

SCHEDULE A: Applications with Recommendation

20/0692

Item No: 06

Date of Committee: 19/02/2021

Appn Ref No:
20/0692

Applicant:
Mr & Mrs Keith Ormiston

Parish:
Stanwix Rural

Agent:
Sam Greig Planning

Ward:
Stanwix & Houghton

Location: Land adjacent to Shortdale Cottage, Tarraby Lane, Tarraby, Carlisle, CA3 0JT

Proposal: Residential Development (Outline) (Revised Application)

Date of Receipt:
14/10/2020

Statutory Expiry Date
09/12/2020

26 Week Determination

REPORT

Case Officer: Christopher Hardman

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Whether The Scale And Design Of The Dwellings Are Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents
- 2.4 Proposed Method For The Disposal Of Foul And Surface Water Drainage
- 2.5 Impact Of The Proposal On Highway Safety
- 2.6 Impact Of The Proposal On Existing Trees And Hedgerows
- 2.7 Impact Of The Proposal On The Public Right Of Way
- 2.8 Impact Of The Proposal On Biodiversity

3. Application Details

The Site

- 3.1 This site is 0.2ha of former paddock/agricultural land at the end of Tarraby Lane and is accessed through Tarraby village. The site is level with a roadside hedge frontage and hedge to the southern boundary. To the west

is the current development of Tarraby View being built by Persimmon which is accessed from Windsor Way and there is a pedestrian link between the development and Tarraby Lane. Dwellings on the Tarraby View development adjacent to this site have recently been constructed. To the north lies Shortdale Cottage and on the opposite side of the lane is Shortdale Farm.

Background

- 3.2 The site was granted outline planning permission for residential development in October 2019 under application 18/0796. When considering that application, it was clear that the Carlisle District Local Plan 2015-2030 includes this site as part of the overall allocated housing site U10 although at the time of the Persimmon applications it was not forthcoming as part of their site. When developing larger sites, it may not always be possible to develop them comprehensively and separate applications may seek development in different stages. This application must therefore be considered in the context of an allocated housing site and an extant outline planning permission for residential development.
- 3.3 Members may recall that a Reserved Matters application 19/0973 was scheduled for Development Control Committee on the 5th June 2020. Prior to the meeting questions were raised about the relationship between the Reserved Matters and Outline applications due to different references in the background information to two or four dwellings. The application was therefore withdrawn from discussion and is currently undetermined.

The Proposal

- 3.4 This application is a revised Outline application for residential development with all matters reserved. The application includes an indicative site plan indicating four plots with each having an individual access onto Tarraby Lane.

4. Summary of Representations

- 4.1 Consultation on this application has been undertaken by the posting of a site notice, additional notices in the vicinity of Tarraby and direct notification to 42 properties including those neighbouring the site and within the village of Tarraby. In response 11 objections have been received.

- 4.2 The objections raise the following issues:

The traffic on Tarraby Lane is already very high, recently we have lost many cats, hedgehogs, etc from speeding cars up and down Tarraby Lane. Increasing any traffic through Tarraby Lane will be disaster, the road isn't suitable for any more traffic.

Tarraby Lane is called a lane for a reason - it is a narrow lane with a passing place by the common. Since the footpath from Houghton opened the lane got busy. Now that Tarraby View is open we get lots of young families

walking along it is nice for them as the only traffic is from the 2 houses at the bottom so they can let their children run on ahead and look at the horses, sheep and cows and go into the wood. If the houses are built there will be at least 2 cars per house. Tarraby will change from being a quiet conservation Hamlet to a busy one it will not be safe if the wagons are going to the building site.

The application is a rehash of widely objected to planning application 19/0973. The concerns raised then by the many objectors have not gone away.

The plans suggest the development of four plots for residential purposes which means four families, their children, their friends, their cars, their deliveries all using the whole length of Tarraby Lane to get in and out of the hamlet.

