

SCHEDULE A: Applications with Recommendation

20/0477

Item No: 07

Date of Committee: 30/04/2021

Appn Ref No:
20/0477

Applicant:
Persimmon Homes
Lancashire

Parish:
Stanwix Rural

Agent:

Ward:
Multiple Wards

Location: Land to the north east of, Windsor Way (Tarraby View), Carlisle

Proposal: Erection Of 90no. Dwellings (Revision Of Previously Approved Permission 14/0778 To Increase Dwellings From 72no. To 90no. (Phase 2))

Date of Receipt:
29/07/2020

Statutory Expiry Date
29/10/2020

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

- 1.1 It is recommended that authority to issue an approval be given to the Corporate Director of Economic Development subject the completion of an appropriate Section 106 Agreement regarding:
- 30% of the proposed additional dwellings to be affordable of which 50% are to be rented and 50% shared ownership or discounted sale over and above those already given permission;
 - the payment of an education contribution of £14,500 per primary school pupil generated by the increased number of units (i.e. £71,316);
 - pro-rata increase in the off-site contributions towards open space; and
 - maintenance and management of on-site open space

Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development.

2. Main Issues

- 2.1 The acceptability of the application with regard to the proposed layout, scale, and appearance.
- 2.2 Whether the proposal will be detrimental to the living conditions of the

- existing neighbouring residents.
- 2.3 Whether the proposal will be detrimental to highway safety and accessibility.
 - 2.4 Whether the proposed means of foul and surface water drainage are adequate.
 - 2.5 Whether the proposal will meet the needs of affordable housing.
 - 2.6 Whether the educational needs will be met.

3. Application Details

The Site

- 3.1 This application relates to Phase 2 of the Persimmon Homes "Tarraby View" development situated between Windsor Way and Pennington Drive, north east of Wolsty Close and Drumburgh Avenue, and east of Newfield Park. California Lane forms part of the north-western boundary. Otherwise, the site is bounded to the north and east. Phase 1 of the development is located to the south of this phase.
- 3.2 The site is north of the relatively narrow brook (Gosling Sike) which divides the site into its natural phases of development. Gosling Sike is designated a main river and drains through an open channel and culvert in a south westerly direction through the neighbouring residential development along Windsor Way downstream 1.5km to the River Eden. The River Eden is designated a Site of Special Scientific Interest and a Special Area of Conservation. The site is entirely located within Flood Zone 1 (i.e. outside the extent of the 1 in 1000 year risk of flooding) but there is an awareness of existing surface water flooding problems downstream in relation to Gosling Sike. The Environment Agency has recently been undertaking works to widen the culvert and has used part of the development site to undertake its works, as well as working on neighbouring land.

Background Information

- 3.3 The site is allocated for residential development in the Carlisle District Local Plan 2015-2030 (ref U10) and has been progressing since it received permission in May 2017. As part of those proposals, a signalised junction has been provided at the junction of Windsor Way and Scotland Road as the main access route to the site, although a secondary access has also been established from Newfield Park.

The Proposal

- 3.4 This application is seeking full permission to erect additional houses at the site with an increase of 18 dwellings in addition to the 276 dwellings already granted permission. The additional dwellings require some reconfiguration of the existing approved plans. The proposed development is a mix of two storey detached, semi-detached and terraced houses. The proposals use the same house types as those already approved on Phase 1 of the development with the addition of a new Clayton Corner house type. Application 14/0778 (the original permission) was granted subject to a legal

agreement for the following measures:

- 30% of the proposed dwellings (i.e. 83 units) to be affordable of which 41 are to be rented and 42 shared ownership or discounted sale;
- the installation of the traffic control signals on Windsor Way/ Scotland Road Junction with the details submitted prior to construction starting on site and in place prior to the plastering of the 20th dwelling.
- the payment of an education contribution of £14,500 per primary school pupil generated by the development (i.e. £997,568);
- the enabling of access to the field (part of registered title number CU284260) adjacent to the south east of the development site;
- the management/maintenance of open space inclusive of the attenuation basins and environmental protection area;
- the payment of a Cycle Way Contribution of £25,000 to the provision of an offsite link between the application site and Greymoor Hill;
- the payment of a Travel Plan contribution of £6,600;
- the payment of £7,500 to cover the costs of a Traffic Regulation Order; and
- the payment of a sum regarding the off-site sports provision.

An increase of 18 units would in some instances require an uplift to the provisions of the S106 and this is set out in the report.

3.5 In addition to the submitted plans/drawings, the application is accompanied by:

- a Design and Access Statement;
- a Tree Survey Report;
- a Traffic Management Plan;
- a Transport Assessment;
- an Air Quality Assessment;
- a Phase 1 Desk Study and Phase 2 Intrusive Investigation;
- a Flood Defence Consent and United Utilities S104 Agreement;
- a Detention Basins Operation and Maintenance Plan;
- a SUDS Maintenance Schedule; and,
- a Materials Schedule.

4. Summary of Representations

4.1 This application has been advertised by the direct notification of 291 neighbouring properties. In response, 7 representations of objection and 1 comment have been received.

4.2 The objections's identify the following issues:

- the extra 18 houses will be built regardless of any objections!!!
- a lot of residents will probably not object again as they know it is pointless!
- we strongly object to these revisions.
- strongly object to any development on phase 2 Tarraby View and any amendment to it
- this has been a lovely peaceful estate, it has never been taken into

- consideration that this phase will have an impact on peoples quality of life
- our house backs onto the new housing estate where once upon a time there was sheep running about in the fields, now we are going to be overlooked by concrete buildings.
- the wildlife that habitat in the fields and along the lane will be disturbed.
- I have this spring had to have drainage put in my back garden as now the rain does not drain off since the building work began, and little wonder as the rain water has no where to drain to due to all the building work being done!!
- I strongly object to this phase 2 but more so the further 18 homes!! enough is enough
- you have destroyed natural habitat and a flood plain to boost the number of houses in the city. Carlisle is not growing fast enough (jobs, schools etc) so all it will leave is a raft of empty houses elsewhere.
- concentrate on brownfield sites and start taking the environment seriously for goodness sake.
- our house will now overlook affordable housing. whilst i understand the need for such housing it does not have to form part of the same development, build these in areas more suitable to such homes. for once please can our counsellors represent the existing homeowners of the original development as so far they have not.
- there are already too many new houses being built in Carlisle, especially north of the city. do we really need these extra houses? we are currently in the middle of a global pandemic and a resulting economic recession with greater unemployment. fewer people will be in a position to purchase these houses in the future. are we just creating debt?
- the amount of traffic that will pass through Newfield and now your adding a further 18 houses so that will probably mean approx 36 more cars as each household will have 2 or more
- all traffic and other environmental assessments are 6 years or more out of date and there have been changes in that time which need to be considered. access onto Kingstown road from the Newfield estate has already become increasingly more difficult since building began at Windsor Way. however, due to the covid 19 'lockdown' any traffic assessment will currently be abnormal and should be made at a time when traffic flows are back to where they would reasonably be when the crisis is over.
- the roads on the Newfield estate were not designed to accommodate the volume of traffic which will be created from the 72 houses in phase 2 of the development. now it is being proposed that another 18 houses and associated cars (36+ extra vehicles) be given planning consent.
- it is still our opinion that the access from Newfield Park to tarraby view, which was crucial to gaining planning consent was constructed unlawfully over unregistered private land.
- what has happened to the bollards at Newfield Drive we were told this was emergency access only?
- already the additional traffic along Windsor Way is dangerous, the speeds the cars drive past the green space and play area, past children playing and on bicycles is an accident waiting to happen. this will increase traffic further.
- why increase the number, surely Persimmon new the layout at the start of

