be in excess of £500.00. Neither would it include any depreciation in the value of the trees arising from neglect.

2.0 CONSULTATION

- 2.1** Ward Members, and the Parish Council were consulted on the felling licence application.
- 2.2** The Parish Council, owners of affected properties, and all those who were known to have an interest in the land, including the Forestry Commission, were consulted on the tree preservation order in accordance with the requirements of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2** Wider public consultation was undertaken by erecting a site notice advising of the making of the tree preservation order, and how to object, or make representations in respect of the Order.

3.0 CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 3.1** Tree Preservation Order 283 Tower Farm, Rickerby, Carlisle, should be confirmed without modification.
- 3.2** The oak trees protected by Tree Preservation Order 283 are large prominent trees clearly visible to the public from the road between Linstock and Rickerby, and from Hadrians Wall National Trail. They contribute to the pleasant rural character of the area enhancing the approach to, and exit from, the Rickerby Conservation Area, and are a key characteristic of this 'Low Farmland' landscape character type. Due to their

size, prominent location, and public visibility the trees make a substantial positive contribution to the character and visual amenity of the location.

4.0 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1** Helps create a pleasant and healthy environment in which to live and work, engendering a pride in place and contributing to the City Council's Healthy City Agenda.

Contact Officer:	Charles Bennett	Ext: 7535
Appendices attached to report:	Appendix 1: Tree preservation order Plan and Statement Of Reasons Appendix 2: Letter Of Objection and Officer's Replies	

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:

- **The Town and Country Planning Act 1990; Planning Practice Guidance Tree preservation orders and trees in conservation areas**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - None

Community Engagement – None

Economic Development – None

Governance – The validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

This tree preservation order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that

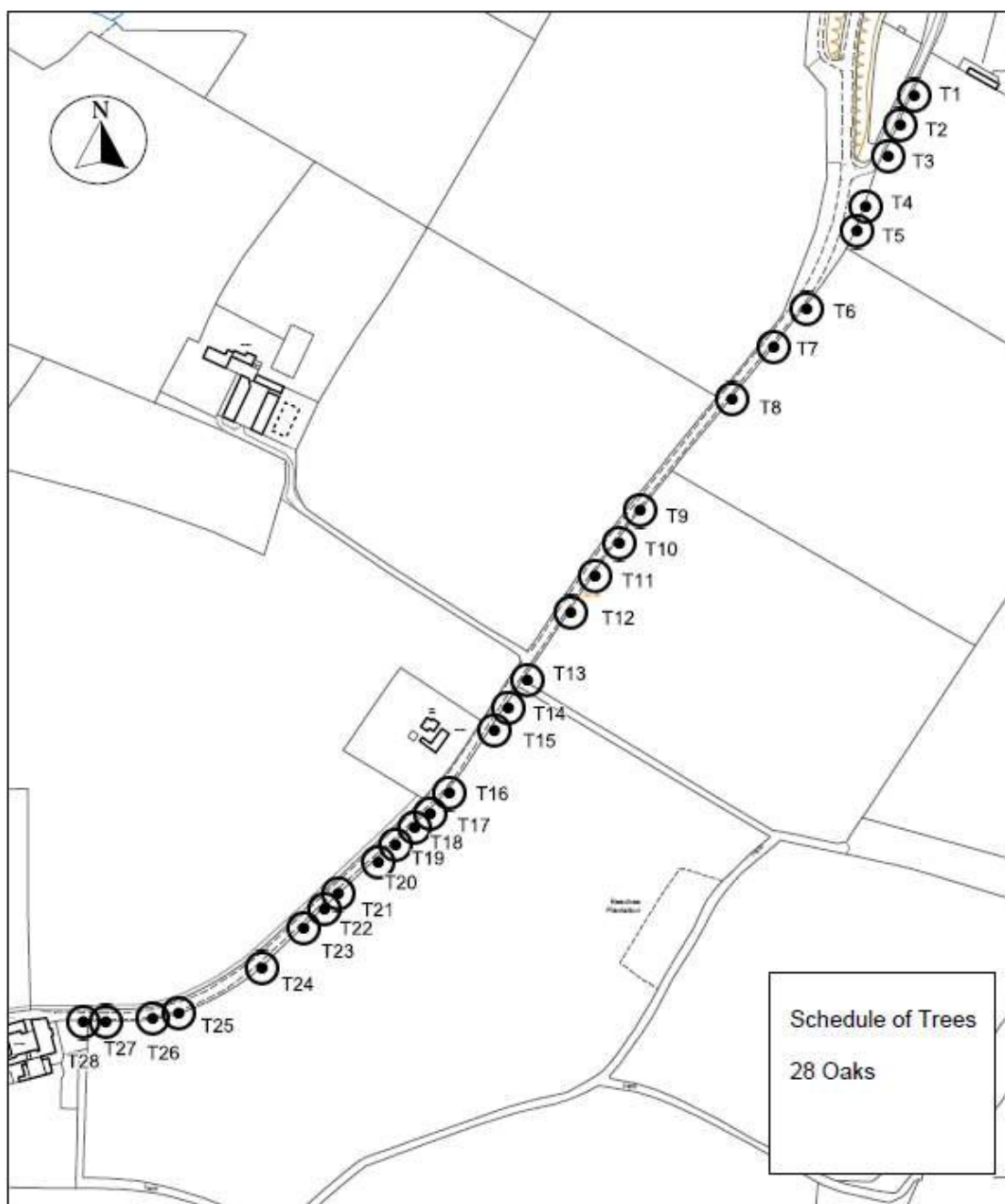
interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the tree preservation order is proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Local Environment – The tree preservation order by affording protection to these trees will ensure that the significant amenity provided by the trees, the benefit to the local environment and its enjoyment by the public will continue.

