Item No: 01
Appn Ref No:
12/0878
Date of Receipt:
24/10/2012 16:02:59

## Applicant:

Story Homes
Agent:
Positive Planning Solutions Dalston Ltd

## Location:

Land between Townhead Road and Station Road, Dalston

Proposal: Erection Of 121no. Dwellings, Associated Open Space And Infrastructure

## REPORT

## Case Officer: Stephen Daniel

## Summary

At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. Paragraph 55 of the NPPF indicates that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The proposal is in accordance with the principles of the NPPF as the application site is located in a sustainable location close to the centre of Dalston, which has a range of services, which would be supported by the extra housing that this proposal would provide. The site is well contained as it is bounded by development to three sides. In such circumstances, it is considered that the proposal would not result in a prominent intrusion into the countryside, nor would it result in settlements merging. The principle of additional housing in this location is, therefore, deemed acceptable and is in accordance with the objectives of the Council's Interim Housing Statement and the NPPF.

The scale, layout and design of the development are acceptable. Whilst the proposal would have an adverse impact on the conservation area, through the partial removal of a stone barn and stone boundary wall, the benefits of the proposal are considered to outweigh this harm.

The proposal would not have an adverse impact on the landscape character of the area, the living conditions of existing and future occupiers, crime or the loss of the best and most versatile agricultural land.

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, flooding, biodiversity, archaeology, contamination, waste or education. The level of affordable housing proposed is also considered to be acceptable.

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

## 1. Recommendation

1.1 It is recommended that this application is approved with conditions and subject to a legal agreement.

## 2. Main Issues

2.1 The Principle Of The Development
2.2 Scale, Layout And Design Of The Development
2.3 Impact On The Dalston Conservation Area
2.4 Impact On Landscape Character
2.5 Impact Of The Proposal On The Living Conditions Of The Occupiers of Neighbouring Properties
2.6 Highway Matters
2.7 Affordable Housing
2.8 Education
2.9 Flooding And Foul And Surface Water Drainage
2.10 Ecological issues
2.11 Archaeology
2.12 Open Space
2.13 Health And Safety Executive
2.14 Crime
2.15 Waste And Recycling Provision
2.16 Contamination
2.17 Dalston Design Statement
2.18 New Homes Bonus
2.19 Other Matters

## 3. Application Details

## The Site

3.1 This application was deferred at the June meeting of the Development Control Committee in order to allow receipt of an independent report on highway safety with particular regard to the position of the proposed junctions; an assessment of the architectural and historic significance of the existing stone wall and traditional barn on Townhead Road; discussions on the removal of the proposed three-storey properties from the scheme; and to
await a further report on the application at a future meeting of the Committee. Paragraphs 3.8 to 3.11 below provide details of the independent engineer's report and outline the changes that have been made to the application in response to these.
3.2 This application is seeking planning permission for the erection of 121 no. dwellings, together with associated open space and infrastructure on land between Townhead Road and Station Road, Dalston. The application site, which covers approximately 5.4 ha, is located to the west of Dalston Village Centre. It is currently in agricultural/ horticultural use, with the south-east corner of the site containing farm buildings, which include stone barns, corrugated sheet buildings and a number of greenhouses.
3.3 Part of the southern boundary of the site adjoins Townhead Road and this consists of a stone wall with hedging above and the rear elevation of a stone barn, both of which are separated from the road by a grass verge. Detached bungalows on Townhead Road, together with a terrace of three bungalows and three dwellings adjoin the remainder of the southern side boundary.
3.4 Part of the northern boundary of site is bounded by Station Road, which contains residential properties, including some semi-detached bungalows and a large detached dwelling. A hedgerow separates Station Road from the site and this incorporates an existing field access. A garden nursery, which lies on the southern side of Station Road, adjoins the reminder of the northern boundary of the site.
3.5 The site is adjoined by residential properties to the east, which lie to the rear of the village centre. A number of mature trees lie in gardens in close proximity to the eastern site boundary, part of which consists of a tall stone wall.
3.6 An existing hedgerow forms the western site boundary, beyond which lies open agricultural land, with a fuel storage depot beyond.
3.7 The whole of the site lies within the Dalston Conservation Area.

## Background

3.8 Modal Group Ltd was commissioned to provide independent highway advice on this application. It concluded that whilst the proposed junction on Townhead Road would meet the criteria for a 30 mph speed limit with visibility splays of 2.4 m by 43 m (the standard advised in Manual for Streets), the splay to the left (towards Dalston) would require drivers to look over their shoulder to observe approaching vehicles. The junction could be moved west so that lies adjacent to The Throstle. The advantage of relocating the access westwards means that it moves further away from the bend in Townhead Road, which due to the existing wall, has poor forward visibility around the bend and increases the visibility splay achievable for departing vehicles (to exceed the standards In Manual for Streets). In addition, the existing barn and a large portion of the wall adjacent to Townhead Road could be retained. Where the wall falls within the visibility splay it could either be reduced in height or relocated behind the visibility splay.
3.9 The Modal Group considers that the design of the access junction onto Station Road is acceptable. The developer has ensured sufficient visibility and the design incorporates improvements that should make it safer for pedestrians crossing at this point. During the site visit it was determined that this is the best place to cross Station Road in terms of visibility. The Modal Groups only concern is that the pedestrian crossing is located adjacent to a private driveway and, therefore, care would need to be taken to reduce the conflict between pedestrians and vehicles using the driveway.
3.10 The Modal Group has also considered the upgrading of the Carlisle Road/ Station Road junction to a mini-roundabout arrangement. It concluded that a mini-roundabout would encourage drivers to become more aware of traffic at the junction, slow down and be more cautious. The development proposals would add further traffic through this junction and, therefore, any measures that can be made to improve the junction arrangements should be encouraged.
3.11 In response to the independent highway advice, the applicant has amended the scheme to move the junction westwards so that it lies adjacent to The Throstle. This has changed the layout of the southern end of the scheme (adjacent to Townhead Road) as follows:

- Plots 1-10 and 118-125 on the old layout have been replaced by plots 1-11 and 119-121 on the revised layout;
- The number of units would, therefore, drop from 125 to 121 dwellings;
- Five dwellings now lie adjacent to Townhead Road - 3 detached and a pair of semi detached properties (one has a front elevation facing Townhead Road and four have rear elevations facing Townhead Road);
- $13 m$ of the wall would be demolished with $13 m$ being reduced in height to $0.6 \mathrm{~m} ; 34 \mathrm{~m}$ of the wall would be retained, with the hedge to the rear also being retained;
- The barn would be removed but the rear wall (which measures approximately 20 m in length) would be retained at a height of 2.25 m ;
- A new cul-de-sac would be created to the north of the dwellings that lie adjacent to Townhead Road;
- The dwellings that lie adjacent to 3 Glave Hill, Dalston House and to the rear of The Throstle and Ardmore have been changed;
- The raised table on Townhead Road has been removed;
- The site would now be phased over three years instead of four, with development starting from Townhead Road instead of Station Road;

The Proposal
3.12 The application proposes the erection of 121 dwellings, associated open space and infrastructure. The layout comprises a mix of detached, semi-detached and terraced properties. In total, 17 different house types are proposed (excluding 'handed' versions of these units), which comprise a variety of two to five-bedroom properties, including some bungalows and apartments. The majority of properties within the development would be two-storey ( 84 units), although the proposal includes 4 bungalows, 12 two-and-a-half-storey properties and 21 three-storey properties (which include 12 two-bedroom apartments). The dwellings would be completed in a range of materials, including stone and render, although facing brick would be the prevailing finish. Stone and render would be limited to a number of key 'gateway' buildings, to devise maximum impact. Roofs would either be slate or tiles.
3.13 The site would be accessed via two newly created accesses, one onto Townhead Road and one onto Station Road. The access onto Townhead Road would lie adjacent to The Throstle. The original plans showed an access opposite Madam Banks Road, which would have formed a square but this has been moved approximately 30 m to the west following advice from an independent highway consultant. Two new squares would be created within the development, to encourage lower vehicle speeds. The main road through the site, which would measure 6 m in width and would by bounded by two 2 m footpaths, would be finished in standard bitmac. A number of shared surface streets and private drives, which would measure 4.5 m or 4.8 m in width, would radiate from the main road and these would be finished in block paviours. The development incorporates a total of 291 car parking spaces, which equates to 2.4 spaces per unit. This includes 49 garages ( 9 detached and 40 integral), 153 driveway/ in-curtilage parking spaces, 49 spaces within parking courts, 12 allocated on-street parking bays and 28 visitor parking bays.
3.14 The western section of the site (approximately 1.4ha) would be used as amenity open space for the development. This area would incorporate a SUDS pond and landscaped areas. It would be separated from the housing area by estate rail fencing.
3.15 It is proposed that foul drainage from the development would connect to two outfall positions on the existing combined sewer network, one located directly to the north of the site beneath Station Road and the other located to the south beneath Townhead Road.
3.16 Surface water run-off would be carefully managed on site through a sustainable urban drainage system (SUDS). This would permit infiltration of post-development surface water into existing permeable soils. The SUDS has been designed to cater for storms of up to 1 in 100 years plus $20 \%$ for climate change.
3.17 The site would be phased over a three year period, with approximately 40 dwellings being built per year. The development would start at Townhead Road, with the development adjacent to Station Road planned for year 3.
3.18 The application is accompanied by a suite of drawings and a range of detailed specialist studies. These include: a Design \& Access Statement; a

Planning Statement; a Heritage Statement; a Landscape and Visual Impact Appraisal; a Geophysical Survey; a Habitat and Ecology Report; a Phase 1 Habitat Survey and Protected Species Risk Assessment; an Arboricultural Impact Assessment; a Flood Risk and Surface Water Drainage Assessment; an Interim Travel Plan; a Transport Assessment; a Phase 1
Geo-Environmental Ground Investigation; and a Community and Stakeholder Engagement Statement.

## 4. Summary of Representations

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4.1 This application has been advertised by means of site and press notices as well as notification letters sent to 93 neighbouring properties. 72 letters of objection ( 59 to the original application, 7 to the first set of revised plans and 6 to the recently amended plans), a petition signed by 528 number of people and 3 letters of support have been received.
4.2 The letters of objection make the following points:

## Transport Issues

- There are 245 car parking spaces in the scheme - this translates to 900 new vehicle journeys per day, which will increase congestion and danger to road users;
- The extra traffic will be concentrated on two roads, which are not suited to extra traffic;
- Increased traffic will make surrounding roads more dangerous, especially for children and elderly;
- Dalston already has problems with congestion and lack of parking;
- Road from the centre of Dalston to proposed entrance on Townhead Road needs to be improved to enable a safe route. The corner opposite Yew Tree House/ Glave Hill House is too narrow - traffic encroaches across the road/ strays across centre line - needs widening;
- Townhead Road junction is considerably busier following the relocation of the Co-op and the provision of extra parking - cars from 128 dwellings (could be 256 extra cars) will cause considerable congestion at the Townhead Road and Station Road junctions and will increase pollution;
- Junction proposed at Townhead Road is unsafe - close to a bend and there is already poor visibility approaching this narrow bend from both directions and opposite another junction - need to ensure required visibility splays can be achieved;
- Traffic survey drawings show buses and refuge vehicles crossing the centre line
of Townhead Road on the bend when exiting the site towards the village;
- Proposed side road entrance and driveways around the south corner of Townhead Road lack sight lines and would be very dangerous;
- Visibility splays proposed do not meet standards in the Cumbria Design Guide for New Housing Developments and are, therefore, unsafe;
- New access from Station Road is on a bend;
- Cars park on Townhead Road and Station Road (often on double yellow lines) and this restricts visibility;
- Dalston's roads are rural in scale and nature, narrow with bends, framed by established hedgerows/ walls - plans add hazards, with entrances/ exits on bends;
- The route through the development will be used as a shortcut/ as a way of avoiding The Square and could become a rat run at busy times;
- Need to improve Station Road and school access at peak times;
- Proposal could lead to road widening and provision of mini-roundabouts, which would adversely affect the village;
- Solutions to improve roads would be urban in nature and visually incongruent to the character of the village;
- Increase of surface water run-off form the development will impact the surrounding roads;
- Townhead Road is not treated in icy weather;
- Existing footpaths are inadequate - there is no footpath from the site entrance towards the village/ the limited pavement at the Station Road entrance would require pedestrians to cross the road, which could be dangerous;
- Need to improve cycling in Dalston;
- Increased traffic will lead to more potholes, which are a danger to cyclists;
- Concerned about impact of construction traffic on the road network;
- The development will take place over a four year period - the disruption and additional traffic will be intolerable;
- The development at Morton will increase through traffic in Dalston;
- Staff in County Highways have confirmed that Dalston has some of the most dangerous road junctions in the county;
- Need extra pavements on Station Road and Townhead Road, zebra crossings at the school and on Station Road and traffic calming in the village;
- All the new dwellings should have driveways exiting into the new estate and not onto existing roads;
- Station Road is used by large vehicles, including HGVs, petrol tankers, cement mixers, tractors and gritters - it is a narrow country road and is not suitable for this use;
- Dalston should have no development until Carlisle Southern Bypass is built;
- Cars will use the Low Moorlands Estate as a rat run to avoid the Station Road/ Carlisle Road junction - roads in Low Moorlands are narrow and busy at school times;
- Station Road/ Carlisle Road junction is already very busy/ hazardous - could do with traffic lights and not the mini roundabout proposed;
- The Morton development (1,000 homes) will increase traffic in Dalston, with traffic using the village to access the M6 and areas to the south;
- There are traffic problems at school start and finish times when cars park along Station Road, Nine Rigg and Smithfield;


## Impact On Dalston Conservation Area

- Proposal will lead to the destruction of a valuable greenfield space that was included in the in the conservation area in 2008 because development pressure was foreseen;
- The conservation area was amended after public consultation in 2008, which wanted greenfields/ spaces protecting;
- The space provides balance to the village - it is necessary to preserve the village character;
- The fields have a historic connection to the village and make a positive contribution to the conservation area;
- The farm buildings and fields come up to, and can be viewed from, adjacent roads;
- The design, density and scale of the development neither mirrors, nor respects, the historic cores architecture;
- The development would spoil/ diminish the character and appearance of the conservation area and would not enhance it;
- The loss of traditional stone buildings and the substantial and attractive historic stone wall, together with the large mature hedge on the south corner of

Townhead Road would adversely affect the conservation area;

- Important vernacular features at the corner of Townhead Road, which help give Dalston its character, would be destroyed;
- The Heritage Statement excludes the most important part of the site, near to Townhead Road;
- The stone wall along Town Road is at-least 100 years old and was built with stone from the river - the wall is in good condition, well built and it enhances the exit/ entry to Dalston;
- The design of some of the proposed dwellings does not reflect the vernacular architecture of the conservation area and it does not maintain, preserve or enhance the appearance of the conservation area. The proposal includes repetitions of house types that have been built at sites in Carlisle (Garlands, Crindledyke) and generic house building is one of the reasons areas lose their sense of place;
- Designs of dwellings needs to contribute positively to Dalston Conservation Area and to its sense of place rather than destroy it;


## Scale \& Design

- The impact of 128 houses would be too great - it would change the whole character of the village and the community;
- The scale of the proposal is not in keeping with Dalston;
- There is no need for a development of this size in Dalston - empty properties remain to be completed/ occupied;
- Unfair for Dalston to have such a large development - a disproportionate share of new housing is going to Dalston, which should only have small scale development;
- The centre of the village cannot be changed and is totally unsuited to large scale development around it;
- The most acceptable form of development for Dalston would be to build a small number of new properties at various locations and at periodic intervals, so growth and impact is mitigated and would not appear monolithic;
- A solution can be found which provides more housing to meet the needs of household growth at a scale which is sensitive to the existing character of the village;
- Proposal will increase the population of Dalston by 600 people - this is a significant increase and will put additional strain on the existing infrastructure and services;
- Proposal will increase the population of Dalston by 15\%-20\% - growth of this scale should not take place in advance of a local or neighbourhood plan;
- The existing infrastructure could not support so many houses and the increase in population;
- Proposal would destroy Dalston's village status - risks turning a large village into a small town;
- The proposed dwellings are 'off-the-shelf' and have not been designed for the site;
- The dwellings display a limited range of mix and match design patterns of the type used by volume house builders throughout the country and show nothing of local flavour - any attempt to accurately reflect the local vernacular styles would be unaffordable due to the costs of craftsmanship and natural materials involved;
- The development appears contrived and unconvincing and doesn't conceal the fact that this is nothing less than a housing estate of overbearing size, which is inappropriate to the size of the settlement;
- The existing housing areas in Dalston have more generous plots with larger gardens and bigger gaps between dwellings - the compactness and scale of the proposal is an urban design and not a rural one and is unsuited to Dalston;
- The development doesn't blend with existing buildings - 13 adjacent properties on Townhead Road are bungalows and Glave Hill consists of bungalows - the proposed development only has 5 bungalows;
- The proposal is not sympathetic to the village, which is mostly stone and render;
- Three storey properties would be inappropriate;
- Dalston is an attractive village surrounded by bland estates - why have another one?;
- The mix of housing proposed is out of balance with the community needs and contains a disproportionate amount of large, open market housing;
- The vast majority of dwellings will be $3 / 4$ bedroom - the proposal would not address difficulties of first time buyers;
- There is a very low/ inadequate proportion of affordable housing;
- The population is ageing and requires smaller housing - the proposal only has 5 bungalows and 15 two-bed properties;
- The proposal should be half of the size proposed;
- With 1,000 dwellings being built at Crindledyke and another 1,000 planned for Morton/ Peter Lane and further development at Durdar and Upperby surely the
housing targets have been met;
- Consultation on Dalston Parish Plan 2005-2015 showed that people want infill homes for the elderly and starter homes;
- Carlisle District Local Plan states that Dalston should be limited to infilling or small scale development;
- Proposal would be over-bearing, out-of-scale and out of character in terms of appearance;
- There are many small pockets of land in Dalston where properties could be built which would satisfy the demand;
- Local bus services, which are already busy, would be put under pressure;
- Types of housing proposed are not suitable for Dalston - a third of the site should be bungalows and there should be more houses at the lower end of the market and some flats should be built;
- More bungalows would allow elderly residents to down size and this would free up family housing;
- Proposal has too many $4 \& 5$-bed houses which will be out of many peoples price range and will result in more cars per household;
- The only 3-storey buildings are in The Square, there are no other 3-storey buildings elsewhere in Dalston;
- Bungalows should be sited to the rear of existing bungalows that adjoin the site;