their development

- the approved dwellings north of the river are 786 needing an extra class of children per age group
- the number of houses goes up yet again, but where is the school?
- in this northern area of the city, Persimmon, along with Gleeson and Story, have a collective responsibility to provide a school simply because of the total number of homes they are building.
- will the day ever come when our elected councillors and the planning officers actually stop a developer doing what they like, and ensure they provide such a facility?
- the proposed school is not in a sustainable position. it does not allow pedestrian access from all local estates, on foot or by cycle. furthermore, it will surely generate unnecessary car journeys on Kingstown Road, Scotland Road and Brampton Road. from an environmental point of view, future planning must ensure that there is provision for children to walk and cycle to school.
- Until such time as the educational needs question is satisfactorily resolved the application should be held in abeyance or refused. This will have the effect of placing pressure on the County Council to be honest and truthful about what is going on and no doubt Persimmon will simultaneously apply pressure on the County Council for them to say what it intends to do over educational needs.
- The Council should consider the density of the development and whether it is prepared to endorse a breach of minimum space requirements and set a further precedent for other developments. The application should be deferred pending the receipt of a full statement from the applicant justifying the reasons to increase the number of dwellings.
- The Council and County Council should publish its intentions over a new school adjacent to the development and whether they will be able to meet the timetable set out in the section 106 Agreement. Should they fail and the timetable is not met and monies have to be returned to Persimmon I would expect resignations from those responsible in both the City Council and County Council.
- Have the contributions agreed by Persimmon been made and is that money suitably ring fenced by the County Council.
- If the contributions have not been made then the application should be stayed or refused until such time as the contributions have been paid in full with interest.
- To refuse the application on the grounds it fails to comply with Local Plan Policy HO1 in that it does not make provision for sufficient house types by failure to provide housing for the elderly.
- To defer the application on the grounds the applicant has failed to comply properly with Local Plan Policy CM5 in that it has not submitted anything to demonstrate how it intends to mitigate the negative impacts of vehicle emissions.
- To defer the application until the applicant deals with the issues raised by the Cumbria Police in relation to complying with Policy CM4.
- If it remains the Council's objective to establish 10,000 homes south of Carlisle (which I believe cannot happen for a variety of reasons) I trust the Council has identified the 20,000 or so persons who will buy or rent such properties since demand will constantly reduce as a result of other

developments in the north of the City. Should any prospective buyer or renter have children I would suggest they are educated from home since on the County Council's performance it will be many years before any new school materialises, if at all. The best plan would be to apply for permission now for a new school in that area on the basis it will take the County Council 10 years or more to get its act together. And do not let us forget that in addition to a school or schools proper arrangements need to be in place for healthcare. Would someone like to suggest where doctors will be found to support this given that the number of GPs in north Cumbria is reducing year on year and the number of GP Registrars training to be GPs is at an all time low. It takes a minimum of 10 years to train a GP. Has anyone had the sense to think any of this through?

4.3 The comment is: no objection.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - **Highways response:** Initially raised concerns over some of the details.

The planning application under consideration is in relation to the increase in the number of dwellings to be constructed as part of Phase 2 of the Persimmon Homes development at Windsor Way, Carlisle from 72 to 90. Therefore this application seeks to increase the total number of dwellings for the overall site to 294. As part of the suite of documents submitted as part of this application a revised Transport Assessment (TA) has been submitted to determine the effects on the highway network that the proposal may have. It is noted within the original TA submitted as part of the planning application 14/0778 that the transport impacts were assessed for 277 dwellings (1 more dwelling than was constructed); therefore the revised assessment assesses the additional 17 additional dwellings up to 294.

The TA submitted undertook detailed capacity assessments using a TRANSYT 15 model for the A7 corridor and Hardwicke Circus. It was stated within the report that the additional 17 dwellings proposed equate to an additional 10 vehicle movements on the weekday AM peak hour and an additional 11 movements in the weekday PM peak hour. The model also determined that the A7 junctions with Newfield Drive and Windsor Way can accommodate the additional traffic flow relating to the proposed increase in number of dwellings within the development site. The assessment concluded that the impact of the additional traffic on the highway network were small and no junctions required improvement works. The Highways Authority agree with the conclusions of the TA that the amount of traffic generated is small and does not impact upon the highway network in a detrimental way or decrease road safety within the vicinity of the development.

Car Parking Provision

The applicant is proposing to include 25 two-bedroom dwellings, 44 three-bedroom dwellings and 21 four bed dwellings within Phase 2. As such, and in accordance with the Cumbria Development Design Guide, it is expected that 176 car parking spaces are to be provided on site with dimensions of 2.4m x 5m. A revised parking layout plan has been submitted following the previous response to this application dated 5 February 2021 indicating that 176 car parking spaces are to be provided within the

development site plus a further 14 visitor parking spaces. This provision is acceptable to the Highways Authority.

Layout Clarification

An issue raised within the previous Highways Authority response was the additional length of highway at plots 273 - 280. The applicant has confirmed within the Section 38 agreement Plan for Phase 2 which sections of carriageway are to be offered for adoption. A small section of shared surface carriageway at Plots 278 – 280 is to remain private and this clarification is acceptable to the Highways Authority.

Conclusion

The above issues regarding the car parking provision and confirmation of the adopted carriageway at plots 273 – 280 were the sole issues left to be resolved by the applicant. As detailed above sufficient information has now been submitted to be able to confirm that the Highways Authority have no further objections with regards to the approval of planning permission.