Resources - Compensation may be payable if a person establishes that loss or damage has been caused or occurred in consequence of the refusal of consent, or the grant of consent subject to conditions, subject to the restrictions and exemptions set out in The Town and Country Planning (Tree Preservation) (England) Regulations 2012. Necessary works to the trees in the interests of safety will not be unreasonably refused.

Compensation may also be payable where works that are in the interests of good forestry practice are refused. However, it would be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of a refusal to fell the trees, and have to be in excess of £500.00. Neither would it include any depreciation in the value of the trees arising from neglect.

PLAN & STATEMENT OF REASONS FOR TREE PRESERVATION ORDER 283



Act 1990 Section 198(1)

Tree Preservation Order Number 283
Tower Farm, Rickerby, Carlisle

Scale: 1:4000

Date: September 2016

Economic Development, Civic Centre, Carlisle, CA3 8QG

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TREE PRESERVATION ORDER NO. 283

TOWER FARM, RICKERBY, CARLISLE,

STATEMENT OF REASONS

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.

The oak trees protected by Tree Preservation Order 283 are large prominent trees clearly visible to the public from the road between Linstock and Rickerby, and Hadrians Wall National Trail. They contribute to the pleasant rural character of the area enhancing the approach to, and exit from, the Rickerby Conservation Area, and are a key characteristic of this 'Low Farmland' landscape character type.

Due to their size, prominent location, and public visibility the trees makes make a substantial positive contribution to the character and visual amenity of the location.

A felling licence application received by the Forestry Commission would see the loss of many of the trees.

Other options considered were not making the Tree Preservation Order. For the reasons stated above it was considered the Tree Preservation Order was appropriate.

APPENDIX 2
LETTER OF OBJECTION AND OFFICERS' REPLY

(Please send all correspondence to: [REDACTED])

Tower Farm

Address: c/o The Park, Rickerby, Carlisle, CA3 9AA

M D Lambert
Director of Governance
Civic Centre
Carlisle
CA3 8QG

RE: Tree Preservation Order 2016 No. 283

LEGAL & DEMOCRATIC SERVICES	
FILE	
28 SEP 2016	
PASSED TO	MDL CC CB
ANSWERED	
MAIL LOG	

Dear Mr Lambert,

I would like to formally object to the Carlisle City Council's proposals to place a TPO (Order 2016 no. 283) on 28 trees on land at Tower farm.

My objection is based on a number of issues as follows:

My original intention was to fell all of the road side trees and I received an offer of £12,500 + VAT for the sale of the timber. The original intention was partly to realise the timber value but also to reduce the on-going burden of falling trees and branches which pose a risk to all road users. I recognise that most of the trees are healthy but almost every year significant branches fall during strong winds in both the winter and summer months – please find pictures attached.