## Drainage Issues

- The proposal will add further pressure to existing drainage and sewerage services;
- The existing sewage treatment plant appears over-stretched - if this needs upgrading this should be completed before development commences;
- There have been problems with blocked drains in Station Road since the construction of the Summerfield development - this proposal will increase this situation;
- The site sits in a hollow and it is very likely it will flood - where will the water go?
- The SUDS pond could be dangerous;
- The SUDS pond won't accommodate all the water from the proposed development, especially during periods of heavy rain;
- Development will cause flooding on Station Road, Low Moorland, Summerfields
and at some of the surrounding properties;
- SUDS have been used elsewhere and this has created problems and flooded nearby roads;
- Outside 12 Station Road extending both ways for $30-40 \mathrm{~m}$ is an area which floods during moderate to heavy rain, to kerb depth over one third the width of the road, which makes walking past impossible if traffic is passing;
- The site floods after heavy rain;
- The plant nursery that adjoins part of the site floods - at times there is standing water up to 15 cm deep - this is likely to increase after the development;


## Ecological Issues

- The field is inhabited/ frequented by wildlife;
- The proposal will threaten wildlife - habitat for many creatures will be destroyed;
- The site is a green lung;
- Has the effect on wildlife been assessed?/ Further wildlife surveys are needed, including a bat survey;
- Stone buildings within the site which are to be demolished have a high chance of hosting bats and nesting/ breeding birds;
- Existing mature hedges should be retained - planning condition should ensure that they are preserved by the future occupiers of the dwellings;
- Barn owls breed on adjacent land and use the site for hunting - disturbance from the development will prevent nesting success in the future and will prevent the owls accessing feeding areas;
- Red squirrels use trees near the edge of the site and they might be disturbed by residents;
- Tawny owls nest in trees adjacent to the site and they could attack children if disturbed;
- Several very large lime trees lie along the boundary of Manor House Farm, adjacent to the site - they should be protected by Tree Preservation Orders as new residents will want the trees to be cut back/ removed;
- Wildlife will be displaced from the area;


## Education

- Pressure on schools would be unsustainable;
- Schools are constantly at full capacity and there is no space left for them to expand;
- New residents will have to transport their children to schools outside Dalston, which will increase traffic in the village;
- Due to the proposed housing mix the proposal could generate 150+3-18 year olds - local children will have to be transported to school outside the area, which will increase traffic and will increase the cost of the County's diminishing school transport budget;
- There are few children's clubs in Dalston and some of those that exist are over-subscribed;
- Bussing children to schools in other villages is not a satisfactory solution and the developer should be required to provide a solution that increases the capacity of the local school;


## Individual Concerns

- Proposal will have an adverse impact on residential amenity of neighbours by reason of noise, disturbance, overlooking, loss of privacy, over shadowing, loss of views;
- Separation distances between Claymore and proposed development should be increased - Gable of Plot 19 would be 16m away;
- A $2 m$ fence should be erected along the rear boundary of Claymore - the proposed trees would allow car headlights to shine through;
- There is to be a gable of a dwelling 3 m from the boundary with Claymore - this will lead to a loss of privacy when using the garden and patio -a substantial screen fence should be built along the boundary;
- The proposed bungalow to the rear of Rylands Villa will have a great impact on this property - this property needs access to the rear of its garage for maintenance purposes;
- Dwellings will affect the privacy of occupiers of the bungalows on Townhead Road;
- Bungalows should be built to the rear of the existing bungalows on Townhead Road;
- 3 Glave Hill will be overlooked by two-storey houses, which will be on higher land and which will tower over the bungalow - there should be a bungalow adjacent;
- A wall of at-least 1.8 m in height should be erected between 3 Glave Hill and the development;


## Other Matters

- The Council should base their decision on the projected housing stock valid at the date of decision not at the date the application was submitted;
- The Carlisle City Council Housing Need \& Demand Study Final Report Nov 2011 indicates that the Rural West (Dalston \& Burgh Parishes) needs a total of 33 new houses per year;
- Policy H1 of the adopted Local Plan states that $20 \%$ of new housing in Carlisle District up to 2016 should be permitted in the rural areas and this should be focussed in Brampton and Longtown;
- There has been inadequate community consultation on this major development the process has paid only lip service to the community engagement and the application should be rejected until a meaningful consultation is undertaken;
- The developer is trying to exploit the window afforded by the publication of the SHLAA and before a local/ neighbourhood plan is in place;
- The proposal should not be imposed on the community if they don't want it;
- Priority should be given to brownfield sites - there are a number in Carlisle;
- Site is in productive agricultural use/ is prime agricultural land and has supplied food to Dalston for over 100 years - this is an appropriate use and should continue;
- Part of the site (3 house) is in the PADHI 'explosion zone';
- Dalston Surgery will have a lot more patients registered - this will adversely effect the service and the waiting times;
- Site is not allocated for housing;
- Light pollution will be increased and this will affect the conservation area, the character of the village and wildlife;
- A large development is proposed for Morton, which is not far from Dalston;
- Will Story pay to upgrade the Recreation Play Area;
- The close proximity of the fuel depot would pose a risk. The HSE has stated that there are sufficient reasons on safety grounds to advise against the grant of planning permission and they will support any appeal if permission is refused on safety grounds - this is a strong statement from a government agency;
- The site should be used as a recreation field - it is better related to the village than the existing recreation ground;
- No development should take place until the Dalston Plan is finalised;
4.3 The letters to the recently amended plans make the following points:
- The current proposals amount to significant changes to the first application and a new application should be made so that adequate time is allowed for public responses;
- The development is still far too big for the village;
- The effect of the proposal on the character and infrastructure of Dalston is likely to be very little different to that of the earlier scheme;
- There are major issues with highway safety - dangerous junctions and corners on Station Road and Townhead Road will be made worse by the development;
- Moving the junction to the west will not address the problem of increased traffic on Townhead Road which is already busy and dangerous at its junction by the Co-op;
- The removal of the speed table is an improvement as it was an urban solution of a rural road and the removal of the private drives from the Townhead Road bend is an improvement;
- The proposal does not save the historic barn and reduces a large section of the wall to 60 cm in height - this is totally unsatisfactory and almost as bad as complete demolition. The wall and barn are integral historic features, with the roof of the barn a key part of the visual aesthetics of these features - the Historic Environment Officer for the County Council still supports keeping the barns and boundary walls;
- The new design fails to save the barn and merely keeps a coping topped wall the design thus fails to realise that the various roofs, which add $25-50 \%$ to the visual height and texture of the historic features are an important feature of the Conservation Area;
- Because the proposal only involves the convenient building of 'off the shelf' pre-designed generic units as found on the developer's other estates (therefore contributing nothing to Dalston's historic distinctiveness within its Conservation Area) no attempt has been made to utilize or convert the stone barn itself;
- The historic wall and barn on Townhead Road must not be demolished;
- The developer is proposing to build four houses backing onto Townhead Road this is contrary to the whole aspect of the road, where all the houses face the road and are in a consistent line;
- The three-storey buildings which remain in place in no way reflect the historic core of Dalston, where the few existing three-storey structures are both historic and confined to The Square;
- Contrary to the suggestion that three-storey units enhance development by reflecting the historic core they do the opposite: those three-storey buildings in The Square are intentionally prestigious. Their very nature and siting is unique and important to the village centre and building three-storey apartment blocks of pedestrian design close by will diminish their historic significance and lessen their impact;
- Until a properly conducted Dalston Housing Needs Survey is undertaken and the results known no decision should be made on housing development;
- The 121 units do not meet the needs of the community of Dalston - the number of bungalows has been reduced to 4 , while $53 \%$ of the house have 4 or 5 bedrooms - the village needs more down-sizing and starter homes;
4.4 A petition has been received which has been signed by 528 people. The wording of the petition is:
"We oppose the proposed Dalston development (planning application ref. 12/0878) of 128 dwellings between Townhead and Station Roads due to its inappropriate size, density and location: it will put undue pressure on existing infrastructure and amenities. It will change the rural character of the village irreversibly, destroying a greenfield site in the Conservation Area, and worsening traffic and road safety problems. We call on Carlisle City Council to reject this planning application."
4.5 The letters of support make the following points:
- The development will bring much needed affordable housing to Dalston;
- The proposal will bring a greater variety of housing to Dalston;
- Essential services that Dalston currently has will not be sustained without development like this;
- Without development the wider area will not be able to grow and prosper;
- This is the best location for new housing in Dalston;
- If the site had been available before we might not have had the housing that has been built in less favourable places e.g. Nook Lane;
- Six housing estates have been built in Dalston in the last 50 years - many of the new residents have contributed greatly to the community and helped to maintain the facilities and various clubs and societies. They have provided homes for those who work locally in schools and other industry;
4.6 Cllr Mrs NF Clarke has made the following comments. Whilst the land might have been identified as a prime site for housing, consideration should be given to transport, sewerage/ surface water and highways infrastructure to maintain a development of this size. The site is within the heart of a very busy, popular village that is constantly bombarded by heavy traffic of both large tankers, farm vehicles and a great many cars. With no southern
bypass Dalston is suffering horrendous traffic issues, which add to dangerous situations for drivers, pedestrians and cyclists. Traffic impact assessments have been undertaken in the past and all statistics that have been gathered for the area should be used as a guide. Any construction should be plan and safety led and infrastructure to support any development should be put in place first and not last, as has happened elsewhere in Carlisle. This will support adoptions of new areas which take far too long in Carlisle and deny services to residents.
4.7 Cllr Trevor Allison has made a detailed submission on the application and his response is summarised below:
- With respect to the scheme as a whole, this submission does not prejudice the case made by the objectors, the responses by the County Council and the HSE (as statutory consultees), nor the Parish Council and their planning consultant. This response is focussed on why there are virtually no benefits to the community from the biggest single housing development ever in Dalston. The provision of a footpath and a roundabout are simply necessary infrastructure projects to accommodate the increase in traffic from this development.
- In the absence of a new Local Plan for Carlisle District, the Community Infrastructure Levy (CIL) is not yet in place. This would have generated substantial receipts ( $25 \%$ of the levy receipts) for the Parish for roads and social infrastructure projects. However, the Cumbria Strategic Partnership's Sub Regional Spatial Strategy (SRSpS) 2008-2028 for the North Cumbria area states that with new housing, social infrastructure will be required, not just roads and roundabouts. It is this aspect that I seek to address in my submission.
- In relation to housing supply, the Council's published Position Statement as of 30th Sept 2012, indicates that there are 2,765 deliverable sites against the target of 2,700 - there is, therefore, already a modest over-provision (+2.5\%). My understanding is that it does not include this application for 125 houses nor the sister application for 318 houses at Blackwell phased over a 4-5 year period and which I calculate takes it to $+6.5 \%$. This also discounts any other detailed and deliverable applications that may have been received since September 2012. I note the County Council comment that - "Carlisle should carefully consider the actual supply position - an excess of supply would undermine the strategic policy framework and the distribution of new development in Carlisle."
- Given the months since the application was submitted, it has not changed in any significant way in response to the concerns expressed by the residents who attended the meeting/drop in sessions. For example, a most modest request to increase the number of bungalows from 4 to 5 units, (out of 125) was rejected by the developer as "not affordable due to its bigger footprint". To assess the significance of this, I reviewed the company's filed accounts (albeit consolidated group accounts) from 2009 to date. You are free to make your own judgement on these but they prompted me to take a wider perspective.
- Dalston is not well served by a process which afforded so little opportunity for input from residents and provides no tangible benefits for the community. Despite this major development, Dalston and the hinterland it serves, is in danger of
losing even its mobile library service. The city council are investing £1.6M in a community centre at Harraby. It is entirely reasonable that Dalston could also aspire to having a new community facility, possibly in conjunction with the Parish Council for a Library/Outreach/WiFi/meeting room(s). It is unfortunate that the old Co-op building which could perhaps have been adapted for this purpose and is in an ideal location, has been take off the market.
- A development on the scale of this development, (estimated market value $£ 25-30 \mathrm{M}$ ) should generate community funding of the order of at least $£ 0.5 \mathrm{M}$. I seek to demonstrate here how this can be achieved, via an equitable sharing of the capital receipts to the Council and a more competitive charging regime set against the developer, with the potential savings in whole or in part accruing to the community.
- Officers and Members should have regard to the issues set out below when considering this application:
- There are substantial planning fees payable by the developer, proportional to the size of the project and paid to the planning authority. The scale of charges is set centrally and is intended to cover the costs of processing the planning application. There is no profit element and it may well incur a loss, particularly if permission is granted on appeal.
- Under the New Homes Bonus (NHB) to encourage the housing building market, the Government pays a subsidy for each house built and occupied for a period of 6 years. This would cover the phasing of this application. The figures are $£ 1,123$ p.a. (Band B); $£ 1,283$ p.a. (Band C) and $£ 1,444$ p.a. (Band D). A supplement for the "affordables" of $£ 350$ pa say on Band B, takes them to $£ 1,473$ p.a. As 94 ( $75 \%$ ) of the 125 housing units are 4 bed or more and having regard to the supplement, a figure for NHB of $£ 1,375$ (over 6 years) would be a reasonable estimate, shared 80\% City and 20\% County Council. This would produce a capital receipt of $£ 1.03 \mathrm{~m}$ - $£ 825,000$ for the City Council and $£ 204,250$ for the County Council. These are indicative figures but serve to illustrate the scale of the capital receipts to the respective councils. These are not ring fenced and go into the Council's General Fund. If applied to the 2,765 houses in the 5 year Housing Land Supply this totals $£ 23 \mathrm{~m}$. The Councils are major beneficiaries under the scheme but there is no obligation on the Councils to spend it on the community that generated it. This is an opportunity for the City Council to invest in a joint enterprise with the County Parish Councils, and in consultation with the residents, to provide a facility for the village and the area it serves.
- The Housing needs study of 2011 identified a requirement for 11 units of affordable housing p.a. in the Rural West area, which the County Council says could be accommodated here. This is an opportunistic not a strategic site for which the developer will be paying current market rate for the land. Any concession on the selling price to provide affordables is carried by the developer. Policy H5 discourages, but does not exclude, off-site contributions or a financial contribution in lieu of on-site provision. But this can be considered in exceptional circumstances. The developer discounts $30 \%$ for "affordables" for sale and up to $60 \%$ for housing provided for rent by Registered Social Landlords. The developer's Design and Access statement now revised proposes 21 units, (16.8
$\%$ of the total) with 12 units for social rent and 9 units for discounted sale. The County Council contends that the developer should provide 25\% of affordables in accordance with Policy H5 of the Local Plan. The actual cost to the developer will obviously depend on the value of the property. It is reasonable to assume that these will be the less expensive properties at say a "normal" selling price of $£ 130 \mathrm{~K}$. Again the following are indicative figures.
- It is estimated that the cost to the developer of providing 21 affordable units would be $£ 1.28 \mathrm{~m}$. If 31 affordable units ( $25 \%$ ) are provided then the cost to the developer is estimated to be $£ 1.91 \mathrm{~m}$. Insisting that all the affordables are located at Dalston on land purchased at market rate is not necessarily in the interests of those needing a home. From the sustainability/viability perspective, it limits the number of affordable units that can be built. The site is not in the best location for affordable housing as it is located 5 miles from the city centre on an hourly bus service compared to every few minutes in the city. Adult return bus fares from Dalston to Carlisle are £6.10. Dalston lacks the convenient access to discount stores, retail outlets, services and leisure facilities such as the Youth Zone for a young family. The City Council have a successful track record promoting affordable housing development in the urban area. Some flexibility is required on the location of affordable housing and a proportion of the affordable units should be assigned to sites on City Council land, which would be available at a fraction of the cost of the market rate. The developer could purchase the land and offer it free to the RSL. This could make a contribution to addressing the demand for one/two bed room social housing which is currently an issue for the council as housing authority and the RSLs as providers.
- Demographic analysis from the County Council's Intelligence Unit suggests that there is an under-provision of homes for the elderly in this development. A reduction in the number of discounted houses, should give the developer the opportunity for a modest increase in the number of market value single-storey dwellings appropriate for elderly residents.
- St Michael's primary (LA) school is "full" but $63 \%$ of the children are from outside the catchment area. There is a requirement for the County Council to provide travel to other schools for a theoretical 29 children. Based on the DfE multiplier of $£ 12,051$ per child over a 5 year period, this amounts to $£ 349,479$ paid by the developer direct to Cumbria County Council. This $£ 70,000$ p.a. for a theoretical 29 local children picked up at Dalston and transported to other local schools in my view does not represent value for money. This is particularly so since it does not involve picking children up around the countryside but simply transporting them from Dalston to the other local schools. Approximately 2 years ago, I organised a similar private arrangement for a full term with a qualified driver and coach, taking children from the new estates at Garlands to Caldew School (they were just outside the catchment area). This was the forerunner of the present combined school/service bus from that area. The cost per child was only a fraction of the figure above. Enquiries with a local carrier, suggests that the cost of transporting up to 29 children from Dalston to other schools would be $£ 25 / 30 \mathrm{~K}$ p.a. or $£ 125 / 150 \mathrm{~K}$ for the 5 year period. Unless there is a statutory requirement to use the Local Authority, if the developer were to organise the transport with a provider, there would be a potential saving of up to $£ 225,000$ which could be available to the community in whole or in part.
- Although the County Highways describe the methodology of the developer's proposals as "robust", no one has challenged Professor Whitelegg's figure to the Local Plan 1996 Public Inquiry, that each household will generate 7 car movements a day, or almost 900 daily, from this development. With parking provision for 245 cars and with 94 of the 125 units being $4 / 5$ bedroom properties, this seems to be entirely realistic. As soon as the $30^{\text {th }}$ house is built, Highways require the developer to fund a Travel Plan Co-ordinator with management support to produce an annual report, for at least 5 years. The target is for a 10\% reduction in am/pm peaks as per the developer's submission. Highways propose a contribution based on Megarider amounting to $£ 73,626$ under a Section 106 agreement in favour of the County Council, plus an administrative charge of $£ 6,000$ for staff monitoring of the Travel Plan. The larger sum is refundable. It would be used for intervention measures in the event of the target not being met. This arrangement is to run for a period of at least 5 years. A Traffic Plan to try to minimise the impact of the development does seem eminently sensible but given the sheer scale of the concurrent developments on the doorstep at Morton, both housing and retail (planned opening 2014), I question how relevant strict adherence to Policies T31 (Travel Plan) of the Joint Structure Plan will be under the circumstances. This applies particularly to Station Road. Do Highways have a monopoly position on the monitoring and reporting or could it be provided at less cost through competitive tendering, with any savings going to the community? The charges for the traffic monitoring/reports that we commissioned for Dalston and St Cuthbert's Parish Councils (and are referred to by the County Council in their response), are extremely competitive.
- Some residents are concerned about the proposal to have a play area in the "Exclusion Zone" next to the SUDS. There is a request for a Junior sports pitch under a Section 106 for the Dalston Reds which I would support. The Green Spaces Manager has requested open space contributions of approximately $£ 110,000$, but this should not prejudice the wider community benefits that we should expect from a development of this scale.
- In summary, I have endeavoured to identify and explain the significance of the capital receipts available, as well as the charges to the developer, within the current planning system. Both of these are almost exclusively to the benefit of the two councils. Conversely, the benefits for the Dalston community, host to its largest single development ever, are marginal or non existent. With a more equitable distribution of these receipts and competitive charges, the development could respond to the needs of the community with respect to the elderly, and the urgent need for social houses for rent. It could also provide a significant contribution to the social infrastructure and fabric of the village. The Community Infrastructure Levy (CIL) would help address these issues but is not yet in place. As it stands, this is just another example of a major development planted in a community.
- An independent commissioning of traffic counts in this area has been undertaken as part of an ongoing traffic monitoring initiative. These were undertaken on w/c 15th April 2013. The County Council referred to our previous figures in the context of the developer's limited sampling in support of their application. The latest report was copied to the County Highways department.