LLFA response: Initially raised concerns over the discharge rates however following the submission of further information

Discharge rate

The LLFA have reviewed the further information submitted by the applicant regarding a section 104 agreement with United Utilities for the discharge of surface water into the public surface water sewer at a controlled rate of 49.8l/s. Previous LLFA comments to this application have stated that the maximum discharge rate for the site is to be 45l/s; however, following a review of this application it is noted within the FRA that the QBar rate for the site is 52l/s. In accordance with the Cumbria Development Design Guide the maximum discharge rate acceptable to the LLFA is the QBar rate. As such the proposal to discharge surface water at 49.8l/s is acceptable as it is below the QBar rate for the site. The LLFA have also reviewed the detailed Micro Drainage calculations and can confirm that sufficient attenuation is being provided on site to accommodate a 1 in 100 year plus 30% to account for climate change storm event in line with Phase 1 of the development. This is acceptable to the LLFA.

Treatment of surface water

With regards to the discharge location proposed of the public surface water sewer, the LLFA have no objections as the developer has acquired a s104 agreement with United Utilities. The principle of the drainage system has been agreed under previous applications. Therefore, the LLFA have no objections to the drainage system design.

Conclusion

Therefore, to conclude the LLFA no longer have any objections with regards to the approval of planning permission.

Local Environment, Waste Services: - No objection

Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention): -

I am not in favour of the formalised link from this development into Tarraby Lane (which is effectively a cul-de-sac with minimal localised traffic). It is noted that the closest dwelling, Unit 74, 'ignores' this feature by presenting a 'blank' gable towards it, so that the occupiers do not have any views across it

(Policy CM 4 3.)

Units 113, 131 and 149, being the closest dwellings to the footpath in Public Open Space present gables towards it and residents do not have views across this feature (Policy CM 4 1.)

Is there still a proposal to 'stop-up part of California Lane? (to the rear of Units 218 – 229). Despite California Lane not being a significant thoroughfare, dwellings should positively address formal routes and links to maximise surveillance opportunities across them (Policy CM 4 3.)

Otherwise, rear garden boundaries abutting California Lane should be at least 2.4m tall to defend against intrusion (as evidenced by measures exhibited at existing dwellings along this route)

Drawing 186.302 (Boundary Treatment Plan) does not indicate how many of the front garden curtilages shall be established, to clearly define public and semi-private space and promote a concept of 'ownership'. Physical treatments are more effective for this purpose. I would regard the proposed Plot divisional fences (750mm) forming some rear gardens are insufficient and should be not less than 1200mm to deter 'roaming' (Policy CM 4 2.)

My interpretation of the Street Lighting plan shows varying uniformity values of 0.15Uo, 0.17Uo and 0.19Uo around the site, which seem very low. If this site was being considered for Secured by Design certification, I would be seeking values closer to 0.40Uo and no lower than 0.25Uo at any point (Policy CM 4 4.)

The applicant has not submitted detailed information relating to exterior doors and windows. I recommend these items to be certified to PAS 24:2016 (including a pane of laminated glazing as appropriate) thereby exceeding the requirements for Building Regulations Approved Document Q approval

Cumbria County Council (Education Department): -

In relation to education it is considered that the additional units will generate an additional four primary aged pupils. Therefore a contribution is required for 4 primary places $4 \times £17,829 = £71,316$. The multiplier is £14,500 as at September 2015 and adjusted using the BCIS All-in TPI, we would also require the contribution to be provided prior to occupation of any dwellings, this approach is consistent with what has been agreed in relation to other developments in North Carlisle which include 15/0812, 14/0761 and 14/0778. It is important to note that the multiplier and timing of the contribution has been accepted by a Planning Inspector as part of an appeal decision for a development in North Carlisle – Land at Harker Industrial Estate, Low Harker Carlisle (15/0812) & (App/E0915/W/3179674).

Environment Agency (N Area (+ Waste Disp & Planning Liaison Team): -

There are no Flood Risk Objections to the Revision Of Previously Approved Permission 14/0778 To Increase Dwellings From 72no. To 90no. (Phase 2).

Cumbria County Council - (Highway Authority - Footpaths): -

The applicant should note that public footpaths 132011 and 109003 follow an alignment to the east and west boundaries of the development area and must not be altered or obstructed before or after the development has been completed. If the path is to be temporarily obstructed then a formal temporary closure will be required, there is a 14 week lead in time for this process, please contact Sandra.smith@cumbria.gov.uk for further information.

(Former Green Spaces) - Health & Wellbeing: -

If the numbers of dwellings has increased then there should be a pro rata increase in the developer contribution towards off site open space, play and sports pitches and the S106 agreement amended accordingly.

Planning - Access Officer: - No objections

Stanwix Rural Parish Council: -

In its response to consultation with regard to Appn Ref 14/0778 the Parish Council pointed out that:

“The application takes no account of the proposals for Greymoor Hill and Hadrian’s Camp and asserts that Windsor Way is the only development in this part of Carlisle.” The Parish Council notes that the Transport Statement received by the LPA on 18/07/2020, Report No. A082320/ DG1, is dated September 2014 and originally constituted part of Application Ref 14/0778. Paragraph 7.2 of the document states, of information provided in respect of accident records, *“The records cover the most recent three years of data available from the 8th August 2011 to 7th August 2014.”* The information is thus 6 years out of date. Even older is paragraph 2.6 of the document showing that the classified traffic survey to determine turning movements at the A7 Kingstown/ Windsor Way junction was undertaken on Thursday 27th June 2013 – i.e. over 7 years ago.

Since approval of Appn Ref 14/0778 a further approval, dated 13 November 2019, has been granted in respect of Appn Ref 18/1142.

This more recent consent permits the erection, by Gleeson Homes, of 194 dwellings and associated infrastructure on land to North of California Road. Paragraph 5.5.2 of the Transport Assessment (VN81122, dated November 2018) in respect of Appn 18/1142 states a total provision 400 residential parking spaces, plus an additional 11 visitor spaces. This indicates up to 800 additional residential vehicle movements per day, i.e. a potential maximum of 203,000 additional vehicle movements per annum (based on 254 working days only) on Kingstown Road, many of which would, of course, use junctions on the A7 Kingstown road. Although the proposed 18 additional units constitute a fairly low proportion of the total they do however represent a probable 36 additional daily vehicle movements - i.e. 9,144 per annum, again based on 254 working days only. The submitted Traffic Assessment fails to acknowledge these, or consider their impact in any way.

The Transport Assessment was therefore obsolete even as consent for Appn 14/0778, dated 30/05/2017, was granted; and in view of more recent large scale developments off the A7 cannot now be relied upon to adequately assess the impacts even of the development phases for which it was originally intended.