However, having taken professional advice I was persuaded to reduce the proposed felling to 16 trees, recognising that the row of trees has some amenity value. This proposal was considered by the Forestry Commission Woodland Officer and Charles Bennett and a compromise position, very close to my proposal, was offered and agreed.

It came as a surprise having agreed to this position that a TPO was then proposed and put temporarily in place. This action does seem at odds with my stance, which has always been to agree a fair and workable solution.

I would also highlight a number of issues which I also feel are pertinent to your decision regarding the TPO.


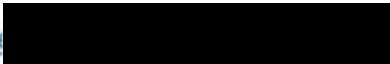
- The trees are all outside the Conservation area and as such this suggests that the landscape in this area is of lower concern.
- It has been highlighted that there are a large number of users who enjoy the trees. I would argue that the majority of walkers are on the Hadrian wall trail and as such have no prior knowledge of the trees and as such the loss of some of the trees is unlikely to alter their enjoyment of the landscape.
- Walkers along this stretch of road also use a footpath located in the opposite field. When walking this section views of about half of the trees are obscured by a high hedge.

- I would also suggest that little account has been made of the amenity value of trees in the opposite hedgerow and in the fields and hedgerows of Tower farm. These lessen the impact of removing the 16 trees applied for in the felling licence application.
- I would also highlight that Tower farm has shown good stewardship of the land and landscape and have actively managed and created hedgerows, planted copses of trees and planted individual park land trees. The proposals I have put forward have included a commitment to replace any tree which is to be felled.
- At our meeting with Charles Bennett he recognised that there were 3 trees that did require immediate removal and we would ask that whatever is the result of this enquiry that these trees are not placed within the TPO and are able to be immediately felled (T5, T21 & T28)
- I am also aware that Carlisle City Council is required to pay compensation for the loss in timber value if a TPO is approved. The loss in depreciation of timber value will be 100% if tree felling is not permitted and as such this is a significant potential cost for the council.

I look forward to working with Carlisle City Council to provide a sustainable plan for the short medium and long term.

Best regards,


Elliot Walker


Please address all correspondence to: 

Tower Farm (March 2016)



Similar aged trees Rickerby Park (August 2016 drop)



Tower Farm (drop Sept 2016)



Economic Development

Director **J E Meek** BSc (Hons) Dip TP MRTPI

Planning Services

Civic Centre, Carlisle, CA3 8QG

Phone (01228) 817000 • Fax Planning (01228) 817115 • Typetalk please ring 0800 95 95 98

E-mail Development Management:: EDAdmin@carlisle.gov.uk • Planning Policy: lpc@carlisle.gov.uk • Building Control: BC@carlisle.gov.uk

Mr Walker
The Park
Rickerby
Carlisle
CA3 9AA

Case Officer:

Direct Line:

E-mail:

Your Ref:

Our Ref:

Charles Bennett

01228 817535

Charles.Bennett@carlisle.gov.uk

CB/14 TPO 283

30 September 2016

Dear Mr Walker

OBJECTION TO TREE PRESERVATION ORDER 283, TOWER FARM, RICKERBY

I am writing in response to your letter of objection to Tree Preservation Order 283 Tower Farm, Rickerby, received in this office on the 29 September 2016.

I have summarised your objections below:

- There will be a loss of revenue of £12,500 as the timber cannot be felled.
- Falling trees and branches are a risk to all road users.
- An agreed compromise on the felling had been reached between the Forestry Commission, Carlisle City Council, and yourself.
- The trees are outwith the Rickerby Conservation Area and therefore the landscape is of 'lower concern'
- Loss of some trees will not result in a loss of enjoyment of the landscape for walkers on Walkers on Hadrians Wall National Trail.
- Walkers views of some of the trees are obscured by a hedge.
- Little account has been made of the amenity by the trees on the opposite side of the road which will lessen the impact of removing 16 oaks.
- The farm is under good management and the removed trees will be replaced.
- Three trees require immediate removal and these should be excluded from the tree preservation order.
- The Council will be liable for compensation totalling 100% of the value of the trees if felling is not permitted.