Tarraby Lane is narrow at the best of times, but beyond Waterside Cottage it becomes a single track excuse of a road with two blind corners and no passing places. The final blind bend is the most dangerous and is where at least one head on collision has occurred in the past. The road is also unlit with no pavements and is likely to be the worst highway in the Carlisle area. Since Covid-19 we have seen an explosion in the use of Tarraby Lane as a place for recreation and also a massive increase in deliveries being made due to the boom in online shopping. All these additional road users increase the risk of a fatality on the road and this development will certainly exacerbate matters.

There is a field immediately south of the plots that Laing Property Holdings sold to Cumbria County Council in 2017. The expectation for this field is for it to be used to build a new school. This will mean the new houses on Windsor Way adjacent to the plots will appeal to families with children as will the proposed homes for this planning application. In turn, there will be a lot of children playing on Tarraby Lane, riding about on bikes, visiting friends, not always looking where they are going. This will be a recipe for disaster if this proposed development is passed.

For safety's sake, please reject this application and also scratch out the original permission for outline development which you must realise in hindsight was a woeful error.

Four new houses would likely mean an increase in traffic through Tarraby of up to eight cars.

Tarraby Lane is very narrow for much of its length and the proposed development is just round a very sharp bend. Visibility would be very poor for drivers.

The area is very popular for walkers and particularly young families who value the safe area with limited traffic. It has become even more popular since the development of Tarraby View. Pedestrian access to Tarraby Lane from this new housing estate is right on the dangerous corner already mentioned.

The village of Tarraby is a conservation area and much valued by residents and visitors alike.

It is important to preserve such areas for the enjoyment of the many people who use it and value it.

Tarraby Lane from the land proposed to build four houses on is absolutely

unsuitable for the eight vehicles that could easily use it from the proposed properties.

The path from Tarraby View estate has meant that many more families and dog walkers are enjoying the lane, and more vehicles would be dangerous . I have not noticed the planning proposals displayed here, a neighbour had to tell me.

Apparently they were tied to the telegraph post for a day or two but were then removed.

The plots are situated as you come round a very restricted visibility bend. There is now an alleyway/cut through to the new estate with a greater number of children on bikes, people with dogs, etc a very bad situation for the plots There is no pedestrian path to get onto

It is a designated footpath

Where will the deliveries of building materials on lorries manoeuvre and park there is not enough space in each plot

There is no way out as it is a no through road

The Highway Authority has failed to consider the impact of traffic throughout the whole length of Tarraby Lane

There are two further larger family dwellings, the public house car park and a new dwelling next to Wensleydale having access onto the lane

Not accounted for the pedestrian access from the large Persimmon development to visit the public house and petrol station/convenience store

Lane provides additional amenity to access the Wildlife Trust and Water Park, additional vehicles would increase safety issues for pedestrians

The lane is entirely narrow, single carriageway

A number of residents have no access to off-street parking

A letter from Cumbria Constabulary in 2012 highlighted local dangers of traffic Serious impact on residents of Tarraby, visitors and on the local rural environment

It is a peaceful conservation area directly adjacent to Hadrian's Wall World Heritage Site and we are now very close to losing that tranquillity

A full traffic impact survey and footfall survey should be undertaken for the whole of Tarraby Lane

The nature of the proposal is not readily apparent as the layout plan is merely indicative giving the impression there are four units

A reserved matters application could increase the number of dwellings beyond 4

No background transport information has been submitted

There is no location/details of the passing places

Absence of information on drainage and how this may impact on visibility splays and the extent of land required

The relatively quiet rural character of the neighbouring countryside should be respected

Increase in traffic would conflict with the predominantly quieter character of the area

Four additional family homes would triple the volume of traffic in that part of Tarraby Lane

Narrowness of lane and lack of pavement heightens concerns over perceived

safety and ability to use lane for exercise and be a general detriment to health and well-being

Plan is at odds with policies SP6, SP7, SP8, SP9 and HO3 of the Local Plan

I bought my home knowing that we would not be overlooked with having no neighbours behind us and also we sacrificed a larger garden to have the plot we have.

We bought our property knowing there was no one living directly behind us. I recently purchased my property on the understanding that there would be nothing built behind it. It seems questionable that all of a sudden four properties have been proposed? I object to planning consent particularly if it means that my own and neighbouring properties are overlooked by the proposed houses.