In its consultation response to Appn Ref 14/0778 the Parish Council raised concerns relating to Tarraby Lane:

“Potentially Tarraby could become a thoroughfare to the development in its development and completion phases. This anxiety over traffic is caused by the developers drawings which emphasise the potential link to Tarraby Lane clearly marked out and demonstrate intent. Tarraby Lane is not suitable for vehicular traffic having access to Windsor Way, for normal, emergency or construction usage. It is a single track road, with no verges and which is used

by walkers and horse riders.”

Condition 18 of the consent granted on 30 May 2017 required: “...*the design of a permanent barrier restricting motorised access from and onto Tarraby Lane...*”

The Parish Council understands that this link, although restricted, has increased the frequency of ‘near misses’ between motor vehicles and cyclists, particularly young ones, using Tarraby Lane – the latter approaching blind/limited visibility corners without due caution.

Reserved Matters Application Ref 19/0973 proposes 4 dwellings between Shortdale and the junction of the pedestrian/cycle access with Tarraby Lane. This suggests possibly 8-12 additional private vehicles, and associated delivery and service vehicles, using Tarraby Lane in the vicinity of the junction thus further increasing the risk of accidents.

In the interests of highway safety the Parish Council recommends that the approved access be modified to allow only pedestrian use.

The Parish Council notes the comments of the Cumbria Police Crime Prevention Officer with regard to a proposed part stopping-up of California Lane. This proposal does not seem to be shown on any submitted drawing; although a temporary closure may be required to facilitate the construction of its crossing by the link to Newfield.

The Parish Council would resist any proposal to permanently close or divert any part of California Lane, PRoW 109003/PRoW 132020. The Council therefore supports the Crime Prevention Officer’s recommendation that the rear garden boundaries abutting California Lane should be at least 2.4m tall to defend against intrusion.

The Decision Notice dated 30/05/2017 in respect of Appn Ref 14/0778, for the erection of 276 dwellings, states that the planning permission is linked to a Section 106 Agreement and that:

“30% of the proposed dwellings (i.e. 83 units) to be affordable of which 41 are to be rented and 42 shared ownership or discounted sale;”

While the S106 agreement referred to above and dated 26 May 2017 states: *“Affordable Dwellings”: means together the Affordable Dwellings provided at the Site being 41 (15% of the Dwellings) Affordable Rented Dwellings and the 42 (15% of the Dwellings) Discount Sale Dwellings included in the Site and reference to “Affordable Dwelling” shall be construed accordingly;”*

Appn 20/0477 proposes 18 additional dwellings 30% of 18=5.39 therefore 5 additional affordable dwellings should be required along with a financial balance equal to the remaining 0.39% of the market value of such a dwelling. Similar additional percentage uplifts should also be required in respect of:

- The installation of the traffic control signals on Windsor Way/ Kingstown Road Junction
- the payment of an education contribution per primary school pupil generated by the additional development;
- the management/maintenance of open space inclusive of the attenuation basins and environmental protection area;
- the provision of the offsite link between the application site and Greymoor Hill;
- the payment of the Travel Plan contribution;
- the costs of the Traffic Regulation Order;
- the off-site sports provision.

The Ramblers: - No response received

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP1, SP6, H01, H04, IP2, IP3, IP6, CC5, CM4, GI3, GI4 and GI6 of the Carlisle District Local Plan (CDLP) 2015-2030. The 'Achieving Well Designed Housing' and "Trees and Development" Supplementary Planning Documents, adopted by the Council, are also material planning considerations.
- 6.3 The proposals raise the following planning issues:
- The acceptability of the application with regard to the proposed layout, scale, and appearance;
 - Whether the proposal will be detrimental to the living conditions of the existing neighbouring residents;
 - Whether the proposal will be detrimental to highway safety and accessibility;
 - Whether the proposed means of foul and surface water drainage are adequate;
 - Whether the proposal will meet the needs of affordable housing; and
 - Whether the educational needs will be met.

1. The Acceptability Of The Application With Regard To The Proposed Layout, Scale, And Appearance

- 6.4 When considering the acceptability of the application there are two aspects to consider. One is the overall increase in the number of dwellings and the second is the revised layout as a consequence. In terms of the number of dwellings, the increase is 18 houses in a 272 house development. This is less than 7% however it is acknowledged that this increase is only in Phase 2 of the development. When considering the original application it was noted that the application site was allocated in the Carlisle District Local Plan as site U10. The Local Plan does not consider detailed layouts of development but includes an indicative yield in order to plan for the distribution of housing across the district. Housing numbers will increase or decrease from that indicative yield dependent on a variety factors relative to each site. For members information however the indicative yield for this housing allocation was around 300 houses. When approving the original permission, members were advised that the density was about 37 dwellings per hectare. There are no national set density targets for development however development should

make efficient use of land. In considering the context and its location, density tends to increase nearer to the city centre (over 70 dwellings per hectare) and gradually reduce outwards. Housing developments would generally see a density of 30-40 dwellings in an urban context, greater than the traditional housing estates of the 1950s which although providing decent plot sizes are now considered inefficient in the use of land due to large greenfields being developed. The increase in density would be about 39 dwellings per hectare which would be anticipated in an urban residential setting.

- 6.5 Some objectors have raised concerns about developing on a greenfield site however the principle of this development has been established through the previous planning permission granted and the increase in numbers is now making more efficient use of the greenfield land already being developed.
- 6.6 With regard to the proposed layout, scale, and appearance, the proposed changes to phase 2 re-orientate dwellings in various parts of the site. All the house types bar one have previously been approved for phase 2. The introduction of a new house type the Clayton Corner House is an addition and would blend in with other housing on the development. Whilst there has been comments about the size of the housing, the house types referred to already has permission to be developed on this site and would continue to be developed outside the red-line boundary of the application as part of the overall mix of the development. The new Clayton Corner House is a medium sized house. The overall road layout is similar to that already approved (although the Highway Authority had concerns about road adoption) and open spaces will remain in the same locations with some of them also assisting with water attenuation.
- 6.7 The revised layout plan shows linkages with the existing Public Rights of Way. The City Council's Housing Section has not raised any objections to the proposed mix of dwelling types and tenures. One objection has raised the issue of housing for the elderly however there is no age restrictions on any of the properties, this would no doubt be a reflection on the housing being mainly two-storey. Lifetime living means that some of the properties would be able to be adapted should people wish to remain in their property when stairs become difficult although no bungalows are provided on the site. The Council's Housing Development Officer has considered this matter and concludes that as this is a re-plan of an existing extant permission it would not be practicable to retrospectively apply the Council's guidance.
- 6.8 The development continues to reflect the relatively distinctive character with well defined streets and spaces, which would be easy to navigate, have two vehicular access points, not encourage inappropriate vehicle speeds, and integrates resident and visitor parking. The layout of the proposed dwellings is such that each unit has space to accommodate refuse/recycling bins with gated access from the "rear" gardens to the road frontage for the terraced units. The additional units can be incorporated without affecting the sense of place created by the initial application.