I will respond to each of the elements of your objection in the same order:

- Tree preservation orders are made where it is expedient in the interest of amenity. The loss of revenue is not an issue that has to be considered when deciding if the trees merit protection. Compensation may be payable to address the loss of timber value.
- Where there is a risk of foreseeable failure, of either a branch or whole tree, which could result in harm, the tree preservation order will not prevent work being undertaken to reduce the risk of failure to an acceptable level. However, because one tree in the row shed one limb does not mean that all the trees in the row are dangerous and need to be felled.
- A compromise on the felling licence application was not agreed with the City Council. A compromise was put forward by the Forestry Commission. However, a different option was put forward by your agent that was unacceptable.
- All landscapes matter not just designated landscapes or conservation areas. Hedgerow trees are a key element of this landscape character type. The loss of these trees would have a negative impact on the quality of this landscape, and the approach to the Rickerby Conservation Area.
- When considering whether or not to protect trees an assessment of the trees amenity is carried out. The trees scored highly due to their size and prominent location demonstrating that there would be a loss of amenity. The amenity provided by the trees is intrinsic. Lack of knowledge of the trees existence does not lessen the loss of amenity. Of course there are many local people who walk and drive this route regularly and do have knowledge of the trees.
- The hedge between the trees and a stretch of the National Trail does not obscure the trees.
- As noted above all the trees which were originally considered for removal were assessed for their amenity. Whilst there are trees opposite, that they will remain does not lessen the assessed amenity value of the protected trees, or lessen the negative impact if they were to be removed.
- The good stewardship of the farm is not in question. It is the loss of amenity arising from the removal of the trees that has to be considered. The loss of 16 mostly large prominent trees will have a significant negative impact on the amenity of the location. Replacement with small transplants will not replace the lost amenity for many decades.

- All of the trees, when assessed, merited protection by means of a tree preservation order. An application to remove T5, T21, and T28 would be judged on its merits and take account of the condition of the trees. However, the tree preservation order is the only mechanism to ensure replacement, and for that reason the trees must remain protected.
- Compensation may be payable, but it is questionable whether in this instance it would be. Even if compensation was payable it would not be for 100% of the current timber value. It would be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of a refusal to fell the trees, and have to be in excess of £500.00. Neither would it include any depreciation in the value of the trees arising from neglect.

I hope I have been able to address your concerns and you can withdraw your objection.

However, if you are unable to withdraw your objection the tree preservation order will go before the Development Control Committee who will decide whether or not it should be made permanent.

If the tree preservation order is to be determined by Committee the press and public may attend the meeting. Copies of the Committee Reports and background information (including petitions, letters of objection and support) will be available for those attending. If you wish to know when the application is going to Committee please check online or contact the Case Officer. A list of the forthcoming Committee dates is available on the website. At present it is my intention, if necessary, to take the tree preservation order to the Development Control Committee at its meeting on the 25 November 2016.

The City Council enables, in certain circumstances, objectors and supporters to applications for Planning Permission, Listed Building Consent, Advertisement Consent, Conservation Area Consent and in relation to Tree Preservation Orders a “right to speak” when an application is decided at the Development Control Committee. This right to speak also entitles Applicants or Agents to respond. A copy of the leaflet “Carlisle’s Scheme for Public Speaking at Development Control

Committee” is available from Planning Services or you can access it via the Planning Applications page on the City Council's website: www.carlisle.gov.uk

If you wish to register a right to speak it must be done after the date that the Committee schedule is published (i.e. 8 days prior to Committee). The deadline for registering this is 12.00 (noon) on the Thursday before Committee. You cannot register a right to speak ahead of the Committee schedule being published. In order to register please contact either Karen Greig (tel: 01228 817112 email: Karen.greig@carlisle.gov.uk) or

Michelle Little (tel: 01228 817482 email: michelle.little@carlisle.gov.uk). Please note that the scheme only allows 5 objectors the opportunity to speak on each application.

Please check the leaflet for full details or contact the Case Officer if you require further information.

Yours sincerely



C Bennett MICFor

Landscape Architect/Tree Officer

Copy to : Mark Lambert, Director of Governance, Carlisle City Council

Report to Development Control Committee

Agenda
Item:
A.3

Meeting Date: 25 November 2016
Portfolio: Economy, Enterprise, and Housing
Key Decision: Not Applicable:
Within Policy and
Budget Framework YES
Public / Private Public

Title: CONFIRMATION OF TREE PRESERVATION ORDER 284 BAY
TREE HOUSE, WETHERAL, CARLISLE.
Report of: Corporate Director of Economic Development
Report Number: ED.46/16

Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 284 Bay Tree House, Plains Road, Carlisle in light of objections to the making of the tree preservation order.