This monitoring programme demonstrates that the traffic in Dalston is approaching the proportion of that in the urban fringe, with similar AM and PM peak times and characteristics. Given the traffic mix, the adjusted figures for Station Road will exceed those of the C1014 between Durdar Cross Roads and J42 of the M6. The projections are for a significant increase in traffic as a result of the development, split 50:50 between Station Road and Townhead Road. Yet there is no mechanism for regulating this, such as strategically placed bollard or planters in the road within the proposed estate. Residents have expressed concerns that this will encourage traffic to divert through the estate onto Townhead Road.

- Station Road links to the A595 via the U1133 and U1134. It is reasonable to assume that this development will lead to increased traffic on these routes, the U1133 to access Wigton and the west, and the U1134, which now terminates at the new Roundabout at Orton Grange, and then connecting to the CNDR at the new Newby West roundabout. There are serious concerns about traffic incidents on the A595 between these two new roundabouts. This is being addressed separately to this submission, but I support the suggestion that the exit from U1133 onto the A595 be "Left Turn Only" and all other traffic be directed via the U1134 to access the A595 via the Orton Grange roundabout. I suggest that a TRO to that effect be included in this scheme.
- The Traffic Impact Assessment appears to be restricted to this development alone and concludes that the increase in traffic can be accommodated with only minor changes to the existing infrastructure It ignores the imminent developments at Morton on Cummersdale Grange and Wigton Road, with <1500houses and a 90,000sq.ft superstore and associated retail on Dalston's doorstep. This will impact significantly on the above statistics, with increasing use of Dalston as the conduit to Junction 42. These two schemes represent a major extension of the urban area in the SW sector and urban encroachment in Dalston village, without the infrastructure to support it. The developer's assessments were based on very limited and cursory traffic counts. As there is no prospect of the Southern Link from the CNDR to J42 in the foreseeable future, residents are entitled see traffic modelling which reflects this scenario.
- I supported a resident on Durdar Road to secure permission for a second drive at the other end of their bungalow It was granted on the grounds that the current drive is single width with the cars parked in line. The car at the rear, is obliged to reverse out into the road and back up against the traffic, to allow the front one also to reverse out and drive off. The other $\operatorname{car}(\mathrm{s})$ then return and drive to the front end to allow the returning car to have access. The frontages of the houses fronting on to Townhead Road are much more restricted than the existing properties along there. They are also on the bend. There are six designated car spaces, Nos $1,4,127,127,128,128$, which require the vehicles to reverse out onto the road. In the case of 1 and 4 and 128,128, it may also involve the car at the rear to reverse out onto the road, to allow the one at the front to exit. We are then, designing in the scenario described above. Since there is a generous grassed verge, could this be incorporated into the scheme to provide a "hammerhead" to reverse into? It is assumed that visibility will not be restricted by the wall, which is proposed to be removed.
4.8 Cllr Trevor Allison has also submitted some comments on the revised plans and these are summarised below:
- The dwelling called The Throstle is now on a corner with a road on both the side and the front. However, following this re-configuration there are now less houses with their gardens at the boundary of The Throstle and Dalston House. I am satisfied that the safety concerns about the access have been addressed by relocating the access road such that it now has an adequate visibility splay.
- Disappointed that the barn is to be demolished simply to create space for two houses. The revised plan retains only the outer wall, cut down to approximately 2 m height. Since it is beyond the visibility splay, retention of the barn would have no road safety implications. Yet Willow House No.6. has a garden which is three times the size of the same style house No.52, and in fact is the largest garden in the whole estate.
- A development of 121 houses will take the population of Dalston to over 3,000, yet the future of our tenuous library service is under threat. Ask Members to consider that we at least explore retention and conversion of the barn as a feature of the village and as a community asset. Given the comments about house No.6, this may be possible without reducing the number of houses. This is our last opportunity to adapt an existing building (on two storeys) to provide a community library and outreach facility, with Wifi together with a Parish Council office and meeting room in a central location. Although more modest than the new library at Harraby, the level of New Homes Bonus from this development which was identified in my first submission, will still be of the order of $£ 1 \mathrm{M}$. Although not a planning issue, I believe that the support of the city council together with possibly a S106 contribution, would demonstrate the council's commitment to the community.
- Addressing the age profile. From The County Council Intelligence Observatory;

|  | Dalston | County |
| :--- | ---: | ---: |
| 0 to 4 yrs. | $3.5 \%$ |  |
| 65 to $75+$ yrs | $25.1 \%$ | $5.1 \%$ |
|  |  | $20.6 \%$ |

Building homes for life to cater for an ageing population does not seem to feature. The housing mix in this revised application does not correlate with the demographics of Dalston. The number of bungalows has been reduced from an already low figure of 5 to only 4 out of the 121 units, or $3.3 \%$, when the over 65 s represent ten times that figure. The explanation offered that they have too large a footprint which suggests that maximising the capital return is the prime objective. Given the above figures the previous comment about the $£ 325,000$ charge to transport the primary school children to schools outside Dalston does not seem credible or justified.

- SUDS Attenuation Pond - As a member of a task group looking into flooding issues, as I understand it, there will be stringent requirements for ensuring water quality from next year. Will the attenuation pond meet those standards?
- In summary:

1) The development does not reflect the demographics of the area. As it stands, it is discriminatory in that it does not cater for the needs of the older members of the community who represent over $25 \%$ of the population.
2) At the lowest age group, the proposal to transport infants to outside schools at a charge of $£ 325,000$ to the developer, when $63 \%$ of the children at St Michaels are from outside the catchment area, is absurd.
3) Given that this is the largest single development ever in Dalston, it is a lost opportunity if there is to be no community gain. The barn should not be demolished until this has been explored.
4) The water quality of the SUDS attenuation pond should be required to meet the more stringent standards which will be introduced next year.

## 5. Summary of Consultation Responses

Cumbria County Council - (Econ. Dir. Highways \& Transportation): County Highways Authority are pleased that the City Council's independent highways consultant has largely agreed with the County Council's own assessment of the application, and they have no issues with the proposed changes on Townhead Road, subject to the footway on the southern side being widened to 1.8 m , up to the drop crossing point opposite the new estate road position. To recap, the proposed changes move the estate road junction slightly to the west, in order to preserve a barn wall and introduce a 4.5 m block paved Private Shared Driveway to serve houses built parallel to Townhead Road, but with the preserved barn wall being their garden boundaries. The Highways Authority will not accept ‘The Squares’ being within the development area for adoption based on the submitted layout. It requires the main route within the site to be constructed in bitumen macadam, and be defined by flush kerbs, so as to discourage parking causing obstruction to through traffic, and preventing visitor traffic becoming lost in cul-de-sacs, (previous discussions with the Case Officer have agreed this can be dealt with at Section 38 stage). The Highways Authority has also previously commented that the construction should be phased so the Station Road access is constructed first, with constructional traffic only using this access because Townhead Lane is considered unsuitable for construction use. Therefore, no objections to the revised plans providing any consent incorporates proposed conditions and legal agreements. The proposed development site is situated in the centre of a Local Service Centre with all key facilities close by. Despite local perceptions, the local Highways and Transport Networks are well able to accommodate the additional traffic arising from this development, subject to the proposed improvement measures and the proposed conditions;

Dalston Parish Council: - objects to the proposal for the following reasons:

- Planning Policy. Carlisle currently has an oversupply of houses in its 5 year supply of housing land.
- Adverse Impact on the Conservation Area. Policy LE19, Policy LE17 and

Policy E38, including loss of 18th century barn and wall to provide an access to Townhead Road.

- Design and Housing Mix. The design is suburban in nature and does not display an organic approach to better reflect the character of the Conservation Area. The inclusion of 3 storey buildings in the application conflict with Policy CP5.
- Scale and Impact. The proposal represents an increase in the housing stock of Dalston village of $23.4 \%$ and $11.8 \%$ across the whole parish. Approval of this application will impact on traffic and highway management, school capacity, sewage, ecology, landscape, archaeology and heritage, hydrology and proximity to a major hazard.
- Harm to Landscape Character. A full Landscape and Visual Assessment has not been prepared, neither has the Zone of Visual Impact been defined.
- Health and Safety Risk Arising From Proximity to the Fuel Farm. HSE have raised objections and there is a presumption for refusal under Policy 31. With reference to the amended plan to reduce the number of dwellings from 128 to 125, Dalston Parish Council felt that this made no material improvement to the 'blast' zone risk.
- Traffic and Access. The proposed accesses to both Townhead and Station Roads coincide with blind corners.
- Local Views. A petition of over 500 signatures has been presented to Carlisle City Council supporting refusal of this application;

Dalston Parish Council retained the services of Town Planning Consultant, Indigo Planning Limited (Indigo) because of the complex nature of this application. The full Indigo report is attached and forms part of the Parish Council's consultation response. It should be noted that Indigo concludes (7.4) that "there are a reasonable number of outstanding issues which require thorough assessment and could result in an alteration to the scheme, e.g. the HSE zone, heritage and landscape impact, and traffic. The case has not been made at this stage to justify the development as submitted and there are grounds for refusal". Indigo also states "The Council's [Carlisle City] current approach to determination is flawed and potentially open to legal challenge".

Dalston Parish Council recommends refusal of this application for the following reasons:

- PLANNING POLICY: Indigo conclude that the 5 year housing land supply is far from clear and that Carlisle City Council may be using the wrong criteria. They also conclude that this application exceeds the 33 houses per annum scheduled for the rural west of Carlisle.
- Dalston Parish Council is mindful that this application is for a substantial development fully in the Conservation Area, a feature of great value to the residents of Dalston and as such contravenes Policy LE17.
- DESIGN AND HOUSING MIX: The design is suburban in nature and does not display an organic approach to development which would better reflect the character of the Conservation Area and the village.
- Furthermore, the application requires the breaching of a historical wall and agricultural buildings for access purposes as well as the destruction of the last vestiges of the feudal patterns of farming within Dalston in
contradiction to Policies LE17 and E38.
- The application disregards the Parish Council's response to the Strategic Housing Land Availability Assessment.
- SCALE AND IMPACT: The Council is concerned about the overall scale and impact of the proposals which appear to show scant regard for the concerns of the residents. These are dealt with in detail below, with the appropriate references, but the headings are as follows:
- Traffic and highway management
- School capacity
- Sewage
- Ecology
- Landscape
- Archaeology and Heritage
- Hydrology
- Proximity to a major hazard
- TECHNICAL ISSUES and SAFETY: There are a number of technical issues which are not addressed in the application. The following give the Council particular cause for concern.
- Station Road junction with the B5299 which has been the subject of an on-going discussion between Dalston Parish Council and County Highways for some time without a solution.
- Lack of a provision for super-fast broadband which should be part of any new development in the context of the Connecting Cumbria project.
- Pedestrian walkways (see County Council report page 18).
- Completion of S106 commitment for the junction of Townhead Road and the B5299.
- Health and Safety Executive concerns and recommendation about the proximity of the fuel depot.
- Major concerns about the SUDS pond in relation to safety and how this might look in the summer when it dries out.
LOCAL VIEWS: The Council requires Carlisle City Council to take into account the views of residents which have been expressed through various meetings, letters and a petition containing over 520 signatures. This represents $44.9 \%$ of Dalston village, $40.6 \%$ of Dalston village plus Bridge End and 25.3\% of Dalston Parish.


## Indigo Report Summary

The Indigo report highlights a number of policy conflicts and shortcomings in submitted information, particularly as the site lies within the conservation area (a conservation area is a tract of land that has been awarded protected status in order to ensure that natural features, cultural heritage and the ecological environment are safeguarded).
Indigo summarises all the issues relevant to this application, as follows:

- Heritage impact on the conservation area and its setting.
- Inadequate landscape and visual impact assessment.
- Risk associated with the nearby oil facility and the HSE objection (HSE's advice is that there are sufficient grounds for advising against granting this application).
- Design related concerns as the suburban layout and house types do not fully reflect the density and urban grain of the village.
- Insufficient affordable housing and S106 provision towards education and highway improvements.
- Ecology and environment.