2. Whether The Proposal Will Be Detrimental To The Living Conditions Of The Existing Neighbouring Residents

- 6.9 On the matter of privacy and overshadowing/loss of light, the Proposed Overall Site Layout Plan shows the proposed properties either having a gable end next to an existing gable end or rear wall to rear wall distances which vary from 22m (for example plot 217 and 53 Drumburgh Avenue and plots 192-195 and 25-26 Wolsty Close) to 29 m (plot 218 to 55 Drumburgh Avenue and plot 209 to 65 Drumburgh Avenue). Alterations to properties on the north western boundary of the existing development have been kept to a minimum. As such, it is considered that the current proposal is acceptable in terms of any impact on the occupiers of the neighbouring properties.

3. Whether The Proposal Will Be Detrimental To Highway Safety And Accessibility

- 6.10 When the original application 14/0778 was considered there were a number of objections in relation to access to the site namely the connection to Newfield Drive and the suitability of Windsor Way. Detailed analysis was undertaken prior to the site being allocated in the Local Plan as well as detailed studies during the course of the planning application including the Council's own independent assessment to verify the analysis undertaken.
- 6.11 This application builds on that original analysis and the data has been updated for the increase of the proposed 18 dwellings. The documents submitted include a revised Transport Assessment (TA) to determine the effects on the highway network that the proposal may have. It is noted within the original TA submitted as part of the planning application 14/0778 that the transport impacts were assessed for 277 dwellings (1 more dwelling than was constructed); therefore the revised assessment assesses the additional 17 additional dwellings up to 294.
- 6.12 The TA submitted undertook detailed capacity assessments using a TRANSYT 15 model for the A7 corridor and Hardwicke Circus. A TRANSYT model was also used for the analysis of the first application and this latest update ensures consistency in the modelling. The report states that the additional 17 dwellings proposed equate to an additional 10 vehicle movements on the weekday AM peak hour and an additional 11 movements in the weekday PM peak hour. The model also determined that the A7 junctions with Newfield Drive and Windsor Way can accommodate the additional traffic flow relating to the proposed increase in the number of dwellings within the development site. The assessment concluded that the impacts of the additional traffic on the highway network were small and no junctions required improvement works. One objector referred to Newfield Drive access as for emergency vehicles only. Whilst there was a statement in the original Transport Assessment which allowed for emergency vehicles to use the access, all the traffic modelling was based on open access, no reference to bollards was made in the TA. The only Emergency Access reference was the link to Tarraby Lane in phase 1 where bollards have been provided.
- 6.13 The Highways Authority agree with the conclusions of the TA that the amount of traffic generated is small and does not impact upon the highway network in

a detrimental way or decrease road safety within the vicinity of the development. The Highways Authority, therefore, has no objections with regards to the principal of the development to increase the numbers.

- 6.14 There were however some concerns relating to the layout and amount of parking provision which had been indicated in relation to the revisions to accommodate additional housing. There was a specific issue in relation to the additional length of highway at plots 273 - 280. The applicant has confirmed within the Section 38 agreement Plan for Phase 2 which sections of carriageway are to be offered for adoption. A small section of shared surface carriageway at Plots 278 – 280 is to remain private and this clarification is acceptable to the Highways Authority.
- 6.15 With regards to car parking provision, the applicant is proposing to include 25 two-bedroom dwellings, 44 three-bedroom dwellings and 21 four bed dwellings within Phase 2. As such, and in accordance with the Cumbria Development Design Guide, it is expected that 176 car parking spaces are to be provided on site with dimensions of 2.4m x 5m. A revised parking layout plan has been submitted indicating that 176 car parking spaces are to be provided within the development site plus a further 14 visitor parking spaces. This provision is acceptable to the Highways Authority.
- 6.16 The Highways Authority has no further objections with regards to the approval of planning permission and on this basis it is considered that there are no substantive highway grounds for the refusal of permission.

4. Whether The Proposed Means Of Foul And Surface Water Drainage Are Adequate

- 6.17 On the matter of drainage, and with particular regard to surface water and Gosling Sike, the County Council (as Lead Local Flood Authority) (LLFA) recognises that there is a history of flooding downstream of this site due to an undersized culvert. The Environment Agency has now been working to resolve this issue by widening the culvert and works have recently been ongoing to resolve this longstanding issue. In response to this application, the LLFA raised concerns about the proposed level of discharge which had set a maximum level in the earlier permission. The LLFA has commented that they have reviewed the further information submitted by the applicant regarding a section 104 agreement with United Utilities for the discharge of surface water into the public surface water sewer at a controlled rate of 49.8l/s. Previous LLFA comments to this application have stated that the maximum discharge rate for the site is to be 45l/s; however, following a review of this application it is noted within the FRA that the QBar rate for the site is 52l/s. In accordance with the Cumbria Development Design Guide, the maximum discharge rate acceptable to the LLFA is the QBar rate. As such the proposal to discharge surface water at 49.8l/s is acceptable as it is below the QBar rate for the site. The LLFA has also reviewed the detailed Micro Drainage calculations and can confirm that sufficient attenuation is being provided on site to accommodate a 1 in 100 year plus 30% to account for climate change storm event in line with Phase 1 of the development. This is acceptable to the LLFA.

- 6.18 With regards to the discharge location proposed for the public surface water sewer, the LLFA has no objections, as the developer has acquired a S104 agreement with United Utilities. The principle of the drainage system has been agreed under previous applications. Therefore, the LLFA has no objections to the drainage system design. On the basis that the proposed foul and surface water drains on separate systems, United Utilities has not raised any objection. The proposed drainage systems to accommodate the additional housing is therefore acceptable.

5. Whether The Proposal Will Meet The Needs Of Affordable Housing

- 6.19 In relation to affordable housing provision, the applicant has agreed with a policy compliant position to provide 30% of the proposed additional dwellings as affordable. This would require a S106 agreement to ensure that they remain affordable in line with the Council's policy however the proposed uplift to affordable housing would be acceptable.