- 4.3 Objectors have referred to the recent application (19/0973) which was withdrawn from discussion. When consulting on this application the letter of notification was amended so that people were informed that any objections would not automatically be carried forward to this application. The issues raised in that consultation have been raised in relation to the objections above and in the Parish Council's response.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): -

Highways response:

Outline planning permission was granted on land adjacent to Shortdale Cottage, Tarraby Lane, Carlisle for 2 dwellings (18/0796). As part of the Highways Authority response to the planning application 18/0796 no objections were raised with regards to the development and the principal for the development of 2 dwellings was established. It was noted within the Highways Authority response that an issue that these additional dwellings will bring is the potential for conflict with regards to traffic along Tarraby Lane. As such 2 passing places were to be funded by the applicant along Tarraby Lane to mitigate against any impacts.

The current proposal is to increase the number of dwellings from 2 to 4 on Tarraby Lane. As noted within the previous planning application 18/0796, the increased traffic movements are a major issue as Tarraby Lane has no passing places in its current guise. It is noted that the number of vehicle movements for the current application will be greater than those previously approved; however the effects can be mitigated through the creation of passing places as requested previously. Therefore passing places are required to permit vehicle movements along this route, not only for the 4 dwellings proposed but also for any traffic which will have to serve the properties i.e. refuse, deliveries. The passing places are to be constructed at the developers cost (including any service diversions). The works will require a s278 Agreement and will need to be designed to take into account the traffic that may need to use them. It should also be noted that a s184 permit will be required to form the new accesses into each dwelling.

Therefore to conclude the Highways Authority have no objections with regards to the approval of planning permission subject to the applicant

funding the creation of passing places on Tarraby Lane and the conditions at the end of this response being applied to any consent granted.

LLFA response:

It is noted within the application form for this outline application that the method of discharge for surface water originating from this development would be via the combined sewer.

The applicant should work through the drainage hierarchy as set out within the Cumbria Development Design Guide to establish a suitable method of surface water disposal, as disposal to a sewer is a last resort option. The applicant is therefore required to undertake an infiltration test in accordance with the BRE 365 method to ascertain if infiltration is a viable method of discharge. The results of this test are to be sent to the Lead Local Flood Authority for comment. It is also worth stating that the development site itself is not located within an area prone to flooding. In light of the above the Lead Local Flood Authority have no objections to the approval of outline planning permission for this development subject to the following conditions being applied to any consent you may wish to grant.

Public Rights of Way response:

Public footpath 132011 follows an alignment to the east side of the proposed development and must not be altered, obstructed or affected before or after the development has been completed. If the footpath is to be temporarily affected then the applicant would need to apply to temporarily close the route there while work to create new vehicular accesses proceeds.

Conclusion:

Therefore to conclude the Highways and Lead Local Flood Authority have no objections with regards to the approval of planning permission subject to the applicant funding passing places on Tarraby Lane and the following conditions relating to surfacing of driveways; gates opening inwards, reduction of boundary treatment for visibility; prevention of surface water draining onto the highway; means of access and turning arrangements; construction traffic; surface water drainage and management.

Stanwix Rural Parish Council: -

At Q6 of the Application Form the applicant draws attention to the planning history of the site; and the advice of a former Planning Officer; the previous advice referred to being in respect of Appn Ref 18/0796 (Outline).

As planning history is brought into consideration by the applicant a brief examination is made in the interests of fairness and transparency.

Appn Ref 18/0796 (Outline)

Appn Ref 18/0796 proposed only 2 dwellings and included a Transport Statement. The Notification of Decision lists the application documents that define the permission; these include (numbered as per the notice):

1. *The submitted planning application form received 28 August 2018*
(This specifies 2 Dwelling Units at Q7)
2. *The site location plan (Dwg 2946-01) received 28 August 2018*
(This shows only one large plot)
3. *The block plan (Dwg 2946-02) received 28 August 2018*
(Dwg 2946-02 is actually titled 'Block Plan As Existing' and shows only one plot.)
4. *"The transport statement produced by WYG received 28 August 2018 -*
This states: *"Two years have passed since our previous correspondence"*
And; *"We are now advised that an application is imminent but that even with the passage of two years, no aspects of the scheme have changed"*
(The statement was thus 2 years out of date.)
6. *The Notice of Decision*
(Thus confirming that consent is for 2 dwellings sharing 1 plot)
It is important to note that this application was approved prior to the opening of a direct pedestrian/cycle between Tarraby Lane and Tarraby View estate.