Recommendations:

Tree Preservation Order 284 Bay Tree House, Plains Road, Carlisle be confirmed without modifications.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

1.0 BACKGROUND

- 1.1 On 10 October 2016 Carlisle City Council received a notice of intention under section 211 of the Town and Country Planning Act 1990 to fell a lime tree north of the entrance to Bay Tree House, Plains Road, Wetheral, which is within the Wetheral Conservation Area. Officers were aware of the intention to fell other trees at the same time in the neighbouring property, 1 Greenacres, which is outwith the conservation area. Bay Tree House, and 1 Greenacres are within the same ownership.
- 1.2 At a site visit officers observed that the ground around most of the trees at Bay Tree House and 1 Greenacres had been lowered by a considerable extent severing roots and rendering the trees dangerous.
- 1.3 The trees in the gardens of Bay Tree House and 1 Greenacres were assessed for their suitability for protection by means of a tree preservation order. A lime to the south of the entrance to Bay Tree House, and a sycamore in the garden of 1 Greenacres, both unaffected by the excavations, were found to merit protection
- 1.4 Tree Preservation Order 284 was made to protect these two trees. The tree preservation order plan and Statement of Reasons are attached hereto at Appendix 1.
- 1.5 One letter of objection to the making of the Order was received by Carlisle City Council. The letter of objection along with the officer's reply is attached hereto at Appendix 2.
- 1.6 The objections are summarised below. The officer's reply follows immediately after in *italics*;

- (i) Roots are blocking the drains.

Roots will only enter drains where there is existing damage to the drain. They will not themselves seek out or damage drains. Removal of the tree will not resolve the problem of the roots in the drains. This will still have to be dealt with by way of repairing the drains. If a suitable repair is carried out further root ingress will not occur removing the need to fell the tree. Although root ingress is alleged no evidence that the roots are from the protected tree has been provided. There were numerous shrubs and a number of other trees in the area which could be the source of the roots. These have been removed, or are soon to be removed. Furthermore,

whilst CCTV footage has been taken no pictures from within the drains have been provided evidencing the existence of roots there.

- (ii) The garage and utility room are showing signs of damage from root lift.

Roots can cause damage by lifting structures. However, these are invariably lightweight structures such as garden walls, paths, and patios. The roots will not grow in such a manner as to lift heavier structures such as garages and dwellings. Furthermore, such direct damage occurs in close proximity to the tree, usually within a metre or so of the trunk. This is because the roots quickly break down into smaller and smaller roots as they grow away from the tree, and very quickly become too small to cause direct damage of the kind described. The tree is approximately 7m away from the garage, the nearest part of the dwelling to it. Notwithstanding the above, Bay Tree House was built in the early 2000's. The national house building standards in place at that time would have taken account of the existence of the trees and their proximity to the house. The foundations would have been constructed to a standard designed to avoid the likelihood of tree related damage.

2.0 CONSULTATION

- 2.1** All those who were known to have an interest in the land were consulted on the tree preservation order in accordance with the requirements of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2** Wider public consultation was undertaken by erecting a site notice advising of the making of the tree preservation order, and how to object, or make representations.

3.0 CONCLUSION AND REASONS FOR RECOMMENDATIONS

- 3.1** Tree Preservation Order 284 Bay Tree House, Plains Road, Wetheral, Carlisle, should be confirmed without modification.
- 3.2** The lime and sycamore trees are large prominent trees clearly visible to the public from Plains Road. They contribute to the pleasant sylvan character of the area enhancing the approach to, and exit from, the Wetheral Conservation Area.

4.0 CONTRIBUTION TO THE CARLISLE PLAN PRIORITIES

- 4.1** Helps create a pleasant and healthy environment in which to live and work, engendering a pride in place and contributing to the City Council's Healthy City Agenda.