6. Whether The Educational Needs Will Be Met

- 6.20 When application 14/0778 was granted permission a legal agreement was entered into for the following provisions:
- to make an education contribution of £14,500 per primary school pupil generated by the development (i.e. £997,568);
 - grant access rights from the end of Windsor Way to the field (part of registered title number CU284260) adjacent to the south east of the development site;
 - within one month of Cumbria CC serving notice that the primary school will open in the following September, an adopted highway will be completed from the end of Windsor Way to the aforementioned site boundaries; and
 - if at any point Cumbria CC confirms there is no longer a need for a primary school on the adjacent land the right of way requirement will fall away.
- 6.21 The agreement in relation to the financial contribution was made payable at the start of the development and whilst access to a potential school site has been safeguarded by the layout of the development Members are fully aware that the site has not yet been commenced. Nevertheless, this development in particular has already made a significant contribution towards new primary school provision to accommodate children from the new housing and has furthermore made provision for access through the layout of the housing site.
- 6.22 This application has no direct impact on those previous provisions however the increase in dwelling numbers does mean that an additional financial contribution is required. This will require the entering into of another S106 agreement for a financial contribution towards primary school provision. The County Council as Education Authority has advised that in relation to education it is considered that the additional units will generate an additional four primary aged pupils. Therefore a contribution is required for four primary places $4 \times £17,829 = £71,316$. The multiplier is £14,500 as at September

2015 and adjusted using the BCIS All-in TPI, and the County Council would also require the contribution to be provided prior to occupation of any dwellings, this approach is consistent with what has been agreed in relation to other developments in North Carlisle which include 15/0812, 14/0761 and 14/0778. It is important to note that the multiplier and timing of the contribution has been accepted by a Planning Inspector as part of an appeal decision for a development in North Carlisle – Land at Harker Industrial Estate, Low Harker Carlisle (15/0812) & (App/E0915/W/3179674).

- 6.23 Officers are cognisant of the Committee's consideration of a new application at Deer Park which was refused in relation to the additional pressure the development would place on education provision in the north of Carlisle. Although objections are raised to this application on the grounds that this will put pressure on the County Council, it is the developer's house building which will be directly affected as the Phase 1 of the development is complete. Whilst officers endeavour to be consistent in relation to the Committee's decisions, it is notable in this instance that this developer has already made a significant contribution towards education provision on the basis of a financial contribution and the response from the Education Authority is consistent with the earlier approach on this development. This application would only contribute an uplift for four pupils to the existing provisions. This is consistent with the decision already taken on the extant permission which is currently being developed and it is considered that the additional contribution required would have a less than significant impact on education provision albeit a necessary contribution towards additional provision.
- 6.24 On this basis the proposal is consistent with Policy CM2 to provide for Educational Needs.

7. Other Matters

- 6.25 One additional point has been raised in response to the consultation however that relates to the provision of Carlisle South and whilst raising concerns it is outside the remit of this planning application which is not in the Carlisle South area and the points raised are matters of strategic delivery of the St. Cuthbert's Garden Village.
- 6.26 The Crime Prevention Officer raises a number of observations about the development as a whole and in particular notes that in the Phase 2 replan of the layout rear garden boundaries abutting California Lane should be at least 2.4m tall to defend against intrusion (as evidenced by measures exhibited at existing dwellings along this route). It would be advisable to include a planning condition to ensure that boundary treatment reflects this requirement to avoid the subsequent need for further changes to boundary treatment which would require separate planning permission due to the suggested height.
- 6.27 Two consultees have raised concerns regarding the other S106 contributions from the original permission. In particular, a pro-rata uplift towards off site open space, play and sports pitches. This would be consistent with other revisions to layouts in other developments close by where off-site recreation

contributions are required as part of the original development. It is also noted that on-site maintenance and management would be undertaken by the developer and should also be included in the S106 agreement. Stanwix Rural Parish Council has also requested uplift to other provision within the S106 however these are fixed amounts which do not change in relation to the development and are not calculated on a per capita basis. It would therefore not be necessary to increase those contributions.

Conclusion

- 6.28 The current application to increase the housing numbers by an additional 18 units is consistent with Local Plan policies in the Carlisle District Local Plan 2015 – 2030. There are considered to be no substantive highway grounds for the refusal of permission; the Lead Local Flood Authority nor United Utilities have raised any objections; (LLFA) accepts the principles of the drainage design.
- 6.29 On the matter of design, it is considered that the proposal will reinforce existing connections; provide a mix of dwelling types and tenures that suit local requirements; has streets designed to encourage low vehicle speeds; provide sufficient and well integrated resident and visitor parking; has clearly defined public and private spaces; and there is adequate external storage space for bins and recycling as well as cycles. It is considered that the current proposal is acceptable in terms of any impact on the occupiers of the neighbouring properties.
- 6.30 On this basis the recommendation is for authority to issue an approval subject the completion of an appropriate Section 106 Agreement regarding additional contributions towards:
- 30% of the proposed additional dwellings to be affordable of which 50% are to be rented and 50% shared ownership or discounted sale;
 - the payment of an education contribution of £14,500 per primary school pupil generated by the development (i.e. £71,316);
 - pro-rata increase in the off-site contributions towards open space
 - maintenance and management of on-site open space
- 6.31 Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development

7. Planning History

- 7.1 In 2020 a non-material amendment was granted to hand plot 106 in order to avoid an electric pole cable (ref 20/0094).
- 7.2 In 2019 a non material amendment application was granted for non-material amendment of previously approved permission 14/0778 to increase widths to plots 54, 55, 57; increase drive lengths to plots 56, 57; repositioning of drive to plot 57; amendment to boundary & garage to plot 61 (reference 19/0162);
- 7.3 In 2018 full planning permission was granted for erection of electricity

substation (reference 18/0591);

- 7.4 In 2017 full planning permission was granted for erection of temporary sales cabin until June 2018 with associated works (reference 17/0702);
- 7.5 In 2017 advertisement consent was granted for display to 2no. flag poles & 1no. freestanding sign (reference 17/0703);
- 7.6 In 2017 advertisement consent was granted for retention of temporary non-illuminated free standing sales sign (reference 17/0672);
- 7.7 In 2017 a discharge of conditions application was submitted seeking the discharge of conditions 3 (Road Connection From Newfield Park Crossing California Lane - Partial); 4 (Phasing Plan); 5 (Levels - Partial For Plots 1-198 Only); 6 (Materials); 7 (Roads & Footpaths - Partial For Plots 1-198 Only); 11 (Construction Environment Management Plan); 13 (Construction Traffic Management Plan); 14; (Landscaping Scheme - Partial For Plots 1-198 Only); 18 (Open Spaces/Informal Play Areas); 21 (Underground Ducts To Enable Telephone/Broadband Services, Electricity Services & Television Services); 22 (Surface Water Drainage Strategy); 23 (Foul Water Drainage Scheme) And 25 (Water Vole Survey) Of Previously Approved Permission 14/0778 (reference 17/0638). At the time of preparing this report application 17/0638 was undetermined.
- 7.8 In 2017 a discharge of conditions application was submitted seeking the discharge of conditions 5 (archaeological evaluation) and 6 (pedestrian crossing and traffic calming measures) of previously approved planning permission 16/0032 (reference 17/0019). At the time of preparing this report application 17/0019 was undetermined.
- 7.9 In 2016 full planning permission was granted for erection of road to serve new housing estate (application 14/0778) including crossing for public footpath (reference 16/0032);
- 7.10 In 2014 full planning permission was granted subject to a legal agreement for the erection of 276no. dwellings (including 83no. affordable dwellings), associated open space and infrastructure (reference 14/0778).