Appn Ref: 19/0973 (Reserved Matters)

The subsequent Reserved Matters Application, Appn Ref: 19/0973, received 19/12/2019, contained significant anomalies and inaccuracies (Refer to Stanwix Rural Parish Council submission 22/1/2020 and that of Hyde Harrington 6/2/2020) and generated several further objections. This was the only application scheduled for determination at the Development Control Committee on 5/6/2020; the minutes of the meeting record that on-going discussions with the applicant, in respect of a number of technical and legal issues, had not been resolved and consequently the Agent had requested the application be withdrawn.

In stating that, *"As the extra two dwellings are to be sited on an un-adopted highway, in principal the Highway Authority has no objections to the proposals."*, the officer report of 05/06/2020, in respect of Appn Ref 19/0973, repeats an error contained in the report of Cumbria County Council Flood & Development Management Officer, of 23 January 2019. The part of Tarraby Lane referred to actually constitutes part of the adopted road U1170 and also forms part of Public Right of Way -Footpath 132011.

CURRENT APPLICATION - APPN REF: 20/0692

The application proposes that four dwellings be permitted on a Greenfield site lying at the western end of the U1170 Tarraby Lane, an adopted highway forming a cul-de-sac from the C1012 Houghton Road.

Application Issues

Q 9 of the Application Form requires complete details of the changes be provided, no such details are given; the application form is therefore incomplete.

Under the heading Mandatory National Requirements, Carlisle City Council Planning Validation Checklist Guidance states, at 4 Block Plan, that in all in all cases *"the following must also be provided unless these would NOT influence or be affected by the proposed development."* (Original emphasis)

- All the buildings, roads and footpaths on land adjoining the site including access arrangements.
- All public rights of way crossing or adjoining the site
- The application and Block Plan fail to provide any detail or consideration in respect of:
- The U1170 Tarraby Lane next to the site – an adopted highway and PRow simply identified as ‘access road’
- The pedestrian/cycle link between Tarraby View and Tarraby Lane
- The Parish Council believes that this lack of compliance with mandatory requirements invalidates the application.

Highway/Public Right of Way Issues

The section of Tarraby Lane fronting the site is identified as having Dual Status, also forming part of Public Right of Way – Footpath 132011 (Map A: Cumbria County Council Plan Public Footpath No.132011, Tarraby). This, the narrowness of the lane, and its use to connect two further PRows requires that highway and PRow issues are closely connected and must be considered in tandem.

Footpath 132011 must not of course be altered or obstructed before or after the development has been completed, while a temporary obstruction or diversion would require formal temporary closure.

The lane also serves to link 2 further PRows, Numbers 132010 and 132009. Together these link Stanwix with Houghton, via the Cumbria Wildlife Trusts centre at Houghton, and are increasingly popular with local people and by walker’s following the route of Hadrian’s Wall. (Map B: Tarraby Lane Constraints)

Immediately adjacent to the south east boundary of the site a newly constructed pedestrian/cycle access connects the Tarraby View estate with Tarraby Lane, emerging onto a 90 degree corner (Map B Tarraby Lane Constraints & Images 1).

The Tarraby View estate is accessed from the A7 Scotland Road, via the Windsor Way estate. This direct pedestrian/cycle link, between Tarraby Lane and Tarraby View estate, therefore also connects the previously very little used and narrow cul-de-sac to the large residential areas lying west of the A7. A major increase in use of the lane by families with young children; and cyclists of all ages and having varying degrees of road safety awareness is already evident.

Equestrian traffic is also very common on Tarraby Lane; a horse training manège lying approximately 235m east of the proposal site (Map B: Tarraby Lane Constraints); while stables access the lane within the Conservation Area. Horse drawn vehicles also use the lane.