## Planning Policy

The Indigo report addresses the following:

- The latest 5 year housing land supply and weight that can be placed on local policy.
- Reviews the proposals in the light of National Planning Policy Framework and the Carlisle City Council Local Plan.
- Examines the proposals in the light of other relevant planning guidance.
- Indigo points out that the 5 year housing land supply is far from clear and Carlisle City Council may in fact be using the wrong criteria. They are of the opinion that the date of determination should be used and not the date the application was lodged.
- After taking Policies DP1, H1 and H4 into account Dalston, as a Local Service Centre, could take more houses, but with the rural west of Carlisle District identified as having a requirement for 33 units per annum for the period 2011-2031, this represents approximately four years supply or $19 \%$ of the total identified need for the 20 year period.
- Policy H1 states that 20\% of new housing in Carlisle District up to 2016 should be permitted in the rural areas and that this should be focused on Brampton and Longtown.
- The proposed scale seems to be at odds with Policy H1, particularly that part of it which defines how the development must relate to the rest of the village, the loss of prime agricultural land as well as the design of the buildings.
- Policies LE17 and LE19 - As the development proposals are within the Dalston Conservation Area, Councillors must consider the application against policy LE19 of the Carlisle City Council Local Plan. Councillors need to consider whether this development harmonises with its surroundings and is in sympathy with the setting, scale, density and physical characteristics of the conservation area. Also, are important views into and out of the conservation area being protected? Permission should only be granted provided they preserve or enhance the appearance of the conservation area. The importance of the conservation area is such that the Policies are quoted verbatim below.
- Policy LE17 and E38 of the Joint Structure Plan would appear to mitigate against the breaching of a historical wall and agricultural buildings for the provision of one of the accesses to the site (Indigo 6.43) as well as the destruction of the last vestiges of the feudal patterns of farming within Dalston.
- Policy LE19 further states that "the design, massing and height of the building should closely relate to adjacent buildings and should not have an unacceptable impact on the townscape or landscape". The incorporation of 3 storey town houses within the proposed housing mix would surely contravene this policy.
Policy LE19 also includes the following criteria against which applications need to be assessed:
The development should not have an unacceptable impact on the historic street patterns and morphology, roofscape, skyline and setting of the conservation area, important open spaces or significant views into, out of and within the area.
The development should not result in the amalgamation or redrawing of boundaries between traditional buildings and plots, or demolition and
redevelopment behind retained facades.
Wherever practicable traditional local materials such as brick, stone and slate should be used and incongruous materials should be avoided.
Individual features both on buildings and contributing to their setting, should be retained e.g. doorways, windows, shop fronts, garden walls, railings, cobbled or flagged forecourts, sandstone kerbs, trees and hedges, etc. Where features have deteriorated to the extent to which they have to be replaced, the replacement should match the original.
Proposals which would generate a significant increase in traffic movements and heavy vehicles or excessive parking demands will not be permitted since these would be prejudicial to amenity.
Proposals which would require substantial car parking and servicing areas which can not be provided without an adverse effect on the site and its surroundings will not be permitted.
- Dalston Parish Council has commented on the Strategic Housing Land Availability Assessment stating that the site is too large to be fully developed, putting further pressure on the infrastructure of the village and in particular the roads, sewage systems and local schools. The County Council states that "the assessment also points out that it may not be appropriate in design terms to develop the whole site".
- Dalston's response to the SHLAA further stated that a long-term plan for housing development in the village is required. Dalston Parish Council has committed to the production of a Neighbourhood Plan and this perhaps should be completed prior to the granting of any major development. Central Government favours Neighbourhood Plans, but there has been insufficient time for the production of a plan for Dalston.


## Design and Housing Mix

While subjective, the design can be regarded as suburban in nature.
The western boundary of the development offers a hard line of buildings which does not sit easily in a conservation area.
Dalston is perceived as a rural village. This is emphasised in the Dalston
Parish Plan and Design Statement documents (2005-2015).
Housing mix proposed in the application is as follows:

- 12 two bedroom flats
- 23 two and four bedroom terrace houses
- 5 two bedroom bungalows
- 41 two and four bedroom semi-detached houses
- 47 three and four bedroom detached houses

The Parish is concerned that this housing mix is not best suited to the needs of current and future residents.
Consideration should be given to the suitability of 3 storey blocks in a rural village (House Types 20 and 22).

## Scale and Impact -

The proposal represents an increase in the housing stock in the village of Dalston of $23.4 \%, 18 \%$ if Bridge End is included, and $11.8 \%$ across whole parish.
This is likely to bring at least a further 380 residents into the village. The Parish Council considers that this will place strain on the existing infrastructure.

A further 128 houses in Dalston will have impact on the following:
School capacity - see CCC Report sections 3.37-3.41. Clearly any development in Dalston affecting the primary school will require provision for additional children.
Sewage. Dalston residents along Station Road have expressed great concern about the inadequacy of the present drainage systems, particularly since the building of Summerfields. These problems result in the frequent call out of drain clearance contractors. These complaints should be investigated by Unpitied Utilities who have stated that "if this development goes ahead, it will take up all the headroom at the Dalston wastewater treatment works ... Therefore any future developments in Dalston may not be able to be accommodated by the wastewater infrastructure"
Traffic and highway management (Indigo $6.13-6.20$ ). This is considered to be a major problem in this part of Dalston.
The junctions of both Townhead Road and Station Road are inadequate for current needs although the CCC Report disagrees with this assessment.
The safety of the Townhead Road junction since the construction of the new Co-op has been compromised by the failure of the City Planners and the County Council to enforce its own S106 agreement with the developer. Parish Councillors might be forgiven if they feel that any S106 agreements relating to this application might be treated with the same contempt.
The traffic analysis carried out by the developer is not representative. The professional analysis commissioned by Dalston Parish Council shows the true volume of traffic through Dalston (CCC Report page 16). Ecology (Indigo 6.28-6.32 and CCC Report 3.42-3.43). Consideration should be given to the existence of Barn Owls in adjacent buildings. Landscape (Indigo 6.33-6.39). Great care needs to be taken as to the landscape impact on the neighbouring properties. Indigo is unhappy about the quality of the submitted landscape assessment and suggests that a much more detailed assessment should be carried out.
Archaeology and Heritage (Indigo 6.40-6.44 and CCC Report 3.46 3.51). The County Council recommends that further archaeological investigation must be undertaken.
Hydrology (Indigo 6.53-6.54). The attractive picture of the duck pond is misleading as, for much of the year, this pond is likely to be empty, unsightly, a repository for rubbish and a danger to children.
Proximity to major hazard (Indigo $6.55-6.59$ ). Proximity of the oil depot is a major safety issue and the HSE advice is that there are sufficient grounds to refuse the permission for the development outright. They also go on to say that if the Authority is of a mind to grant permission then they (HSE) must be given 21 days notice of this intention to allow the HSE to apply to the Secretary of State for the Environment for his determination. There is no further communication noted to or from the HSE. The CCC is advised to "engage" further with the HSE to acquire information to fully consider all the safety implications of this issue. (CCC Dev \& Control Regs Committee ref. 3.16). Carlisle City Council should consider the following:
The current information from the HSE advises against approval of this
application on pure safety grounds.
The section, Proximity to Major Hazard in the Indigo Report covers this. (Indigo 6.55-6.59)
In particular it should be noted (Indigo 6.59) that this point could be raised as "an in principle objection" to the development on grounds of risk.
Dalston Parish Council, at the first reasonable opportunity, has agreed to conduct a Neighbourhood Plan. The process is likely to continue the work done in the Parish Plan and Design Statement in relation to development across the whole parish, including any of the sites specified in the SHLAA assessment.
A large number of parishioners wish that Dalston should retain the character of a rural village, whilst allowing gradual growth through carefully scaled development to maintain a lively and varied community. Carlisle City Council should consider the size and scale of the proposed development in relation to existing dwellings in The Square, along The Green etc. (Indigo 6.4-6.7).

## Technical Issues

Issues such as the Station Road junction can be solved with a technical solution. The planners should be urged to insist on proper technical assessment and solution enshrined in a S106 agreement.
Any new development on this site should be ducted for high speed broadband as part of the design. All new houses should be provided with a high speed or superfast connection back to the appropriate cabinet as a standard part of the application. Despite the current Connecting Cumbria project being managed by Cumbria County Council, the CCC Report fails to mention this. Building Societies are now reporting a clear drop in value of properties which lack a good broadband connection.

## Safety

Many of the safety issues have already been referred to above. Provision must be made for the following:
Pedestrian walkways (CCC Report page 18)
Station Road mini roundabout (CCC Report page 19)
20 mph limit through The Square (CCC Report page 19)
The above three are all items requested by Dalston Parish Council for many years.
Carry-out S106 commitment at Townhead Road junction as this is now a major safety issue
HSE concerns about the proximity of the oil depot
SUDS pond
The Parish Council has provided an additional response to the amended plans, which is summarised below:

- at its meeting on 13th August 2013, Dalston Parish Council reaffirmed its decision on 12th February 2013 to recommend refusal of this application in its current form;
- the reasons for this decision were laid out in the previously submitted summary letter (ref: DH.DH.19090001) from Indigo Planning Limited
together with the Parish Council's own summary and appendices (ref: V7-12022013) and the full Indigo Report (ref: rpt. 002.DH.19090001) dated January 2013;
- these documents, together with images showing the proposed site accesses onto Townhead Road (IMGP5679) and onto Station Road (IMGP5821) were provided on an accompanying CD;
- Dalston Parish Council have considered the amended drawings received as recently as $12^{\text {th }}$ August 2013 and are concerned that these, together with a lack of written changes to the application, make it very difficult for the Parish Council and its advisors to come to a fair conclusion on behalf of the community. The changes to the application have come far too close to the Development Control meeting on 30th August 2013 when this application is scheduled for consideration;
- in addition to the previously stated reasons for recommending refusal of this application in its current form, Dalston Parish Council are appalled that the proposed changes to the Townhead Road junction into the site do not address the concerns of the community. The desire of the community that the historical wall and barn be retained has been ignored. This is part of the heritage of Dalston and should not be destroyed in the way proposed in the application;
- the streetscape facing onto Townhead Road is severely compromised by the fact that plots $2,3,4$ and 5 turn their backs onto the street. It is a basic principal of design that buildings should address the street particularly when all other dwellings in the area face Townhead Road;
- as the application falls within Dalston Conservation Area, the City Council has a legal duty to maintain and enhance the appearance of a conservation area under Planning (Listed Buildings and Conservation Areas) Act 1990;
- Dalston Parish Council would also like to point out that, as part of the legally constituted Neighbourhood Plan process, it has commissioned Cumbria Rural Housing Trust to carry out a new Housing Needs Survey. This process has begun and will report early in 2014. It would seem out with the spirit of the Localism Act for Carlisle City Council to approve an application for this number of houses (especially as there are already approvals in the Parish of Dalston for at least 15 new dwellings) prior to a proper consideration of all potential development sites in the Parish, including readily identifiable brown field areas which are not even considered in the Local Plan Preferred Options document;
-as well as the above Dalston Parish Council previously listed the following planning policy reasons in support of its recommendation for refusal:
- Planning Policy. Carlisle currently has an oversupply of houses in its 5 year supply of housing land (Appendix A2 3.1-3.4).
- Adverse Impact on the Conservation Area. Policy LE19, Policy LE17 and Policy E38, including loss of 18th century barn and wall to provide an access to Townhead Road.
- Design and Housing Mix. The design is suburban in nature and does not display an organic approach to better reflect the character of the Conservation Area. The inclusion of 3 storey buildings in the application conflict with Policy CP5.
- Scale and Impact (Appendix 4). The proposal represents an increase in the housing stock of Dalston village of $23.4 \%$ and $11.8 \%$ across the whole parish. Approval of this application will impact on traffic and highway management, school capacity, sewage, ecology, landscape, archaeology and heritage, hydrology and proximity to a major hazard.
- Harm to Landscape Character. A full Landscape and Visual

Assessment has not been prepared, neither has the Zone of Visual Impact been defined.

- Health and Safety Risk Arising From Proximity to the Fuel Farm. HSE have raised objections and there is a presumption for refusal under Policy 31. With reference to the amended plan to reduce the number of dwellings from 128 to 125, Dalston Parish Council felt that this made no material improvement to the 'blast' zone risk.
- Traffic and Access. The proposed accesses to both Townhead and Station Roads coincide with blind corners (see accompanying images).
- Local Views. A petition of over 500 signatures has been presented to Carlisle City Council supporting refusal of this application.
- in view of the concerns about the destruction of the historical wall and barn and the fact that Development Control members were concerned about this on their previous site visit, Dalston Parish Council requests that a further site visit takes place to examine this proposed new access and that members of its Planning Working Group be permitted to attend;


## Indigo Planning (on behalf of Dalston Parish Council)

Their grounds of objection are summarised below:

## Principle and housing need

- Carlisle has a 6.14 year housing supply as of 30 September 2012 (Monitoring report 29 October 2012). Under NPPF paragraph 49, its local plan policy is up to date and of significant weight. The adopted Interim Housing Policy (1st May 2012) is of no weight as it states that it "should only be used in the absence of a 5 -year supply of housing land". The proposal must therefore be assessed against development plan policy. - Policy H 1 requires $20 \%$ of housing to be in the rural area, focused on Brampton and Longtown. Whilst it identifies Dalston as a local service centre suitable for some of this growth, the scale and layout of any development must take full account of the village's character, and not see the loss of amenity open space or best and most versatile agricultural land. The proposal is discordant and out of scale with the village, and will see the loss of open and agricultural land contrary to H 1 .
- The Rural West area (including Dalston) is identified in the Carlisle City Council Housing Demand and Need Study 2011 as requiring 33 dwellings
per annum for the period 2011 to 2031. The proposed development of 128 units represents approximately four years supply for the entire rural area or $19 \%$ of the total identified for the 20 year period. This is disproportionate and out of scale with the village.
- Policy H4 supports use of brownfield sites first, with the phasing of development on sites in the rural area over 10 units. As the site is Greenfield it is not a high priority, and given its scale should be phased over the plan period rather than approved as one large site.


## Adverse impact on the conservation area and its setting

- The site forms an integral and significant part of the conservation area. It was included to give focus to the rural setting of the village, with the market gardens and open land reflecting its agricultural history. For this reason, when reviewed in 2008, the site was retained within the conservation area for its importance in this respect.
- Under the NPPF the conservation area is a heritage asset of high significance. Policy LE19 has a presumption that development should preserve or enhance the character and appearance of conservation areas. Any development should harmonise with, and be sympathetic in setting, scale, density and physical characteristics with the conservation area, and protect important views into or out of such areas. Proposals should not have an unacceptable impact on historic street morphology, skyline and open space. The importance of open spaces and significant views within the area are stressed.
- The revised plans clearly demonstrate that the proposal will have a significant adverse and irreversible impact on the character of the conservation area, permanently removing the open space and harming its relationship to the village core.
- Further, the proposal will see the loss of a barn and length of historic wall to Townhead Road. These play a strong and positive role in defining the character of the conservation area at a prominent entrance to the village. Their demolition will have a substantial adverse and permanent effect contrary to NPPF, policy LE17 and E38 of the Joint Structure Plan, which state a presumption in favour of retention of buildings that make a positive contribution to a conservation area. In addition, the proposed new junction with traffic calming table, will introduce an urban feature into the streetscene which will further harm the village's and conservation area's character. The harm is not outweighed by the benefits of development and it has not been demonstrated that an alternative form or development could be achieved without such harm.


## Harm to landscape character

- Policy H1 states that housing should ideally be located within settlements, however where it is to be located adjoining settlements, that it relates well to existing landscape features, the form and character of the village and does not adversely affect resident's amenity.
- The proposal's landscape and visual Impact has not been properly assessed. A full Landscape and Visual Impact Assessment has not been prepared, and given the application is in full and lies in a sensitive location in the conservation area and village edge, it cannot be properly concluded that the proposal will not adversely affect its landscape setting. The
assessment does not define the Zone of Visual Influence (ZVI) nor confirm all viewpoints. It takes a rather simplistic approach and underplays the significance of the site and magnitude of impacts. In particular, it does not properly assess the visual impact of the new access off Townhead Road which through the removal of the wall and existing agricultural buildings will change the character of the main approach to the village. It also underplays the impact of the Station Road access which will make a significant change to the semi-rural character of that stretch of the road. It therefore conflicts with Policy CP1 which states that proposals for development in the rural area must seek to conserve and enhance the special features and diversity of the landscape.


## HSE Risk

- The proposal lies in the middle and outer HSE risk zones associated with the adjacent oil facility. The HSE have raised objections. Consent for a vulnerable use which would bring over 300 people to the area constitutes an unreasonable risk, especially when there are sites identified in the SHLAA which can accommodate development at a lower risk. Policy 31 thus has a presumption for refusal.