8. Recommendation: Grant Subject to S106 Agreement

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 18 July 2020;
2. The Location Plan received 18 July 2020;
3. The Planning Layout Phase 2 (Drawing 186.PL02.01 Rev P) received 31 March 2021;
4. The Planning Layout Phase 2 (Drawing 186.PL02.01 Rev P Parking) received 31 March 2021;
5. The Site Layout (Drawing 186.PL.01 Rev A2) received 31 March 2021;
6. The Impermeable Area Layout (Drawing 30124-10) received 18 July 2020;
7. The Road Setting Out Layouts 1 and 2 (Drawings 30124-2-1/30124-2-2) received 18 July 2020;
8. The Longitudinal Sections (Drawings 30124-3-10, 30124-3-4, 30124-3-6, 30124-3-8, 30124-3-9) received 18 July 2020;
9. The Typical Highway Details (Drawing 30124-4) received 18 July 2020;
10. The Surface Water Manhole Scheme (Drawings 30124-5 -1, 30124-5-2, 30124-5-3, 30124-5-4, 30124-5-5, 30124-5-6, 30124-5-7) received 18 July 2020;
11. The Foul Manhole Scheme (Drawings 30124-6 -1, 30124-6-2, 30124-6-3, 30124-6-4) received 18 July 2020;
12. The Control MH Schedules (Drawings 30124-7 -1, 30124-7-2, 30124-7-3, 30124-7-4, 30124 -7-5, 30124-7-6) received 18 July 2020;
13. The Highways and Drainage Layout (Drawings 30124.1.1 G and 30124.1.2 G) received 18 July 2020;
14. The Longitudinal Sections Roads (Drawings 30124.3.1 A, 30124.3.2 A, 30124.3.3 A, 30124.3.5 A, 30124.3.7 A) received 18 July 2020;
15. The Highways and Drainage Layout (Drawing 30124-1-2 H) received 18 July 2020;
16. The Section 38 Agreement Layout and Plan (Drawing 30124-11-2A and 30124-12-2 Rev F) received 31 March 2021;
17. The Domestic Drainage (Drawings 30124-8-3, 30124-8-4, 30124-8-5, 30124-8-6, 30124-8-7) received 18 July 2020;
18. House Types Alnwick, Chedworth, Clayton Corner House, Hanbury, Hatfield, Mosley, Roseberry, Rufford received 18 July 2020;
19. The Section 104 Agreement Plan received 18 July 2020 and Layout received 31 March 2021;
20. The Hydraulic Characteristics and Detailed Specification (Drawings SHE-0100-6600-2500-6600, SHE-0114-8000-2200-8000, SHE-0164-1700-2400-1700, SHE-0266-5000-3000-5000, SHE-0272-5000-2600-5000) received 18 July 2020;
21. Air Quality Assessment received 16 July 2020;
22. The Design and Access Statement received 16 July 2020;
23. Construction Method Statement received 16 July 2020;
24. The Detention Basins Operation and Maintenance Requirements received 18 July 2020;
25. The Archaeological Evaluation Report received 18 July 2020;
26. The Habitat Survey received 18 July 2020;
27. The Phase 1 Desk Study received 16 July 2020;
28. The Phase 2 Intrusive Investigations received 18 July 2020;
29. The Surface Water Network data and surface Water Hydraulic

- Calculations received 18 July 2020 as update 31 March 2021;
30. The SUDS Maintenance and Schedule Template received 18 July 2020;
 31. The Traffic Management Plan received 18 July 2020;
 32. The Transport Assessment received 18 July 2020;
 33. The Traffic Impact Letter date 20 August 2020;
 34. The Tree Survey Report received 18 July 2020;
 35. The Materials Schedule received 11 August 2020;
 36. the Notice of Decision;
 37. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

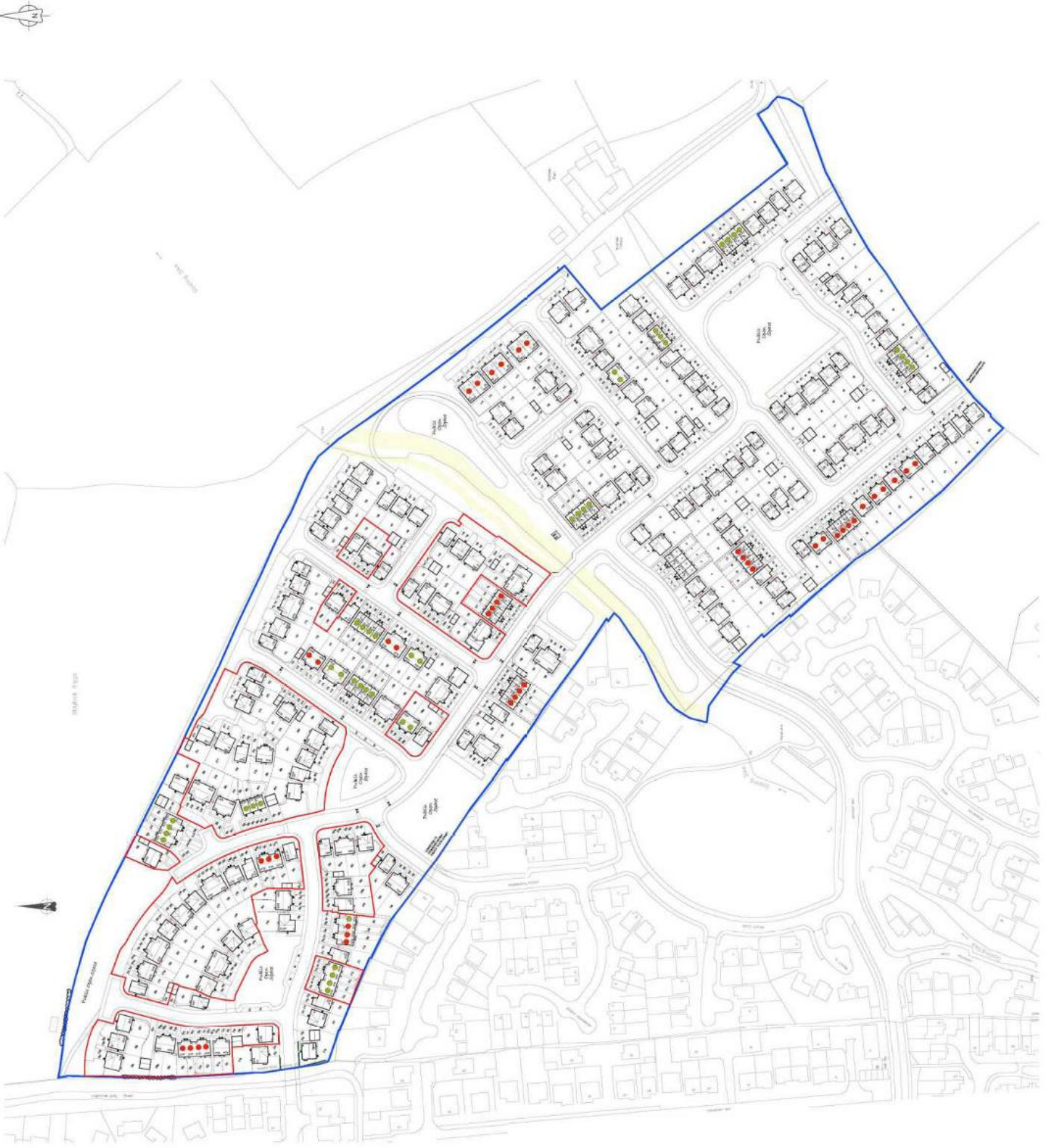
3. Notwithstanding details provided of the boundary treatments, the proposed boundary treatment at the rear of the properties along California Lane shall be 2.4m in height.