All motorised traffic accessing the site must pass through the Tarraby Conservation Area, designated 51 years ago as Carlisle’s first Rural Conservation Area. The lane through the Conservation Area is restricted and has almost blind corners. Some properties in the Conservation Area have little if any off road parking, as result several cars may at times be required to park on the lane thus further restricting its width.

Although it may be possible to create passing places at the developer’s expense, this option would not of course be possible in the built part of the

Conservation Area. Such passing places that may be required must be of sufficient dimensions and load bearing capacity to allow their safe use by heavy goods vehicles accessing the site, both during and after construction. Any development accessing Tarraby Lane beyond the boundary of the Conservation Area will inevitably have an impact upon the Conservation Area.; the increase in traffic generation from four new dwellings; i.e. that of residents, visitors, service and delivery vehicles, construction traffic etc. representing a significant proportional increase in daily traffic flow.

Conservation Area

The site was once allocated for development as part of allocated housing site U10, Land off Windsor Way and land east of Lansdowne Close/Lansdowne Court [Officer Report, Appn Ref 19/0973]; first identified 9 years ago, in 2011, and would have been accessed via new estate roads.

The current circumstances of the site now bear no comparison with those existing in 2011. It is now a stand-alone Greenfield paddock fronting directly onto a PRow, meaning current application 20/0692 can no longer be considered in the context of an allocated large scale housing site.

It is evident that due to the location of the site and its consequent inaccessibility to motor vehicles, except via the Conservation Area, the proposal's impact will be as though it lies within or adjacent to the Conservation Area.

The impact of the proposed development on the Conservation Area must therefore be a material consideration.

Policy HE 7 - Conservation Areas of the Carlisle District Local Plan 2015-2030 states:

"Any new development and/or alterations should preserve or enhance the special character and appearance of the conservation area and its setting."

And:

- *not have an unacceptable impact on the historic street patterns; and*
- *not generate a significant increase in traffic movements, heavy vehicles or excessive parking demands where these would be prejudicial to the character of the conservation area.*

Paragraph 189 of the National Planning Policy Framework (NPPF) states:

"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting."

And at paragraph 190:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

And at paragraph 193:

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's

conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”

While Government Guidance on the historic environment states:

“All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.”

And:

“When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.” [Government Guidance

conserving-and-enhancing-the-historic-environment, updated 23 July 2019]

In considering ‘*the implications of cumulative change*’ referred to in the above Government Guidance it is important to include the impact arising from the increase in pedestrian and cycle traffic access from Tarraby View estate and also those of: 2 large dwellings (Appn Ref: 18/0928); a large dwelling (Appn Ref 18/0402); a large dwelling (Appn Ref: 15/0179); Equestrian Ménage (Appn Ref 15/1142); a large dwelling (Appn Ref 14/0483); a large dwelling (Appn Ref 06/1462).

Archaeology

The route of the PRow - Footpath 132011 is traceable on Hodkinson and Donald's Map of Cumberland 1774, and may even then have long been established, Tarraby being a name of Viking origin and the hamlet being built almost directly on top of Hadrian’s Wall. As the site is a paddock lying alongside the footpath it may harbour features of archaeological interest yet it appears never to have been subject of an archaeological survey.

In consideration of the above the Parish Council strongly objects to the proposal for the following reasons:

- The application may be invalid;
- the impact of the proposal in view of the status of the lane as an adopted highway;
- the impact of the proposal in view of the status of the lane as a Footpath
- the effect of the proposal on highway safety with regard to the increasing volume of pedestrians and cyclists now able to access Tarraby Lane via the new link;
- the risks generated by increased daily traffic and construction traffic coming into conflict with equestrian traffic;
- the narrowness of the lane;
- the lack of passing places;
- the impact on the Conservation Area of construction traffic should consent be granted;
- the impact on the Conservation Area of increased volume domestic vehicular traffic, including from visitors and delivery and service

vehicles should consent be granted;

- the possible presence of hitherto unidentified archaeological features;
- The resulting overall detrimental impact upon the character of the conservation area

Local Environment - Environmental Protection: -

Noise & vibration

Consideration should be given to limit the permitted hours of work in order to protect any nearby residents from possible statutory noise nuisance, this includes vibration. Any other appropriate noise mitigation measures should be considered, for example, the use of noise attenuation barriers, the storage/unloading of aggregates away from sensitive receptors and the use of white noise reversing alarms, where possible. These measures should aim to minimise the overall noise disturbance during the construction works.