Contact Officer: Charles Bennett **Ext:** 7535
Appendices attached to report: **Appendix 1: Tree preservation order Plan and Statement Of Reasons**
Appendix 2: Letter Of Objection and Officer's Replies

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:

- **The Town and Country Planning Act 1990; Planning Practice Guidance Tree preservation orders and trees in conservation areas**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's - None

Community Engagement – None

Economic Development – None

Governance – The validity of the tree preservation order cannot be challenged in any legal proceedings except by way of application to the High Court. An application must be made within six weeks from the date of the confirmation of the tree preservation order.

This tree preservation order needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the third parties, including local residents, who have made representations, have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

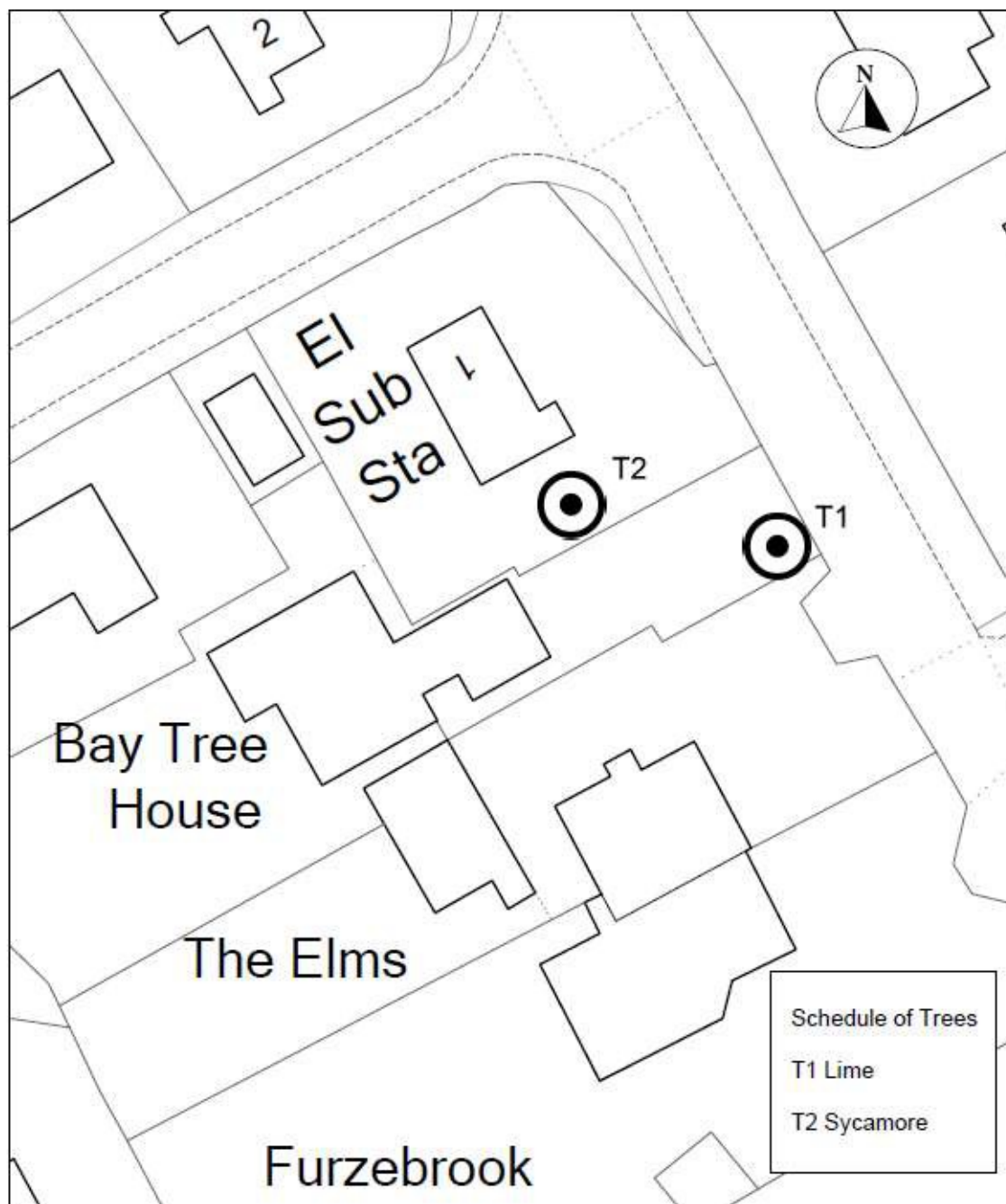
Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home and a right to peaceful enjoyment of one's possessions, which could include a person's home, other land and business assets. In taking account of all material considerations, including Council policy it is considered that some rights conferred by these Articles on the residents/objectors and other occupiers and owners of nearby land that might be affected may be interfered with but that interference is in accordance with the law and justified by being in the public interest and on the basis of the restriction on these rights posed by confirmation of the tree preservation order is

proportionate to the wider benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Local Environment – The tree preservation order by affording protection to these trees will ensure that the significant amenity provided by the trees, the benefit to the local environment and its enjoyment by the public will continue.