Reason: To ensure the design and materials to be used are appropriate and to ensure compliance with Policy CM4 of the Carlisle District Local Plan 2015-2030.




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

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

TARRABY VIEW, Windsor Way, CARLISLE



AMK SCHEDULE	NO	TOTAL SGLT
Armick	29	10022
Armstrong	13	4650
Bailey	7	9133
Bell	13	4650
Bellard	8	4650
Bellard D	8	4650
Bellard S	8	4650
Bellard T	8	4650
Bellard U	8	4650
Bellard V	8	4650
Bellard W	8	4650
Bellard X	8	4650
Bellard Y	8	4650
Bellard Z	8	4650
Bellard AA	8	4650
Bellard AB	8	4650
Bellard AC	8	4650
Bellard AD	8	4650
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Bellard EH	8	4650
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Bellard EJ	8	4650
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Bellard HC	8	4650
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Bellard OC	8	4650
Bellard OD	8	4650
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Bellard OH	8	4650
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Bellard OK	8	4650
Bellard OL	8	4650
Bellard OM	8	4650
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Bellard QT	8	4650
Bellard QU	8	4650
Bellard QV	8	4650
Bellard QW	8	4650
Bellard QX	8	4650
Bellard QY	8	4650
Bellard QZ		

- | | |
|---|--|
|  | Affordable - Rented units
44 Plots Total |
|  | Intermediate - Discount
to market units
43 Plots Total |
|  | Indicatives Areas Subject
to Planning Approval |

Year	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100
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10	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100

Environmental	Windsor Way
location	Cortile
describing name	Torbay View
showing file	Site Layout
drawing name	186.PLO1
number	A2
shown to	JJM
date	11.09.14
checked by	SAH





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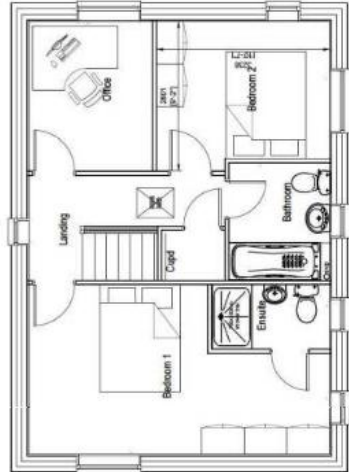
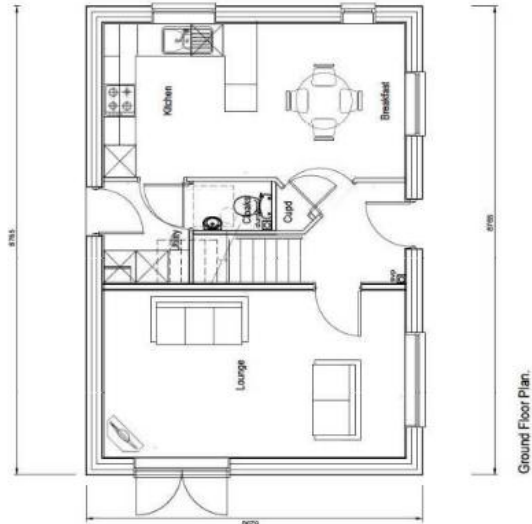
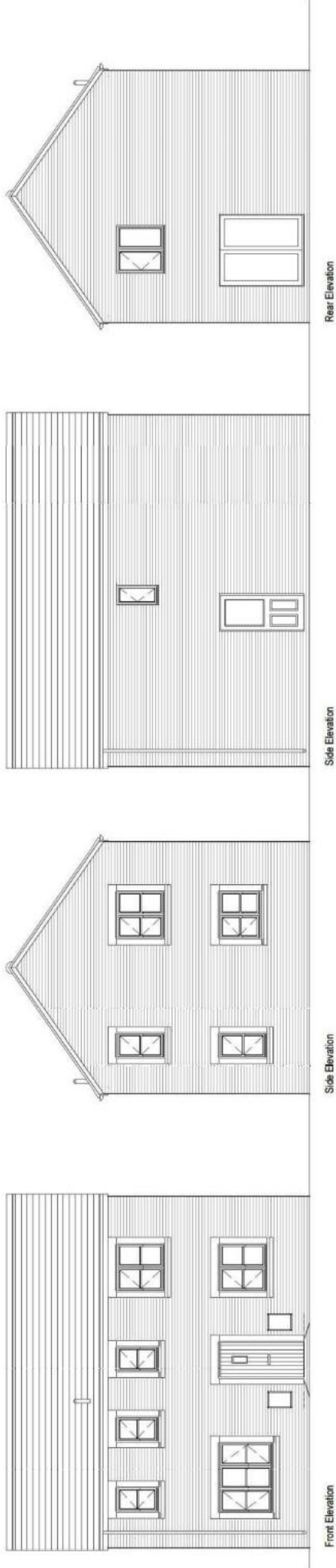
Tarraby View (Windsor Way), CARLISLE











THE CLAYTON CORNER HOUSE TYPE, WINDSOR WAY, CARLISLE

'THE CLAYTON CORNER' | PLANS AND ELEVATIONS | 2 STOREY | 3 BED | FOOTAGE:999 | SCALE: 1:100