Dust

It is necessary to protect any nearby residents or sensitive receptors from statutory nuisance being caused by dust from the site. Given that the site is located in a residential area it would be advisable to consider all appropriate mitigation measures. Vehicles carrying materials on and off site must be sheeted or otherwise contained, water suppression equipment should be present on site at all times and used when required, wheel wash facilities should be made available for vehicles leaving site and piles of dusty material should be covered or water suppression used.

Contamination.

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. Further guidance can be found on the Carlisle City Council website "Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers."

Site investigations should follow the guidance in *BS10175:2011 (or updated version)* "Investigation of Potentially Contaminated Sites.- Code of Practice ". 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.

Air Quality and Transport

Measures that encourage the use of zero-emission modes of transport should be included in the development proposal. The aim is to minimise future impacts on air quality. It is recommended that the developer provides at least one electric vehicle charging point per dwelling, with off street parking. The use of rapid charging points in communal parking areas should also be implemented. This recommendation is supported by the following:

Institute of Air Quality Management (IAQM)

The provision of charging points is in line with current IAQM 'Land-Use Planning & Development Control: Planning for Air Quality' guidance (2017). Section 5 states:

"The provision of at least 1 Electric Vehicle (EV) "fast charge" point per 10 residential dwellings and/or 1000m² of commercial floorspace. Where on-site parking is provided for residential dwellings, EV charging points for each parking space should be made".

The National Planning Policy Framework (NPPF)

This was updated in February 2019 and concisely sets out national policies and principles on land use planning. Paragraph 105 states:

"If setting local parking standards for residential and non-residential development, policies should take into account: ...e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles".

Paragraph 103 of the NPPF states:

".... Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health...".

The Carlisle District Local Plan 2015-2030

Carlisle City Council (CCC) adopted the Carlisle District Local Plan 2015-2030 in November 2016

Policy IP2 - Transport and Development:

"Sustainable Vehicle Technology: Developers will be encouraged to include sustainable vehicle technology such as electric vehicle charging points within proposals".

Paragraph 6.13 states: *".... consideration should be afforded to increasing electric charging provision wherever appropriate and possible".*

Policy CM5 – Environment and Amenity Protection:

"The Council will only support development which would not lead to an adverse impact on the environment or health or amenity of future or existing occupiers".

United Utilities: - No objection subject to conditions relating to surface water and foul water management.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO1, HO2, IP3, IP4, IP6, CC5, GI1, GI3 and GI6 of the Carlisle District Local Plan 2015-2030. The

City Council's Supplementary Planning Documents 'Achieving Well Designed Housing' and 'Trees and Development' are also material planning considerations.

6.3 The proposal raises the following planning issues:

1. Principle Of Development

- 6.4 The NPPF seeks to promote sustainable development in sustainable locations and in this context there are two aspects to this application. The land is allocated as part of the larger housing allocation U10 under the strategic housing policy HO1 and is indicated as that on the Local Plan Policies Map as part of the Carlisle District Local Plan 2015-2030. At this part of the allocated site, the north eastern boundary runs contiguous with Tarraby Lane. At the time of developing the larger housing allocation this site remained in separate ownership. There is no requirement that all allocations are developed at once unless policies seek particularly to masterplan that development due to particular constraints.
- 6.5 If the site was not allocated it would be considered in relation to Policy HO2 of the Local Plan which states new housing development on sites other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown, and villages within the rural area provided that the development would not prejudice the delivery of the spatial strategy of the Local Plan and subject to satisfying five criteria.
- 6.6 When assessing the application against the foregoing policies, the application site is accessed from Tarraby Lane through Tarraby village which is very rural in nature and access will be discussed later in this report. The context would suggest that this development is therefore within the rural area and the site has been used as a paddock however it lies within/adjacent to a large housing allocation where housing development is already underway and since the original application has been completed all along the western boundary of the site. As a consequence, this site will be directly adjacent to the urban edge of Carlisle and given the nature of the surrounding development would be seen directly in an urban rather than rural context.
- 6.7 Whilst agricultural land is to the east across the lane and further to the south east, the surrounding residential development and well defined boundaries mean that this site and its defined curtilage do not create a precedent for further housing extending into the rural area. This was reflected in the boundaries of the allocation of the land as a housing site.
- 6.8 A further material consideration relating to the principle of development is the outline approval which exists and has already established the principle of development.
- 6.9 Accordingly, in line with the NPPF, Local Plan policies and other material considerations, the principle of development is acceptable.