Resources - Compensation may be payable if a person establishes that loss or damage has been caused or occurred in consequence of the refusal of consent, or the grant of consent subject to conditions, subject to the restrictions and exemptions set out in The Town and Country Planning (Tree Preservation) (England) Regulations 2012. Necessary works to the trees in the interests of safety will not be unreasonably refused.

PLAN & STATEMENT OF REASONS FOR TREE PRESERVATION ORDER 284



Act 1990 Section 198(1)

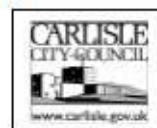
Tree Preservation Order Number 284
Bay Tree House, Plains Road, Greenacres, Wetheral

Scale: 1:400

Date: October 2016

Economic Development, Civic Centre, Carlisle, CA3 8QG

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 ordnance survey LA100024459



TREE PRESERVATION ORDER NO. 284
BAY TREE HOUSE, PLAINS ROAD, WETHERAL, CARLISLE,

STATEMENT OF REASONS

By virtue of section 198 of the Town and Country Planning Act 1990 the local planning authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.

The lime and sycamore trees protected by Tree Preservation Order 284 are large prominent trees clearly visible to the public from Plains Road. They contribute to the pleasant sylvan character of the area enhancing the approach to, and exit from, the Wetheral Conservation Area.

Development on the property and re-landscaping of the gardens could result in the loss of the trees.

Other options considered were not making the Tree Preservation Order. For the reasons stated above it was considered the Tree Preservation Order was appropriate.

APPENDIX 2
LETTER OF OBJECTION AND OFFICERS' REPLY

Bay Tree House
Plains Road
Wetheral
Carlisle
Cumbria
CA4 8LA

MD Lambert
Director of Governance
Civic Centre
Carlisle
CA3 8QG

3rd November 2016

Re: Town and Country Planning Act 1990, Town and Country Planning Act (Tree Preservation) (England) Regulations 2012, Tree Preservation Order: The City of Carlisle (Bay Tree House, Plains Road Wetheral) Tree Preservation Order 2016 No 284

Dear Sir or Madam,

With reference to the above I wish to raise a formal objection to the TPO placed on the sycamore tree (T2 on the plan).

We have instructed an expert to assess the extent of root growth to this tree that encroaches on the adjoining property 1, Greenacres, which is also owned by me. I have experienced severe drain blockage and the garage and back utility area are showing signs of damage from root lift. If this proves to be the case then we will apply to remove the said tree to ensure no further damage is caused.

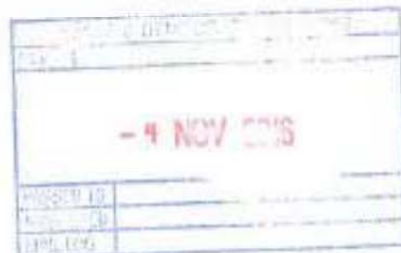
I would be grateful if you would grant an extension to the 9th November deadline so that I can obtain the full written report and advice regarding the potential ongoing damage.

I anticipate that I will be in a position to comment further during week commencing 21st November and am therefore asking you to extend the deadline until 25th November 2016.

Yours faithfully,



Craig Nelson



R.F. ANGUS
LIMITED

Tel/Fax: Carlisle 539993

DRAIN CLEARANCE

UNIT 6, ANGUS BUSINESS PARK
WATER STREET, CARLISLE CA2 5AW
E-mail: mail@rfangus.co.uk



DRAIN & PIPEWORK
CLEANING SERVICE

Mobile: 07860 854619



3-11-16

MR. C. NELSON
BAYTREE HOUSE
PLAINS RD
WETHERAL.