## Inappropriate design

- The proposed design, whilst amended, remains fundamentally flawed with a suburban layout and house types which do not fully reflect the local distinctiveness, density and organic urban grain of the village and conservation area. The north western part is particularly urban with rigid streets and presents a hard edge to the development which does not reflect the character of the village and increases its visual impact. The designs also incorporate three storey dwellings which are out of character with the village and raise the visual prominence of the development. The proposal thus conflicts with Policy CP5.
- Furthermore, there is insufficient provision for smaller retirement type dwellings suitable for downsizing following retirement.


## Affordable housing

- Policy H5 requires that 25\% of all units should be affordable. The proposal provides 19 affordable units, representing 15\%. The Parish Council considers that any units should be restricted to local occupancy only.


## Traffic and access

- Both the Townhead and Station Road junctions with the B5299, which carries high volumes of traffic as the vehicle counts indicate, are already dangerous. The proposed development will add further traffic and congestion, putting more pressure on these junctions and further raise highway safety concerns. The two access points from the development onto what are presently unclassified roads result in compromised sight lines leading to a danger to traffic and pedestrians alike.


## Impact on infrastructure and S106

- Without prejudice to the Parish Council's recommendation to refuse, in the event Council is minded to approve, the proposal makes insufficient
provision via S106 contributions towards mitigating its impacts with respect to education, public realm and highway improvements. In particular:
- Station Road junction with the B5299 which has been the subject of an ongoing discussion between Dalston Parish Council and County Highways for some time.
- Lack of a provision for super-fast broadband. Full fibre to the premises broadband should be provided in the context of the Connecting Cumbria project.
- Pedestrian walkways (see County Council report page 18).
- Contribution to Dalston Square public realm project as set out in the Parish Plan to improve footpaths and public safety and mitigate the increased demand created by the development and encourage walking.

Environment Agency: - no objections, subject to conditions - welcomes the proposed inclusion of site control SUDS based flow balancing methods for the management of surface water runoff as part of the development proposal;

Local Environment - Drainage Engineer: - comments awaited;
United Utilities: - no objections, subject to conditions. If the development goes ahead it will take up all of the currently available headroom at Dalston Wastewater Treatment Works;

Cumbria County Council - (Archaeological Services): - the amended heritage statement considers that the $19^{\text {th }}$ century barn and the boundary wall adjacent to Townhead Road make a positive contribution to the Conservation Area. These structures have qualities of age, form, and building materials that relate to many other buildings in the Conservation Area and reflect the former traditional agricultural character of the village. The proposed demolition of these structures will cause harm to the significance of the Conservation Area that is less than substantial. In such instances, the test of National Planning Policy Framework policy 134 should be met. This states that the harm to the Conservation Area should be considered against the public benefits of the proposed development, including securing optimum viable use of the site. In the event that it is considered the test of NPPF policy 134 is met and planning consent is granted, an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site should be undertaken in advance of development - this programme of work can be secured by conditions;

Natural England: - following receipt of additional ecological survey information, no objections subject to conditions requiring the submission of a method statement to ensure no protected species are harmed during the development. There will be no impact on the River Eden SSSI/ SAC if the measures laid out in the application for dealing with the foul and surface water drainage are carried out as described in the plan. The LPA should consider securing measures to enhance the biodiversity of the site;

Local Environment - Environmental Protection: - no objections, subject
to conditions;
Cumbria Constabulary - North Area Community Safety Unit: - crime prevention has been considered as part of the design. Suggested some methods to reduce crime in the development;

Royal Society for the Protection of Birds: - no objections, following the completion of a Breeding Bird Survey. The Council should consider opportunities to incorporate features into the design which are beneficial to wildlife and which enhance biodiversity.

Cumbria County Council - Transport \& Spatial Planning: - no objection is raised to the strategic principles of the development, provided that the Local Planning Authority:
i. consider their actual 5 -year supply position and decide as to whether or not this site would take them significantly in excess of their 5 -year supply and whether it would undermine their strategic policy framework and the distribution of new development across Carlisle (paragraphs 3.20-3.35); ii. consider whether the type and level of affordable housing proposed is appropriate for a development of this scale in this location (paragraphs 3.32-3.35);
iii. ensure that, if it is necessary, adequate mitigation and compensation in relation to ecology are in place (paragraphs 3.42-3.43);
iv. is satisfied that the development reflects and protects the character of the site and its surroundings; that the density and siting of any houses is appropriate to the location; and measures to mitigate any adverse visual and landscape impacts are put in place (paragraphs 3.44-3.45); v. fully consider the safety implications of the site's proximity to the fuel storage facility when determining the application (paragraph 3.16); vi. secure a financial contribution via a S106 agreement of $£ 325,377$ to provide additional education facilities at St. Michael's CE Primary School, or for school transport if this is not achievable as set out between paragraphs 3.32-3.41.

Community Engagement - Housing Strategy: - the number of affordable homes proposed by the developer is acceptable. Discussions with both local housing associations and the administrator of the City Council's Low Cost Housing Register suggest that the sizes of the units are also suitable. The Housing Need and Demand Study identified that there is a strong need for affordable rented housing in the district of Carlisle. Registered Providers can generally only afford to purchase units of housing from developers at $40-45 \%$ of the full market value. This is significantly below the $25-30 \%$ level of discount that developers should provide on affordable units (as referred to in Policy H 5 of the Local Plan). In order to enable Registered Providers to acquire much-needed affordable rented housing, the developer must provide a higher level of subsidy on each unit than it is required to through policy. In return, the City Council accepts fewer affordable units on the scheme; without doing so, there would be no affordable rented homes delivered through section 106 agreements;

Health and Safety Executive: - does not advise, on safety grounds, against the granting of planning permission in this case (following receipt of the amended plans);

Local Environment - Waste Services: - there should be sufficient width for a refuse collection vehicle to access each roadway. Should the development go ahead, the developer would need to purchase household waste bins for each property;

Green Spaces: - requested a financial contribution towards sports pitches (provision and maintenance) and play areas (provision and maintenance);

Conservation Area Advisory Committee: - the committee were content with the general location of the proposal but expressed concern about the layout. In particular, this was with regards to the nominally detached nature of many of the units, most prominently those on the northern edge of the site fronting the open space - these should either be attached as per historic Dalston or meaningfully separated;

English Heritage: - the Heritage Statement confirms the longstanding agricultural use of the site. However, the landscape character has been degraded and contributes little to the character and appearance of the conservation area. The development will be largely screened from key spaces within, and routes through, the conservation area, while it will not obscure any key views to heritage assets. The open setting of the core of the conservation area around The Square, and associated group value of the listed buildings, will change to a degree however we do not believe that the site contributes significantly to the conservation area itself. The site makes a limited contribution to the conservation area. The NPPF (para 138) recognises that not all elements of a conservation area will necessarily contribute to its significance. The Conservation Statement is limited in detail but proportionate in respect of the contribution of the site to the significance of the heritage assets. English Heritage is, therefore, content for the LPA to balance the relevant planning issues and would not seek to comment further with respect to the historic environment.

## 6. Officer's Report

## Assessment

6.1 The relevant Planning Policies against which the application is required to be assessed are Policies DP1, CP1, CP2, CP3, CP4, CP5, CP6, CP7, CP10, CP11, CP12, CP14, CP15, CP16, CP17, H1, H5, LE12, LE17, LE19, T1, T2, LC4 and IM1 of the Carlisle District Local Plan 2001-2016. In addition, the National Planning Policy Framework (NPPF) is a key policy document and The Achieving Well Designed Housing Supplementary Planning Document is also of relevance.
6.2 The proposals raise the following planning issues:

1. The Principle Of Development
6.3 The main issue for Members to establish in consideration of this application is the principle of development. Dalston is identified as a sustainable development location within Policies DP1 and H1 of the Carlisle District Local Plan 2001-2016. Whilst Policy H1 permits small-scale development within Dalston, it is noted that the NPPF, published in March 2012, is a material consideration for the determination of this application. The NPPF (Paragraph 49) indicates that housing applications should be considered in the context of the presumption in favour of sustainable development and relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.
6.4 In the absence of a 5 year supply of housing land, as defined by the NPPF, the Council adopted an Interim Planning Statement - Housing on 1st May 2012, as a material planning consideration to deal with the identified shortfall. This process encouraged a number of applications to come forward and be considered against the criteria set out in the Interim Statement. Given the short notice of the introduction of the Interim Statement and level of detail required from any planning application it is only now that we are in a position to consider applications submitted at that time.
6.5 Since the Interim Statement was introduced, another update on housing supply has been provided and the Council now has a five year supply of housing. Due to low levels of construction, the NPPF requires an additional $20 \%$, hence at-least six-years housing provision. However, in order to avoid repetition of six-monthly variations on whether the Council has a 5 year supply or not, it would be apposite to make certain that a decent buffer of housing supply is provided. This would ensure that applications were not decided randomly on appeal due to short term lack of housing supply until the Local Plan delivers new allocations.
6.6 This application was submitted on 24 October 2012, at the time when the Interim Housing Statement was still valid. This Statement should, therefore, be considered as a material consideration when determining this application. Members should, however, note that the Interim Housing Statement does not supersede all saved policies in the Local Plan and it should be interpreted in conjunction with them and the NPPF.
6.7 On the basis of the interim statement, the Council considered proposals for new housing developments on land excluded from housing development either through other designated use or outside existing settlement boundaries which: are well related to the built framework of the existing settlement; would not result in a prominent intrusion into the countryside; would not result in settlements merging; would not detract from the landscape character of the area as contained in the Cumbria Landscape Strategy; and would not cause harm to some other overriding policy objective.
6.8 Whilst the application site is located outside the settlement boundary for Dalston, identified in the Local Plan, the NPPF does not advocate the use of settlement boundaries and states that in order to promote sustainable
development in rural areas, housing should be located where it will enhance and maintain the vitality of rural communities. Members will note from previous paragraphs that the NPPF is a material consideration in the determination of this application and limited weight can therefore be given to the fact that the site is outside the settlement boundary of Dalston.
6.9 The application site is located in a sustainable location in close proximity to the centre of Dalston, which contains a range of services, including a Co-op foodstore, retail units, a post office and a public house, all of which would be in easy walking distance of the development. The settlement of Dalston has a range of other services including primary and secondary schools, employment sites at Barras Lane Industrial Estate and Nestle, a doctors, a vets, a village hall, playing fields, children's play areas, a railway station and a regular bus service into Carlisle. The proposal would create an opportunity to support these existing rural facilities. The site is well contained as it is bounded by development to three sides. There are also no brownfield sites available in Dalston. The proposal would not, therefore, result in a prominent intrusion into the countryside, nor would it result in settlements merging. In such circumstances, the principle of additional housing in this location is deemed acceptable. The impact on the landscape character and design of the proposal are discussed below.
6.10 Indigo Planning (consultants who are acting on behalf of Dalston Parish Council), disagrees with the Council's approach to assess the application against the Interim Housing Policy, which it considers to be flawed and open to challenge. It considers that the relevant planning policy context against which any planning application should be considered is not that prevailing on the date of submission of the planning application, rather the most up-to-date policy and evidence prevailing on the date of determination of the application. Whilst the City Council recognises the change in housing supply, the Interim Policy was still a material factor influencing this application. The following paragraphs consider the position if the application was assessed against planning policies prevailing on the date of determination of the application (i.e. when the Council can demonstrate a five-year supply of deliverable housing sites).
6.11 The NPPF was published in March 2012. Paragraph 214 states that for 12 months from the date of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004, even if there is a limited degree of conflict with the NPPF. Following this 12-month period (Para 215) due weight should be given to relevant policies in existing local plans according to their degree of consistency with the NPPF (the closer the policies in the local plan to the policies in the NPPF, the greater the weight that may be given).
6.12 Given that the Carlisle District Local Plan 2001-2016 was produced at a time of housing restraint, the housing location policies are not consistent with the NPPF, which is seeking to boost significantly the supply of housing. The policies in the adopted Local Plan should, therefore, be afforded limited weight and any proposals should be assessed against the NPPF.
6.13 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. For decision taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate development should be restricted.
6.14 Paragraph 49 of the NPPF also states that housing applications should be considered in the context of the presumption in favour of sustainable development, whilst paragraph 197 (determining applications) states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.
6.15 Paragraph 47 notes that as well as having a deliverable five year supply of housing (plus a $20 \%$ buffer where there has been a record of persistent under delivery of housing), local planning authorities should identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. Under the NPPF "deliverable" means a site that is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. To be considered "developable", sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged (Footnotes 11 and 12).
6.16 It should be noted that the application site has been identified within the Carlisle Strategic Housing Land Availability Assessment (SHLAA) (September 2012), which forms part of the evidence base for the emerging replacement Carlisle District Local Plan. The SHLAA, whilst not allocating land, identifies that this site would be deliverable within the first five-year period of the Local Plan and thus able to contribute to meeting Carlisle's housing requirements.
6.17 In light of the above, if the application is determined in line with policies prevailing on the date of determination of the application, it would be assessed against the policies in the NPPF. These state that there is a presumption in favour of sustainable development. This development is clearly in a sustainable location for the reasons set out in paragraph 6.9 above and would, therefore, be acceptable in principle.
6.18 In summary, the policies in the NPPF should be given more weight than the policies in the adopted Local Plan, if the application is assessed against planning policies prevailing on the date of submission of the planning application or those prevailing on the date of determination of the application.

2. Scale, Layout And Design Of The Development
6.19 The site is well related to the village centre and to existing residential development to the north and south and would form a logical extension to Dalston.
6.20 A number of objectors have questioned the size of the development and consider that it would have a detrimental impact on the character of Dalston. Indigo Planning considers that Dalston is an appropriate location for housing and that the site in principle is an appropriate housing site but it questions what scale of development is appropriate. Indigo states that guidance on scale is informed by Policy H1, which sets criteria that must be addressed. Based on these criteria and other Local Plan policies, Indigo considers there are grounds to assert that the development is not appropriate by reason of its scale, layout and design. Indigo does, however, acknowledge that if Policy H 1 is afforded reduced weight by the Council then it reduces objection to the scheme.
6.21 Whilst it is accepted that the development is large, it relates well to the existing settlement, which contains a large range of services, which will be supported by the new housing. Bringing the whole site forward now allows it to be developed in a comprehensive manner. This has significant benefits as: it allows the creation of a through route from Townhead Road to Station Road, which will not only benefit future occupiers of the scheme, but will also benefit existing residents by improving permeability and providing a more direct route to Dalston railway station and Barras Lane Industrial Estate for those living in the south of Dalston; two access points would help to facilitate the integration of the development into the existing settlement; it allows the provision of a range of house types, including three, four and five-bedroom dwellings, bungalows and two-bedroom apartments, which adds interest and offers a range of houses to the community; it allows the provision of 20 affordable units, which would be available to local people; and it would ensure that more money is available for off-site contributions, some of which would benefit the existing community.
6.22 The Transport Assessment that accompanies the application, confirms that the existing road network would be able to accommodate the extra traffic generated and United Utilities has confirmed that the existing sewage works could cater for this scale of development. Whilst the existing primary and secondary schools in Dalston are full, a number of the pupils ( $65 \%$ at the primary school) currently come from outside the catchment area and this is a situation which would be rectified overtime if new children move into Dalston.
6.23 The Carlisle City Council Housing Need and Demand Study Final Report (November 2011) provides detailed analysis of housing need in the district. This identifies an annual housing need of 33 dwellings ( 23 market and 10 affordable) per annum in Rural West (which includes Dalston) for the period 2011 to 2031. Dalston is a local service centre and is the main centre in the Rural West area. It would not, therefore, be unreasonable to focus a significant proportion of this development in Dalston, particularly given that there are few other settlements of any size within the Rural West area. The proposal would provide approximately 40 dwellings per year over a three year
period. This would meet the identified need in Rural West and would not be out of scale with the housing requirements in the area.
6.24 Indigo accepts that the broad scale of development is not inappropriate per se, but that insufficient a case has been made to demonstrate compliance with Policy H 1 and thus justify the scheme. However, for reasons set out in Section 1 above, limited weight can be given to Policy H 1 , which is not consistent with the policies in the NPPF, where there is a presumption in favour of sustainable development. The scale of the development is, therefore, considered to be acceptable.
6.25 It is clear that the developer has taken account of the prevailing design character of Dalston when producing the layout. The proposed layout, would incorporate two new squares, which would be important focal points within the development. These would be defined by clusters of short terraces, townhouses and three-storey apartment buildings and would have high quality public realm with landscape features. The street that would link the squares would contain mainly red brick dwellings set back from the road and incorporating on-plot parking and front gardens. The development would also include a number of shared surface streets, parking courts and a large area of amenity space. The dwellings, which would vary in height and style, would be constructed of a range of materials and this would reflect the character of Dalston.
6.26 The Parish Council and a number of objectors have questioned the appropriateness of three-storey properties within the scheme. Indeed, Members asked the applicant to reconsider the inclusion of three-storey buildings within the proposal. The applicant is, however, keen to retain the three-storey properties, which it considers are an integral part of the design and reflect the historic core of Dalston. The Council's Heritage Officer also supports the retention of the three-storey properties, which would add variety to the scheme. The three-storey dwellings, which would be located towards the centre of the development around the newly created squares are, therefore, considered to be acceptable.
6.27 A number of objectors also consider that the development is too dense and would not be in keeping with the existing settlement. Indigo Planning considers that the proposed density is relatively low in the context of seeking to extend what is essentially an urban context and providing a development that accords with the prevailing design character of Dalston. Indigo also considers that the density is somewhat uniform across the site, and whilst is broadly accords with the density of Dalston as a whole, it lacks areas of higher and lower density which typify the village and conservation area. It also considers that in some respects the design is suburban in character. In particular, the proposed houses located along the north-western edge of the scheme are more traditionally suburban in character, which is to the schemes detriment and will lead to the loss of the rural character of the village. Indigo considers that these are potential areas for challenge. It does, however, acknowledge that on balance the proposals overall take an informed design approach and when subjectively assessed are likely to be deemed acceptable by the Council and in accordance with planning policy.