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

- 6.10 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the Local Plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing. Development of this site has to consider a rural and urban juxtaposition and therefore the design will have to respect this unique setting.
- 6.11 The application seeks outline planning permission with all matters reserved. Accordingly, appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application and would have to be considered by a subsequent application. The submitted details, however, indicate the siting of four plots which would gain access via the lane from Tarraby. It is worth noting that the adjacent housing development contains eight residential units along the same site length and four appear to be a reasonable interface given the site's surrounding context.
- 6.12 As previously highlighted, the application seeks outline planning permission with all matters reserved, therefore, the details of the dwellings would be considered on their merits during any subsequent application. Notwithstanding the foregoing, conditions are recommended requiring the submission of existing and proposed ground levels and the height of the proposed finished floor levels and ridge height of the proposed dwellings. Further conditions, amongst others, are also recommended which would require the submission of details in respect of materials and a landscaping scheme. Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design. Furthermore, any subsequent application would have to demonstrate that the development would achieve adequate amenity space and off-street parking to serve each dwelling.
- 6.13 The Parish Council has noted that the application does not include a Block Plan as required through our validation processes however as this is an outline application with all matters reserved a Block Plan is not required and an indicative site plan is sufficient to be able to consider whether the principle of development would be acceptable.

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

- 6.14 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed

Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.

- 6.15 As outlined earlier in the report, the layout and scale of the proposed development, amongst other matters, are reserved for subsequent approval. Accordingly, any subsequent application would have to satisfy the objectives of the relevant policies within the local plan and SPDs. Nevertheless, to further protect the living conditions of the occupiers of neighbouring properties from unacceptable noise disturbance during construction works a condition is recommended that would restrict construction hours.
- 6.16 It is noted that some objections have been received from residents of the new development expecting the site not to be developed. The Local Plan allocation and previous outline application have established the principle for development of this site and the use of planning conditions will therefore ensure that their amenity is protected in line with other developments within the district.

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

- 6.17 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development; however, due to the fact that only outline planning permission is sought by this application, there is no requirement to provide comprehensive details of the method for the disposal of either surface water or foul drainage provision at this stage. Nevertheless, the documents submitted as part of the application outline that drainage would be to a mains sewer.
- 6.18 Cumbria County Council, as Lead Local Flood Authority (LLFA), has been consulted and confirm that its surface water map illustrates that there is no flooding and/or surface water issues in the locale. As such, it is believed that the risk of surface water flooding would not be increased, therefore, there are no objections from the LLFA perspective. In respect of the disposal of foul water, United Utilities in its consultation response also raise no objections to the proposal.
- 6.19 Given the lack of details in respect of drainage and to ensure that there is adequate provision for foul and surface water facilities, pre-commencement conditions are recommended which would ensure the submission of further details.

5. Impact Of The Proposal On Highway Safety

- 6.20 As outlined earlier in the report, the application seeks outline planning permission with all matters reserved however the issue of access and transport has been a major concern raised by objectors. In this respect, the submitted drawing indicates that each of the proposed dwellings would have direct access onto Tarraby Lane.