DEAR SIR,

WHILE WORKING ON YOUR DRAINAGE
SYSTEM TO CARRY OUT EMERGENCY WORK IT SOON BECAME
APPARENT WITH THE USE OF C.C.T.V THAT MOST OF THE DRAINS
ARE SERIOUSLY ROOT INFESTED.

WE HAVE MADE PROPOSALS FOR THE REMOVAL OF THESE
ROOTS ON A FUTURE VISIT HOWEVER, IN TIME THEY WILL
RETURN AND I FEEL THE LONG TERM SOLUTION WOULD
BE TO REMOVE THE LARGE TREE NEAREST TO THE SIDE
OF THE DRAINING.

KIND REGARDS



Economic Development

Director **J E Meek** BSc (Hons) Dip TP MRTPI

Planning Services

Civic Centre, Carlisle, CA3 8QG

Phone (01228) 817000 • Fax Planning (01228) 817115 • Typetalk please ring 0800 95 95 98

E-mail Development Management: EDAdmin@carlisle.gov.uk • Planning Policy: lpc@carlisle.gov.uk • Building Control: BC@carlisle.gov.uk

Mr Nelson
Bay Tree House
Plains Road
Wetheral
Carlisle
CA4 8LA

Case Officer:

Direct Line:

E-mail:

Your Ref:

Our Ref:

Charles Bennett

01228 817535

Charles.Bennett@carlisle.gov.uk

CB/TPO 284

4 November 2016

Dear Mr Nelson

OBJECTION TO TREE PRESERVATION ORDER 284 BAY TREE HOUSE, PLAINS ROAD, WETHERAL.

I am writing in response to your objection to Tree Preservation Order, 284. I have summarised these below.

- Roots are blocking the drains.
- The garage and utility room are showing signs of damage from root lift.

I will address these in the order they are set out above.

- I note the contents of the letter from Mr Angus concerning root ingress into the drainage system. Roots will only enter drains where there is existing damage to the drain. They will not themselves seek out or damage drains. Removal of the tree will not resolve the problem of the roots in the drains. This will still have to be dealt with by way of repairing the drains. If a suitable repair is carried out further root ingress will not occur removing the need to fell the tree. Although you allege root ingress in the drains you have not provided any evidence that the roots are from the protected tree. There were numerous shrubs and a number of other trees in the area which could be the source of the roots. These have been removed, or are soon to be removed. Furthermore, whilst CCTV footage is mentioned no pictures from within the drains have been provided evidencing the existence of roots there.
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in such a manner as to lift heavier structures such as garages and dwellings. Furthermore, such direct damage occurs in close proximity to the tree, usually within a metre or so of the trunk. This is because the roots quickly break down into smaller and smaller roots as they grow away from the tree, and very quickly become too small to cause direct damage of the kind to which you refer. The tree is approximately 7m away from the garage, the nearest part of the dwelling to it. Notwithstanding the above, Bay Tree House was built in the early 2000's. The national house building standards in place at that time would have taken account of the existence of the trees and their proximity to the house. The foundations would have been constructed to a standard designed to avoid the likelihood of tree related damage.

You can apply to remove the tree at any time. But Please be aware that if you are applying to remove the tree on the basis that it is causing structural damage to the property you will need to provide compelling written technical evidence from an appropriate expert, including a description of the damage and possible solutions to support your application.

I hope I have been able to address your concerns and you can withdraw your objection.

However, if you are unable to withdraw your objection the tree preservation order will go before the Development Control Committee who will decide whether or not it should be made permanent.

If the tree preservation order is to be determined by Committee the press and public may attend the meeting. Copies of the Committee Reports and background information (including petitions, letters of objection and support) will be available for those attending. If you wish to know when the application is going to Committee please check online or contact the Case Officer. A list of the forthcoming Committee dates is available on the website. At present it is my intention, if necessary, to take the tree preservation order to the Development Control Committee at its meeting on the 25 November 2016.

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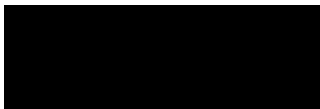
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Please check the leaflet for full details or contact the Case Officer if you require further information.

Yours sincerely



C Bennett MICFor

Landscape Architect/Tree Officer

Copy to : Mark Lambert, Director of Governance, Carlisle City Council