Enhancements could be requested to make a better development.
6.28 Across the site as a whole, the density amounts to 22.4 dwellings per hectare. If the amenity open space on the western part of the site is excluded, the density would be approximately 30 dwellings per hectare. This is considered to be an acceptable density in this location. Whilst it is acknowledged that some of the proposed dwellings would sit in smaller plots than a number of existing dwellings that adjoin the site, these would be of acceptable size and reflect the current demand for properties with smaller gardens.
6.29 Parts of the site would be developed at both higher and lower densities, which would reflect the character of Dalston, which has a range of house types and development of differing densities. For example higher densities would be achieved around the newly created squares, whilst the development along the western edge of the site, adjacent to the amenity open space, would be developed at much lower densities. The variation in densities across the site would provide a degree of interest and variation. Whilst Indigo considers that the lower density area has a suburban feel, it gives the western edge of the development, which adjoins open countryside, a more rural character and this is considered to be appropriate.
6.30 Separation distances within the scheme would be acceptable. Where the proposed dwellings interface with existing dwellings minimum distances having generally been exceeded.
6.31 The proposed development is well laid out and will encourage and promote the creation of a neighbourhood. The properties overlook one another thereby creating a degree of natural surveillance and the distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring.
6.32 In light of the above, the layout, scale and design of the proposals would be acceptable.
3. Impact On The Dalston Conservation Area
6.33 A Heritage Statement has been submitted with the application. This states that the fields that make up the proposed site make a positive contribution to the conservation area as a whole, in so far as they are a preserved 'green space' and have an historic connection to the village. The land is, however, located between existing housing developments and is disconnected from the historic core of the village, as it is not visible from the village centre, or from Townhead Road and is only briefly visible from Station Road because of existing high hedges.
6.34 English Heritage has been consulted on the proposal. Whilst noting the longstanding agricultural use of the site, it considers that the landscape character has been degraded and contributes little to the character and appearance of the conservation area. The development would be largely screened from key spaces within, and routes through, the conservation area,
while it will not obscure any key views to heritage assets. The open setting of the core of the conservation area around The Square, and associated group value of the listed buildings, will change to a degree however we do not believe that the site contributes significantly to the conservation area itself. The NPPF (para 138) recognises that not all elements of a conservation area will necessarily contribute to its significance. Whilst the Conservation Statement that accompanies the application is limited in detail it is proportionate in respect of the contribution of the site to the significance of the heritage assets. English Heritage is, therefore, content for the Local Planning Authority to balance the relevant planning issues and would not seek to comment further with respect to the historic environment.
6.35 A number of objectors have made reference to the fact that the application site was included within the Dalston Conservation Area in 2008, in order to prevent it from being developed. This is not actually correct, as the site was added to the conservation area because the Council recognised that it had development potential and wanted to be able to ensure that any proposed development achieved a high standard of design. The designation of conservation areas does not preclude development.
6.36 The listed buildings around The Square and St.Michaels Church make a strong contribution to the conservation area. Views towards the development from these buildings would be limited and would be interrupted by the existing built environment. The proposed development would not, therefore, adversely affect this part of the conservation area.
6.37 The part of the site that makes the most significant positive contribution to the Dalston Conservation Area is the southern section of the site, where it lies adjacent to Townhead Road. This part of the site includes a $19^{\text {th }}$ Century stone barn and a stone boundary wall, which whilst not listed are in good condition.
6.38 The County Archaeologist considers that the stone barn and stone boundary wall have qualities of age, form and building materials that relate to many other buildings in the conservation area and reflect the former traditional agricultural character of Dalston. The Heritage Statement that accompanies the application, acknowledges that these structures make a positive contribution to the character of the conservation area.
6.39 In response to the original plans to demolish the stone wall and stone barn, the County Archaeologist considered that this would cause harm to the significance of the conservation area, that is less than substantial. Members also raised concerns about the demolition of the wall and barn. In such instances, the test of Paragraph 134 of the NPPF should be met, which states that the harm to the conservation area should be weighed against the public benefits of the proposed development, including securing its optimum viable use.
6.40 The plans have now been revised so that the majority of the stone wall and part of the rear elevation of the stone barn can be retained. The existing stone wall (including the rear elevation of the stone barn) runs for
approximately 80 m adjacent to Townhead Road. 13 m of this wall would be demolished with 13 m being reduced to 0.6 m ; 34 m would be retained as it is, with the hedge that runs to the rear of these sections also being retained; and the 20 m which forms the rear elevation of the stone barn would be reduced in height to 2.25 m .
6.41 The County Archaeologist considers that the retention of the boundary wall and the roadside elevation of the barn would minimise the negative impact of the proposed development on the Conservation Area.
6.42 It is acknowledged that the demolition of 13 m of the wall, the reduction in height of 13 m to 0.6 m and the removal of the stone barns would have an adverse impact on the conservation area. The benefits of the scheme are, however, considered to outweigh the harm to the conservation area, which would not be significant. Bringing the site forward for residential development would assist the City Council in meeting its housing targets. Dalston is identified as a sustainable location for new residential development and the site is well related to the village centre and existing residential development to the north and south. The inclusion of the section of the site adjacent to Townhead Road, allows the site to be developed in a comprehensive manner and allows a through road to be incorporated into the scheme, which greatly improves the proposal. In light of the above, it is considered that the public benefits of the proposal outweigh the harm to the conservation area and that the test in Paragraph 134 of the NPPF is met.
6.43 Policy LE17 of the adopted Local Plan states a presumption in favour of the retention of buildings which make a positive contribution to the character or appearance of the conservation area. Where total demolition of unlisted buildings in conservation areas is proposed, Policy LE17 requires applications to be assessed against a number of criteria, one of which is the contribution of the building to the landscape/ townscape character. The supporting text to the policy states that in assessing applications that would involve the demolition of an unlisted building in the conservation area, the Council will have regard to the desirability of preserving or enhancing the character or appearance of the conservation area in which the building is situated and the wider effects of demolition on the building's surroundings and on the conservation area as a whole. The demolition of 13 m of the wall, the reduction in height of 13 m to 0.6 m and the removal of the stone barn (with a section of the rear wall being retained at a height of 2.25 m ) would not have a significant impact on the conservation area, the main focus of which is around the listed buildings on The Square. It would enable a better housing scheme to be developed in a sustainable location by ensuring that the proposed development is better integrated into the existing settlement and would improve connectivity for existing residents. In these circumstances, it is considered that the removal of the stone barn and the loss of some of the wall would be acceptable. Conservation Area Consent would be required for these works.
6.44 Policy LE19 of the Local Plan states that proposals within or adjoining conservation areas will be granted planning permission provided that they preserve or enhance their character and appearance. The retention of the
majority of the stone wall and part of the rear elevation of the stone barn would help to preserve the character and appearance of the conservation area. Five new dwellings would be erected to the rear of the retained wall. One of these would face Townhead Road and would have stone front elevation, a slate roof, feature gable windows to the ground floor and two feature chimneys. The other dwellings (two detached properties and a pair of semis) would be constructed of brick, under slate roofs, and would have feature chimneys. These dwellings would be set back a minimum of 8 m from the stone wall that would form their rear boundaries and would be partially screened by the wall/ hedge. The Council's Heritage Officer has raised no objections to the design of these dwellings.
6.45 The remainder of the proposal has been designed to reflect the prevailing design character of the conservation area. The proposed layout, would incorporate two new squares, which would be important focal points within the development. The dwellings, which would vary in height and style, would be constructed of a range of materials and this would reflect the character of the conservation area.
6.46 In light of the above, the proposed development has been designed to reflect the character of the conservation area and would make a positive contribution to it.
6.47 Indigo Planning has raised concerns about the construction of a traffic calming table on Townhead Road, which it considers would introduce an urban feature into the streetscene, which would harm the conservation area's character. The revised junction layout on Townhead Road has removed the need for a traffic calming table.
6.48 Indigo also considers that the proposal would have indirect impacts on the conservation area as it will increase traffic which will impact on the core of the conservation area, its listed buildings and their setting. Whilst it is accepted that the proposal might lead to more traffic travelling through The Square this would not be significant.

## 4. Impact On Landscape Character

6.49 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5a - Lowland Ridge and Valley. The toolkit advises that key characteristics of this landscape are: a series of ridges and valleys that rise gently toward the limestone fringes of the Lakeland Fells; well managed regular shaped medium to large pasture fields; hedge bound pasture fields, interspersed with native woodland, tree clumps and plantations; scattered farms and linear villages found along ridges; with a scarcity of large scale structures.
6.50 The site is a largely level field which is currently used for agriculture/ horticulture (small scale food production). There are no trees or landscape features of note within the site and the hedgerow along the western boundary of the site would be retained. The adjacent land to the north, south and east
is developed, with the land to the west being open countryside and improved pasture fields. As a consequence, the site offers very little in the way of landscape character, particularly when compared to the open countryside to the west.
6.51 The development would be well contained and well related to the centre of Dalston and would not result in a prominent intrusion into open countryside. There would be little visual impact from the development in most directions. The development would, however, be visible when travelling along Station Road but development adjacent to Station Road would be limited and a number of views from this road would be over the proposed public open space, which would contain landscaping.
6.52 The northern and western boundaries of the site consist of hedgerows. The hedgerow that runs along the northern boundary would be removed and this would have a negative impact on landscape character but this would not be significant. The hedgerow along the western boundary would be retained in its entirety and would be strengthened. Approximately 1.4ha of the western part of the site would be used as public open space. This area would include the SUDS pond and areas of landscaping and this would provide a positive impact on landscape character.
6.53 Indigo Planning considers that the proposal will have an adverse impact on the character of Dalston in landscape and visual impact terms. It also considers that the submitted landscape assessment is deficient as it does not constitute a full Landscape and Visual Impact Assessment, and does not fully assess the matters.
6.54 There are no trees or landscape features of note within the site, which has low landscape value. The site is adjoined by built development to three sides and the visual impact of the development would, therefore, be limited. Given the above, the submitted Landscape and Visual Impact Appraisal is considered to acceptable and the proposal would not have a significant adverse impact upon landscape character.
6.55 A number of mature trees are located along the southern boundary of the site, but these lie outside the site and would be unaffected by the proposal.
6.56 It is accepted that the proposal would lead to the loss of agricultural land. The Agricultural Land Classification identifies this land as Grade 3, Grades 1 and 2 being of the highest quality. Grade 3 land is common both within the immediate vicinity of the application site and within the District as a whole. As such, it is not considered that the loss of this area of agricultural land would provide sufficient grounds for refusal of the application.

## 5. Impact Of The Proposal On The Living Conditions On The Occupiers Of Neighbouring Properties

6.57 A number of residential properties adjoin the site to the north, south and east. Properties on Station Road would face the site but these would be a minimum of 32 m away from the new dwellings.
6.58 A number of detached bungalows on Townhead Road would adjoin the site to the south. The rear elevation of Claymore would face a parking area which would be a minimum of 18m away from the rear elevation. Rylands Villa would face the blank side elevation of a bungalow and would be a minimum of 19 m away from the rear elevation, with part of the property being 22 m away. Avondale, Tarn Rigg and Ardmore would have two-storey dwellings to the rear but these would be a minimum of 30 m away. A bungalow would also lie to the rear of Ardmore but this would be a minimum of 27 m away.
6.59 The Throstle would have a two-storey dwelling to the north (rear) and this would be a minimum of 21 m away, with a conservatory being 19 m away and a garage being 15 m away. The new access road into the development from Townhead Road would adjoin The Throstle but this would be screened by the extensive landscaping that forms the eastern boundary of The Throstle. It is important to note that the application site sits at a lower level than the bungalows on Townhead Road so any impact would be reduced. For example, the ridge height of the two-storey dwelling to the east of The Throstle, would have a ridge height only 1.15 m higher than the ridge of The Throstle.
6.60 Bungalows on Glave Hill would also adjoin the site and these sit at a lower level than the application site. No 3 Glave Hill would have two-storey dwellings to the south and west. Plot 6 to the south would have a rear elevation a minimum of 25 m away from the rear elevation of 3 Glave Hill. Plots 10 and 11 would also face 3 Glave Hill and whilst the nearest part of Plot 11 would be 18 m away from the rear elevation of 3 Glave Hill the oblique angle would make this distance acceptable. The semi-detached properties that lie to the south-east of the rear garden of 3 Glave Hill would have rear elevations within 6 m of the rear garden of this property, which would allow overlooking of the rear section of the garden but this would not be significant enough to warrant refusal of the application. The two-storey dwellings to the west of 3 and 4 Glave Hill would be a minimum of 38 m away.
6.61 Other residential properties that lie to the rear of the village centre adjoin the eastern boundary of the site but these would be a good distance away from the nearest dwellings and existing trees on the boundary would help to screen the development.
6.62 In light of the above, as adequate separation distances have been maintained between the existing residential properties and those proposed, 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.
6.63 In respect of any increase in traffic generated by this proposal, it is not anticipated that this factor alone would prejudice the living conditions of local residents to such an extent that would warrant refusal of the application.
6. Highway Matters
6.64 County Highways has no objections to the revised junction arrangement proposed for Townhead Road. The Modal Group, who provided independent
highway advice to the Council on the positioning of the new junctions consider that the revised junction on Townhead Road is a better and safer design than that originally proposed and keeps part of the wall and is, therefore, of a more acceptable design. The retention of the barn would also be possible without compromising highway safety.
6.65 The estate road layout has been designed with conventional junctions off Station Road and Townhead Road, with through linkage via the development. This is welcomed by County Highways as it will minimise additional development created traffic through The Square. In addition, the new road can provide a relief route when road works take place in the narrow section of road north of The Square, which otherwise necessitates a lengthy diversion.
6.66 County Highways has raised some concerns about the proposed design of the "squares" within the development but it is considered that the design of these can be addressed as part of the Section 38 Agreement by requiring the main through road to be defined by flush kerbs and bitumen macadam surfacing, this discouraging parking/ obstruction of through traffic.
6.67 A number of objectors have raised concerns about the current capacity of the existing roads in Dalston and their ability to cope with the extra traffic that the proposal would generate. A Transport Assessment has been carried out and two junctions have been assessed for capacity (Townhead Road/ The Square/ The Green and Station Road/ Carlisle Road), in addition to the above mentioned new estate road junctions. Both are shown to operate within capacity. Given the relatively minor traffic generated by the proposed development and the spare capacity on the surrounding road network, the approach taken in the Transport Assessment, that no further junction modelling is required, is acceptable to County Highways.
6.68 The Parish Council has raised concerns that the figures used in the Transport Assessment are too low (the Parish Council regularly monitors traffic in Dalston). However, given that the 'Flow to Capacity' Ratio for the junction is projected less than 0.5 (a junction at capacity Ratio being 1), even if the Parish Council's traffic figures are used, with the vehicles movements generated by the proposed development added, the junctions are still well within capacity. (The difference in the figures the Parish Council have to those obtained by the developer are likely due to school holiday periods and relocation of the County Council Barras Lane Office staff).
6.69 The Parish Council and a number of objectors have raised concerns about the proposed visibility splays on the junctions of the development with Townhead Road and Station Road. The proposed junction onto Townhead Road has been moved further west away from the bend following discussions with an independent highway consultant and this improves the visibility at this junction. Both County Highways and the Modal Group have no objections to the proposed junction onto Station Road.
6.70 The issue of road safety at the Station Road-Carlisle Road junction has been a long standing local issue. This junction has been considered by the East Cumbria CRASH Group, who commissioned a report which recommended
that a mini roundabout should be introduced at this junction. Given the additional vehicular and pedestrian traffic due to the development, it is considered reasonable that the developer be required to deliver the mini roundabout through a Section 278 Agreement with the County Council. The Modal Group considers that a mini roundabout at this junction would improve the current arrangements and would be beneficial as it would encourage drivers to become more aware of traffic at the junction, slow down and be more cautious.
6.71 Indigo Planning, in their response, considers whilst there are grounds for the developer to provide this roundabout, given the Transport Assessment suggests that traffic levels would increase by less than $10 \%$ following the development, it would be hard to justify seeking more than a developer contribution towards this roundabout. The developer has, however, indicated it is prepared to meet the full costs (through a Section 278 Agreement with the Highway Authority) of the mini roundabout and thus help to alleviate a long-standing local issue.
6.72 The developer's Transport Assessment proposes traffic calming to Station Road by use of speed cushions. There has previously been local opposition to the introduction of such traffic calming measures (due to noise) in Dalston in the past and County Highways do not want to pursue this, as they consider the money could be better spent on other measures. Previous consultations in Dalston have supported the introduction of a 20 mph zone through The Square and to extend the 30 mph zone along Barras Lane to the top of Barras Brae, but these measures can only be secured through the Road Traffic Regulation Act 1984 Orders, which stand apart from the planning process.
6.73 A further longstanding local issue which could be bettered as an associated 'gain' from this development, is the improvement of the Caldewmires junction, where Barras Lane meets the A595. Given the minor increase in levels of traffic generated by this proposal, it would be unreasonable to expect the developer to deliver a 'right turn lane' on the A595. It would, however, be reasonable to require the developer to fund a Traffic Regulation Order (TRO) and consequent signage to require all vehicles to turn left out of this junction and to route all east (Carlisle) bound traffic through the Orton Grange roundabout. This would be dealt with along with the previous Orders through a section 278 Agreement between the developer and the Highways Authority
6.74 Usually for a development exceeding 50 dwellings, the County Highways would seek 1.8 m width footways on both sides of the roads. Station Road and Townhead Road currently only have a footway on one side of the road, leading to the proposed new estate road's junctions. However, as in this case there are two access points, a widening of these existing footways to 1.8 m would be acceptable, given that the distances along Station Road and Townhead Road to the estate road junctions are relatively short.
6.75 Indigo Planning has noted that the existing footpaths on the application site side of the road are deficient in width and widening of these should be sought if possible. The footpaths on the application side of the road are limited/ non-existent and it would not be possible to provide new footpaths without
land acquisition. The County Council is satisfied if the existing footpaths on the opposite side of the roads to the development junctions are widened to 1.8 m .
6.76 An Interim Travel Plan has been submitted with the application and a full Travel Plan will need to be secured through a S106 Legal Agreement. The full Travel Plan has to provide:

- a Travel Plan Co-ordinator (with sufficient time, budget and management support available to successfully implement the Travel Plan), who would produce annual reports for at least 5 years following the occupation of the 30th dwelling.
- a target reduction of $10 \%$ in AM and PM peak hour trips (as projected in the Transport Assessment dated September 2012 submitted with the Application).
- a Travel Plan Contribution of $£ 73,626$ (based on the cost of an annual Carlisle Megarider bus ticket multiplied by the proposed reduction in the number of AM and PM peak hour car trips multiplied by 5 years) within the Section 106 Agreement, in favour of the County Council to be used for intervention measures, in the event that the aforementioned targets are not achieved.
- an administration contribution of $£ 6,600$ in respect of County Council staff time relating to the ongoing monitoring and review of the development's travel plan through liaison with
6.77 In conclusion, the proposed development site is situated in the centre of a Local Service Centre with all key facilities close by. Despite local perceptions, the local Highways and Transport Networks are well able to accommodate the additional traffic arising from this development, subject to the following proposed improvement measures (which will be secured through a Highways Act 1980 Section 278 Agreement) and the imposition of a number of conditions:
- Localised footway widening to 1.8 m along Station Rd and Townhead Rd with appropriate pedestrian drop crossing points.
- The mini-roundabout scheme at Station Rd/Carlisle Rd junction
- Pursue Traffic Regulation Orders for 20mph through The Square and extending the 30mph speed limit along Barras Lane.
- Pursue a left turn only Order at Barras Lane/A595 Cardewlees junction, with right turning traffic being signed to Carlisle through the Orton Grange roundabout.


## 7. Affordable Housing

6.78 Policy H5 of the Carlisle District Local Plan 2001-2016 indicates that for large sites in the rural area the contribution towards affordable housing should be $25 \%$ of housing, which would equate to 30 units.
6.79 In 2011, the City Council commissioned a study to robustly establish affordable housing need in the three housing market areas of Carlisle, including Rural West, which incorporates Dalston. In the Rural West Housing

Market, a need for 11 affordable dwellings per annum over a five period was identified (i.e. 55 dwellings from 2011-2015). No affordable housing has been developed in Dalston in recent years.
6.80 The Housing Needs \& Demand Study identified that there is a strong need for affordable rented housing in Carlisle District. Registered Social Landlords (RSLs), who provide the affordable rented units, can generally only afford to purchase units from developers at 40-45\% of the full market value. This is significantly lower than 25-30\% level of discount from the market value that developers provide when selling affordable units. In order to enable RSLs to acquire much needed affordable rented housing, the developer must provide a higher level of subsidy on each unit than is required by Policy H 5 . In return, the City Council accepts fewer affordable units on the scheme. Without doing this, no affordable rented housing would be delivered.
6.81 The applicant is proposing that 20 of the dwellings would be affordable. These would comprise a mix of two and three bedroom properties and comprise 8 discounted sale units ( $2 * 2$-bed and $6 * 3$-bed) and 12 homes for affordable rent ( $8 * 2$-bed and 4*3-bed). The applicant has indicated that the rented units would be provided in association with a Registered Social Landlord.
6.82 The number of affordable dwellings proposed by the developer is acceptable to the Council's Housing Strategy Officer, who is keen to ensure the provision of some affordable rented housing as well as discounted sale units. Discussions with RSLs suggest that the sizes of the proposed affordable units are also acceptable.
6.83 The County Council considers that a contribution of 30 affordable units should be sought, which is $25 \%$ of the dwellings proposed. Indigo Planning agrees that the Council should seek an increased level of affordable housing to 25\% of all units. If the applicant was only providing affordable housing for discounted sale then the City Council would require 30 affordable houses to be provided. However, because the developer is providing 12 units for discounted rent, which have a greater cost to the developer, the provision of 20 affordable homes ( 8 for discounted sale and 12 homes for affordable rent) would be acceptable.
6.84 Cllr Trevor Allison has requested that some of the affordable dwellings should be located in Carlisle. He considers that Dalston is not the best location for affordable housing as it is located over four miles from the city centre on an hourly bus service, which is expensive. Furthermore, Dalston lacks the convenient access to discount stores, retail outlets, services and leisure facilities, such as the Youth Zone for a young family. Therefore, insisting that all the affordable housing is located in Dalston on land purchased at market rate is not necessarily in the interests of those needing a home. The City Council has a successful track record promoting affordable housing development in the urban area and a proportion of the affordable housing should be assigned to sites on City Council land, available at a fraction of the cost of the market rate. The developer could purchase the land and offer it free to the RSL. This could make a contribution to addressing the demand for one/two bed room social housing which is currently an issue for the council as
housing authority and the RSLs as providers.
6.85 Whilst this approach might lead to the provision of more affordable homes, there is a need for affordable housing in Dalston and none has been provided in recent years. The provision of 8 affordable units for discounted sale and 12 units for discounted rent would benefit local residents in Dalston who are struggling to get onto the property ladder. It would seem more appropriate to provide the affordable housing within the development, so that local residents can benefit.

## 8. Education

6.86 The development site is located within the catchment area of St. Michael's CE Primary School. St Michael's is full (although 63\% of the children come from outside the catchment area) and is projected to be full for the foreseeable future. The next nearest schools are Cummersdale and Raughton Head, both of which are over 3 miles to the site. This means there are no other schools that can sustainably accommodate the education impact of this development.
6.87 Based on the dwelling led model, this development is expected to generate 27 children. Given the absence of school places to mitigate the effects of this development, there will be a requirement for a contribution of $£ 325,377$ to be provided by the developer. This contribution is calculated on the basis of 27 pupils $x £ 12,051$ (DfE based multiplier).
6.88 The education contribution would be paid directly to the County Council and would be secured through a S106 Legal Agreement. The contribution, which would be payable prior to the occupation of the 25th dwelling, would be used to provide additional school places at St Michael's CE School. If the provision of additional school places at St Michael's CE School is not possible, the contribution would be used to transport children from the catchment of St. Michael's CE School to the nearest alternative school with available capacity.
6.89 Cllr Allison considers that if the $£ 325,377$ ( $£ 65,000$ per annum for 5 years) is used to transport 27 children from Dalston to other schools, this does not represent value for money. He has previously organised a private coach from the new estates at the Garlands to Caldew School and this cost a fraction of the figure above. Enquiries with a local coach operator suggests that the cost of transporting up to 27 children from Dalston to other schools would be $£ 25,000$ to $£ 30,000$ p.a. or $£ 125,000$ to $£ 150,000$ for the 5 -year period. He states that the money saved (up to $£ 200,000$ ) could be used by the community.
6.90 It should be noted that the contribution is intended to be used to provide additional places at the school. It is only if this is not possible, that the money would be used to transport the children to other schools. If the money is used for transporting children to other schools, the cost to the developer is likely to be less and any money not spent would be returned to the developer.
9. Flooding and Foul And Surface Water Drainage
6.91 A Flood Risk Assessment has been submitted with the application and this
identifies that the site is not shown to be at risk from flooding. Discussions with United Utilities have confirmed that there are no historical records of flooding from sewers, highway drainage, overland flow or groundwater.
6.92 Foul water from the proposed development site is proposed to discharge to the existing adopted 150 mm diameter combined sewer beneath Station Road and the 225 mm diameter combined sewer beneath Townhead Road. United Utilities has confirmed that this would be acceptable, providing that $40 \%$ of the foul flow discharges to the Station Road sewer and 60\% discharges to the Townhead Road sewer and this can be ensured by condition.
6.93 Surface water run-off from the proposed site would be carefully managed on site through a Sustainable Urban Drainage System (SUDS). A SUDS infiltration basin would be located on the public open space, within the western part of the site and this would be a key element of the site's landscape strategy. The SUDS infiltration basin would to be designed to cater for storms of up to 1 in 100 years, with a $20 \%$ allowance for climate change. It would permit infiltration of post-development surface water into existing permeable soils, with the rate of discharge being restricted by a hydrobrake.
6.94 The Environment Agency welcomes the inclusion of site control SUDS based flow balancing methods for the management of surface water runoff as part of the development proposal. A condition that has been suggested by the Environment Agency, which requires the applicant to submit details of a full surface water drainage scheme for the site, has been added to the permission. This requires the drainage strategy to demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm rainfall event plus $20 \%$ allowance for climate change over the lifetime of the development, can be accommodated for in the proposed infiltration basin and would not exceed the run-off from the undeveloped site following the corresponding rainfall event.
6.95 A number of objectors have raised concerns about the safety implications of having an infiltration basin, which will contain differing amounts of water depending on the rainfall, on an area of open space which will be frequented by children. The basin would, however, be designed so that it has shallow areas around the edge, would have prickly plants around the edge and it would be enclosed by a post and wire fence.
6.96 Indigo Planning notes that the SUDS feature is a drainage mitigation feature, not an ecological mitigation feature, and could be between dry or full at various times of the year. It has suggested that a condition is attached to any permission that requires the submission of full landscape details of the feature.

## 10. Ecological Issues

6.97 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when
determining a planning application. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
6.98 A Phase 1 Habitat Survey and Protected Species Risk Assessment has been submitted with this application. This notes that no protected species have been recorded within the site but the habitats within the site provide suitable habitat for roosting bats, nesting and foraging barn owl and other birds, as well as potentially reptiles and red squirrel, both of which are afforded legal protection. The habitats with the highest potential for these species are the buildings within and adjacent to the site (in particular the stone built barns) as well as the hedgerows that border the site.
6.99 The Phase 1 Habitat Survey recommends that long established hedgerows within the site, in particular along the western site boundary, should be retained and enhanced. Mitigation should be provided for any hedgerows lost in the form of new, native species rich hedgerow planting.
6.100 The Habitat Survey also recommends that the foul and surface water drainage system is designed in such a way as to prevent any contamination of the River Caldew and its tributaries. Open space and new footpath networks should be created within the proposed development, in order to limit the increased recreational use of the River Caldew corridor.
6.101 Natural England has been consulted on the application. It considers that the original ecological survey reports submitted with the application were insufficient to assess the implications of the proposals on protected species. It, therefore, requested that further reports should be commissioned in relation to bats, red squirrels and reptiles.
6.102 Following receipt of the additional ecological survey information, Natural England has no objection to the proposal but has requested that a condition is added to the permission which requires the submission of a method statement to ensure no protected species are harmed during the development.
6.103 Natural England has noted that the application incorporates features into the design which are beneficial to wildlife, some of which are outlined in the Habitat Survey. If the authority is minded to grant permission, it should consider securing measures to enhance the biodiversity of the site. A condition has, therefore, been added to the permission to ensure that the application includes enhancements for wildlife.
6.104 Natural England is satisfied that as long as the measures laid out in the application for dealing with the foul and surface water drainage are carried out as described in the plan, there will be no impact on the River Eden SSSI/ SAC. A condition has been added requesting details of foul and surface water drainage.
6.105 The RSPB has also been consulted on the application. It requested that a Breeding Bird Survey should be undertaken at the site. Following receipt of this, the RSPB has no objections but has asked the Council to consider the opportunities to incorporate features into the design which are beneficial to wildlife and which enhance biodiversity (e.g. nesting and roosting boxes incorporated into dwellings).
6.106 In light of the above, the proposal would not have an adverse impact on ecology, subject to the imposition of the conditions outlined above.

## 11. Archaeology

6.107 If planning permission is granted, the County Archaeologist has recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site are undertaken in advance of development. Conditions have been added to deal with this issue.

## 12. Open Space

6.108 The proposal includes a large area of amenity open space, which would incorporate the SUDS infiltration system. The applicant has indicated that it will appoint a management company to maintain this area.
6.109 Policy LC4 of the adopted Local Plan requires new family housing developments of 40 or more dwellings to provide equipped play areas on site. There are, however, disadvantages with providing another equipped play area on this site and the Green Spaces Manager would prefer to see the applicant providing a commuted sum that would be used to improve existing play areas in Dalston. The potential recipient sites are Summerfields (City Council) and Dalston Green (Parish Council). A contribution of £30,000 would replicate the costs otherwise incurred by Story Homes in providing the facility on-site. The developer should also be required to pay future maintenance costs (10 years) $(£ 45,497)$ for play areas.
6.110 The applicant is also required to make a contribution to the provision of sports pitches within Dalston. The main sports facility at Dalston is managed by the Dalston Recreation Association and includes tennis courts, football pitches, a children's play area and a recreation centre. It would seem logical for a contribution to be made for improvements and future maintenance costs (10 years) for this existing facility. A commuted sum of $£ 25,625$ for sports pitch provision and $£ 14,465$ for 10 years maintenance of the sports pitch will be secured though a Section 106 Agreement.
6.111 CIIr McDevitt has requested that the developer should make a financial contribution towards the upgrading of the Dalston to Carlisle Cycleway to adoptable standard. County Highways has not, however, requested money for this, as it considers that there are other local transport priorities that should be addressed through this application. Following discussions with the Green Spaces Manager, it has been agreed that some of the money earmarked for the provision/ maintenance of open space could be put towards the upgrading or maintenance of the Dalston to Carlisle Cycleway.
13. Health \& Safety Executive Safety Zone
6.112 The Health \& Safety Executive (HSE) responded to the original proposal for 128 dwellings and advised that there are sufficient grounds for advising against the granting of planning permission on safety grounds, due to the proximity of the oil facility to the west of the site.
6.113 Following discussions with the HSE, the applicant has amended the scheme to remove the three dwellings that were located in the 'middle safety zone'. All of the proposed dwellings are now sited in the outer zone, with the middle zone forming an area of open space, and this is acceptable to the HSE, who do not now advise against the granting of planning permission.

## 14. Crime

6.114 In relation to designing out crime, the proposed development has attempted to provide all properties with defensible boundaries, either through a change in materials or the provision of walls/ fences or planting. All areas of the development, including the public open space are overlooked by housing, in order to increase natural surveillance.
6.115 The Crime Prevention Officer has been consulted on the proposed development and has raised no objections. He has, however, provided advice with regard to physical security measures and boundary treatments and this has been forwarded to the applicant.

## 15. Waste/Recycling Provision

6.116 Waste services has been consulted on the proposed application and has raised no objections, but has indicated that the developer would need to purchase household waste bins for each property.
16. Contamination
6.117 As the site is a greenfield site the likelihood of contamination being present is low. Notwithstanding this fact a condition is recommended that caters for the event that contamination is found during the construction phase.

## 17. Dalston Design Statement

6.118 The Parish Council has drawn attention to the Dalston Design Statement. A draft statement was produced but this has not been adopted by the City Council and can, therefore, be afforded limited weight.
6.119 The Design Statement has a section on estate houses which contains a series of recommendations. These include that:

- new houses should respect local characteristics
- introduce simple variations in rooflines, where there are no chimneys
- do not have open plan front gardens everywhere
- where possible ensure that cars can be parked behind building lines or in
separate screened areas
- most low-cost housing should be as near as possible to the centre of Dalston and the number of dwellings should be as recommended in the Housing Needs Survey
- provide variations in density within estates, with irregular spaces between groups of houses
6.120 The proposal accords with the majority of these criteria.

18. New Homes Bonus
6.121 Cllr Allison has made reference to the New Homes Bonus (NHB) in his submission. Under this government initiative, the government pays a subsidy to the City Council (80\%) and the County Council (20\%) for each dwelling constructed. He has estimated that this proposal could generate approximately $£ 1$ million for both Councils. This money is not ring fenced and there is no obligation on the Councils to spend the money in the communities that generated it. Cllr Allison considers that some of this money should be used to provide facilities for Dalston.
6.122 The New Homes Bonus has already been running for 2 years (we are now in year 3 of a 6 year programme) and it is unclear how long it will continue for. If it is still in operation when the dwellings start to become occupied, then the City and County Councils would receive some monetary payments. It would be up to the Councils to decide how this money is spent at that point in time and this is not something that can be considered as part of this application.

## 19. Other Matters

6.123 Article 8 and Article 1 Protocol 1 of the Humans Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.
6.124 Cllr Allison has requested that more money generated from the development should be spent in Dalston, as he considers that the current benefits to the community are marginal or non existent. This would allow the development to respond to the needs of the community with respect to the elderly, and the urgent need for social houses for rent and it could also provide a significant contribution to the social infrastructure and fabric of the village. The Community Infrastructure Levy (CIL) would help address these issues but is not yet in place.
6.125 Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet the following tests: they are necessary to make the development acceptable in planning terms; they are directly related to the development; and they fairly and reasonably relate in scale and kind to the development.
6.126 The developer is providing financial contributions for a number of items that
have been identified as being necessary in order for the development to proceed. It would not be reasonable to require the developer to fund other items that are not directly related to the development.
6.127 Dalston Parish Council has pointed out that as part of the Neighbourhood Plan process, it has commissioned Cumbria Rural Housing Trust to carry out a new Housing Needs Survey. This process has begun and will report early in 2014. The Parish Council considers that it would seem out with the spirit of the Localism Act for Carlisle City Council to approve an application for this number of houses (especially as there are already approvals in the Parish of Dalston for at least 15 new dwellings) prior to a proper consideration of all potential development sites in the Parish, including readily identifiable brownfield areas which are not even considered in the Local Plan Preferred Options document.
6.128 The Council commissioned a Housing Needs \& Demand Study in 2011 and this has been referred to in this report. It is not considered necessary to await the outcome of a new Housing Needs Survey in 2014 before the determination of this application. The new Local Plan will not be adopted until December 2014 and the determination of the application cannot be deferred until the new plan comes into force. The application was submitted in October 2012 and needs to determined now under the policies in the NPPF.
6.129 The Parish Council has raised concerns about the lack of time that they have had to look at the revised plans. An amended layout plan was sent to the Parish Council on 29th July 2013. Further revised plans were hand delivered (by the applicant) to the Parish Council on 5th August and paper copies of these were posted to the Parish Council on 9th August 2013. The Parish Council had a meeting on 13th August and submitted some additional comments on 16th August 2013. This is considered sufficient time for the Parish Council to give proper consideration to the application.

## Conclusion

6.130 The proposal is in accordance with the principles of the NPPF as the application site is located in a sustainable location close to the centre of Dalston. Dalston has a range of services and the proposal would create an opportunity to support these existing rural facilities. The site is well contained as it is bounded by development to three sides. In such circumstances, it is considered that the proposal would not result in a prominent intrusion into the countryside nor would it result in settlements merging. In such circumstances, the principle of additional housing in this location is deemed acceptable and is in accordance with the objectives of the Council's Interim Housing Statement and the National Planning Policy Framework.
6.131 The scale, layout and design of the development are acceptable and it is considered that the development would not have a significant impact upon landscape character of the area, the living conditions of existing and future occupiers, crime or the loss of the best and most versatile agricultural land.
6.132 Whilst the proposal would have an adverse impact on the conservation area,
through the removal of a section of a stone boundary wall, the rebuilding of a section of the wall at a height of 0.6 m and the partial removal of the stone barn adjacent to Townhead Road, the benefits of the proposal are considered to outweigh this harm.
6.133 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, flooding, biodiversity, contamination, waste or education. The level of affordable housing is also considered to be acceptable.
6.134 On balance, having regard to the Development Plan and all other material planning considerations, the proposal is considered acceptable.
6.135 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 (eight units that would be made available by discounted sale, with the discount set at $30 \%$ below open market value, and twelve properties transferred to a registered provider to be available for affordable rent);
b) a financial contribution of $£ 115,587$ towards the provision and maintenance of children's play space and sports pitches within Dalston;
c) the maintenance of the informal open space within the site by the developer;
d) a financial contribution of $£ 325,377$ to Cumbria County Council towards education provision;
e) the production of a Travel Plan, which would include a contribution of $£ 73,626$ in favour of the County Council to be used for intervention measures, in the event that the targets are not achieved; and
f) an administration contribution of $£ 6,600$ for the ongoing monitoring and review of the Travel Plan for a 5-year period.

## 7. Planning History

7.1 There is no relevant 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. Samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced.

Reason: To ensure the works harmonise as closely as possible with the existing building and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
3. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
4. 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 CP5 of the Carlisle District Local Plan 2001-2016.
5. Prior to commencement of development, details for how foul and surface water shall be drained on a separate system shall be submitted to the Local Planning Authority and approved in writing. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory means of foul and surface water disposal, in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.
6. Prior to the commencement of development, a scheme for foul and surface water drainage (inclusive of how the scheme shall be maintained and managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme submitted for approval shall be in accordance with the principles set out in the Flood Risk and Surface Water Drainage Assessment written by Integra Consulting Engineers Ltd. in Oct 2012 proposing surface water runoff discharging into the infiltration basin. Regarding the foul drainage, $40 \%$ of foul flow ( $=2.5$ of design flow) from the site must discharge into the manhole ref NY36508301 which is located at the Station road. $60 \%$ of foul flow (=3.7 of design flow) must discharge into the manhole ref NY36497902 which is located at the Townhead Road. No part of the development shall be occupied until the drainage scheme has been constructed in accordance with the approved details. For the avoidance of doubt, neither surface water 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.
Reason: To ensure a satisfactory means of foul and surface water disposal, in accordance with Policy CP12 of the Carlisle District Local Plan 2001-2016.
7. No development shall take place until a full surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm rainfall event plus $20 \%$ allowance for climate change over the lifetime of the development, can be accommodated for in the proposed infiltration basin and will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- detailed drawings of the drainage network and the proposed infiltration basin.
- details of how the scheme shall be maintained and managed after completion.

Reason: To prevent the increased risk of flooding both on and off-site and to improve and protect water quality and improve habitat and amenity.
8. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.
9. The approved remediation scheme must be carried out in 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 (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and 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.
10. 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.
11. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) has been agreed in writing by the Local Planning Authority. These measures shall be carried out as described and approved.
No retained tree or hedge shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 3 years from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.
If any retained tree or hedge is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted, in accordance with condition at such time as may be specified in writing by the Local Planning Authority,.
No fires shall be lit within 10 metres of the nearest point of the canopy of any
retained tree or hedge.
No equipment, machinery or structure shall be attached to or supported by a retained tree or hedge.
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. No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: In order to protect existing trees, in accordance with Policy CP3 of the Carlisle District Local Plan 2001-2016.
12. No development shall take place until the applicant has submitted, for approval in writing by the Local Planning Authority, details of any proposed wildlife enhancement measures that are to be incorporated into the development. The development shall be implemented in accordance with these approved details.

Reason: To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policies CP2 and CP5 of the Carlisle District Local Plan 2001-2016.
13. Prior to the commencement of development, the applicant shall submit a Method Statement to ensure that the development does not have an adverse impact on bats. This should include measures such as sympathetic roof tile removal, an ecologist on site during demolition, thorough checking through an endoscope on the day of demolition or timing the demolition works outside the bat active season. The Method Statement should also include habitat enhancement measures for bats.

Reason: In order to protect bats, which are a protected species and to accord with Policy CP2 of the Carlisle District Local Plan 2001-2016.
14. 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 in writing by the Local Planning Authority. This written scheme of investigation will include the following components:
i) An archaeological evaluation;
ii) An archaeological recording programme the scope of which will be dependant upon the results of the evaluation.

Reason: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains.
15. Where the results of the programme of archaeological work referred to in the above condition make it appropriate, there shall be carried out within one
year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an
archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.

Reason: To ensure that a permanent and accessible record by the public is made of the archaeological remains that have been disturbed by the development.
16. The carriageway, footways, etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect full engineering details shall be submitted for approval by the Local Highways Authority as part of a Highways Act 1980 Section 38 Agreement, before roadworks commence on site. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide; all works so approved, shall be constructed before the development (or relevant phase thereof) is considered complete.

Note: Condition used where Estate Roads are to become adopted highways under a Section 38 agreement with the Highways Authority.
Reason: To ensure a minimum standard of construction in the interests
of highway safety and to support Local Transport Plan Policies
LD5, LD7 \& LD8.
17. The private driveways, footpaths, parking areas etc shall be designed, constructed, drained and lit, to the satisfaction of the Local Planning Authority and in this respect further details, including levels and material specifications, shall be submitted to the Local Planning Authority for approval before work commences on site. No such works shall be commenced until a full specification has been approved.

Note: Condition used where access to properties is to remain private and not become Highway.

Reason: To ensure a minimum standard of construction in the interests of road safety and to support Local Transport Plan Policies LD5, LD7 \& LD8.
18. (i) The access from Station Rd. shall be substantially met before any building work commences on site, so that constructional traffic can safely access the site and park and turn clear of the highway.

Note:- the Station Rd access shall be the sole means of access for construction traffic (other than during the construction of the Townhead Rd access). Construction of the Estate must be programmed so the Estate road, main Utility services and drainage are completed through the site, with house occupancy commencing from the southern end, so insofar as practicable the occupied dwellings are segregated from the ongoing construction
operations. The raised table crossroads and footway improvements on Townhead Lane shall be completed before first occupancy.
(ii) Before any pedestrian linkage from the development onto Station Rd, is constructed, the pedestrian improvements along Station Rd shall be complete, including the works to improve the Station Rd/B5299 junction.
(iii) Before site works commence, plan(s) shall be submitted for the approval of the Local Planning Authority, indicating adequate land for the site offices, materials storage and parking for plant/vehicles engaged in the construction operations and such land, including the vehicular access(es) 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 building works without the provision of these facilities is likely to lead to inconvenience and danger to road users. Retention of the facilities ensures an appropriate standard of parking and access for as long as the use continues to support Local Transport Policies LD5, 7 \& 8.
19. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plans and brought into use. These facilities 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 that the proposed new access roads etc: are constructed within a reasonable timescale, commensurate with house construction and to ensure an adequate means of access and parking are available when houses are occupied, in the interests of highway safety and general amenity and to support Local Transport Plan Policies LD5, LD7 \& LD8.
20. The developer shall in conjunction with the Local Highways Authority, use best endeavors to deliver these measures:

- Localised footway widening to 1.8 m along Station Rd and Townhead Rd with appropriate pedestrian drop crossing points (to be completed before any estate footway connection is made to relevant road).
- The mini-roundabout scheme at Station Rd/Carlisle Rd junction (to be completed before any footway connection is made to Station rd from the development).
- Pursue Traffic Regulation Orders for 20 mph through The Square and extending the 30 mph speed limit along Barras Lane and a "left turn only" Order at Barras Lane/A595 Cardewlees junction, with implementation within 3 years of the development commencing .

Reason: In the interests of highway safety and to support Local Transport Plan Policies LD7 \& LD8.
21. No works to hedges 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 CP2 of the Carlisle District Local Plan 2001-2016.
22. 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 CP6 of the Carlisle District Local Plan 2001-2016.
23. Prior to the erection of any boundary wall, a 1 m square sample panel of the stone boundary walls to be erected along Townhead Road shall be constructed for inspection and approval in writing by the Local Planning Authority. The walls shall then be erected in accordance with these details. The aforementioned walls shall be constructed in a cement-free NHL lime mortar.

Reason: To ensure a satisfactory external appearance to the proposal, in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.
24. All window frames shall be set back a minimum of 75 mm from the external face of the wall. Any glazing bars should appear on the external surface of the glass and should not be solely applied internally nor within the pane.

Reason: To ensure the external appearance of the dwellings is acceptable, in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.
25. Any arches over window openings proposed to be in a span of artstone / stone should be constructed in a single span, or if split to be divided by a keystone. Abutting split sections of lintel should not be used without a keystone.

Reason: To ensure the external appearance of the dwellings is acceptable, in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.
26. Any utility meters associated with the development should be of the in-ground variety, or if by necessity wall-mounted, they should be located on discreet elevations or painted out to a colour to match the surrounding walling. White, wall mounted utility boxes on the main elevations should not be used.

Reason: To ensure the external appearance of the dwellings is acceptable, in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.
27. Signage, and in particular street nameplates associated with the development, should be fixed to building walls and not be pole-mounted

Reason: To ensure the external appearance of the dwellings is acceptable, in accordance with Policies CP5 and LE19 of the Carlisle District Local Plan 2001-2016.

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First Floor Plan

Ground Floor Plan

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First Floor Plan


Ground Floor Plan


Side Elevation

Front Elevation

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First Floor Plan


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First Floor Plan
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First Floor Plan


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First Floor Plan

Ground Floor Plan

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First Floor Plan


Ground Floor Plan

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Front Elevation


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First Floor Plan


Ground Floor Plan




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First Floor Plan


Ground Floor Plan


Side Elevation

Rear Elevation



Side Elevation


Front Elevation

Rear Elevation


First Floor Plan

Ground Floor Plan

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Ground Floor Plan



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Ground Floor Plan

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Front Elevation


Rear Elevation


First Floor Plan

Ground Floor Plan

Side Elevation
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Side Elevation

Front Elevation

Rear Elevation




First Floor Plan

Ground Floor Plan


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Side Elevation


Rear Elevation






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First Floor Plan

Ground Floor Plan
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## Second Floor Plan



## First Floor Plan




Alternative Side Elevation
(Feature gables only - refer to site layout for
plot designations)
Side Elevation


Rear Elevation






Side Elevation


Side Elevation


Front Elevation


Rear Elevation






Side Elevation


Front Elevation


Rear Elevation


First Floor Plan

Ground Floor Plan


Side Elevation


Front Elevation


Rear Elevation


First Floor Plan

Ground Floor Plan

Side Elevation


Front Elevation

Front Elevation


First Floor Plan

Ground Floor Plan

Side Elevation



Front Elevation


Rear Elevation


First Floor Plan

Ground Floor Plan

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| :---: | :---: | :---: | :---: | :---: | :---: |

[^4]Side Elevation

Side Elevation

Front Elevation

Rear Elevation



First Floor Plan


Ground Floor Plan


$$
\begin{aligned}
& \text { Alternative Side Elevation } \\
& \text { (Feature gables only - refer to site layout for } \\
& \text { plot designations) }
\end{aligned}
$$



Side Elevation

Side Elevation

Front Elevation

Rear Elevation

Standard Construction Details


| C Story Construction Ltd. |
| :--- | :--- |
| $\quad$ Burgh Rd Industrial Estate, Carisle, Cumbria. CA2 7NA. |
| Tel $\mathbf{0 1 2 2 8} \mathbf{6 4 0 8 5 0}$ |


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1800mm High Open Boarded Fence with Lattice Framing



1800mm High Stone/Brick Wall


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| C Story Homes. |
| :--- | :---: |
| Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA. |
| Tel $\mathbf{0 1 2 2 8 \mathbf { 6 4 0 8 5 0 }} \quad$ |




Construction Details


| C Story Homes. |  |
| :--- | :--- |
| Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA. |  |
| Tel $\mathbf{0 1 2 2 8} \mathbf{6 4 0 8 5 0}$ |  |














[^0]:    © Story Homes.
    Burgh Rd Industrial E
    Tel 01228640850

[^1]:    

[^2]:    | Story Homes. |
    | :--- | :--- |
    | $\begin{array}{l}\text { Burgh Rd Industrial Estate, Carisise, Cumbiaia CA2 TNA. } \\ \text { Fax } 01228 \\ \text { Tel } 0122851 \\ \text { cos }\end{array}$ |

[^3]:    
    

[^4]:    