- 6.21 Cumbria County Council, as Highway Authority, has been consulted and raise no objections; however, it acknowledges that due to the nature of the lane improvements are required to address highway safety by the creation of passing places. The concerns raised by objectors were brought to the attention of the Highway Authority and they have confirmed their comments on the application are still applicable. One of the objectors has raised further concerns in terms of the volume of pedestrian use in the lane. It has been noted that in recent months, the construction of the new housing which has a pedestrian link to Tarraby Lane combined with the lockdown restrictions on movement has led to an increase in pedestrians using the lane for exercise. This increase is noted and the volume of use will vary over time as people get used to new routines and adapting lifestyles post lockdown. It is envisaged that there would still be some increase since the original application was submitted and the road is a narrow rural lane.
- 6.22 The Local Plan allocation for U10 was specific that access for the housing allocation should not seek to bring the whole of the development along Tarraby Lane as the allocation anticipated 300 dwellings however this minor part of the allocation is only seeking access for four plots and in that context and the response from the Highway Authority the principle of accessing Tarraby Lane would be acceptable. Local residents have raised concerns that such access would necessitate passing through the village however the nature of the existing road layout necessitates the use of slower speeds which act as a speed control measure without the need for further modification. The Parish Council has raised concerns regarding the impact of additional domestic vehicular traffic on the conservation area at the heart of the village. Whilst the concern is noted, there are currently no restrictions on traffic to existing housing in the village such as the number of cars owned or volume of deliveries which could take place. It is therefore not reasonable to seek to impose restrictions on the proposed development for the volume of domestic traffic or that it would be a significant increase in traffic over that which could already happen.
- 6.23 The County Council has therefore requested a number of planning conditions as well as the provision of passing places, to ensure highway safety is integral to the development.

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

- 6.24 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute to a locality, and/or are of specific natural or historic value. In respect of new development, proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges will be resisted.
- 6.25 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas

alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing trees and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting. It is important that these issues are considered at the very start of the planning process.

- 6.26 The application site in particular has hedges along its boundary. As the application seeks only to establish the principle of development together with the access, landscaping would be subject of a further application. Conditions are recommended which would require the submission of a landscaping scheme and the installation of protection barriers around any retained trees or hedges.

7. Impact Of The Proposal On The Public Right Of Way

- 6.27 Tarraby Lane forms part of the local Public Right of Way network and goes along the access in front of the site. The County Council, in its response has noted that there should be no obstruction to the right of way as a consequence of the development however it also acknowledges that works may have an impact during construction and measures would need to be put in place to ensure safe access routes. The proposed housing plots do not obstruct the right of way and there would be no long-term impacts or need for any permanent diversion.
- 6.28 The Parish Council has referred to the fact that the lack of information in the application form invalidates the application. The Council has accepted the application as valid and information on the Public Right of Way network is available from its own mapping and through consultation with the County Council. The impacts on the Public Right of Way have therefore been considered as part of the application and not been overlooked by lack of reference.

8. Impact Of The Proposal On Biodiversity

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

Conclusion

- 6.30 The application seeks outline planning permission with all matters reserved, therefore, the application seeks only to establish the principle of development of the site.

- 6.31 Appearance, landscaping, layout, scale and access are reserved for subsequent approval and do not form part of this application; however, they are subject to appropriate planning conditions and would be given careful consideration at the time of any subsequent application to ensure that the scheme would comply with the NPPF, PPG, relevant local plan policies and SPDs.
- 6.32 In overall terms, the principle of development accords with the objectives of the NPPF, PPG, the Carlisle District Local Plan 2015-2030 and SPDs. Accordingly, the proposal is, therefore, recommended for approval.

7. Planning History

- 7.1 Planning application 18/0796 for Residential Development (Outline) was granted permission on 18th October 2019.
- 7.2 Planning application 19/0973 for the proposed landscaping of plot boundaries and access arrangements for each plot (Reserved Matters Application Pursuant To Outline Consent 18/0796) is currently undetermined.

8. Recommendation: Grant Permission

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

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

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

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

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

1. the submitted planning application form received 14 October 2020;
2. the location plan (Dwg 2946-01) received 14 October 2020;
3. the existing site plan (Dwg 2946-02) received 14 October 2020;
4. the statement on land contamination received 14 October 2020;
5. the Notice of Decision; and
6. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. Not more than four dwellings shall be erected on the site pursuant to this permission.

Reason: The local planning authority wish to control the scale of the development to avoid a cramped form of development in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

5. No development hereby approved shall be commenced until full construction details of two passing places to be provided, have been submitted to and approved, in writing, by the Local Planning Authority. The passing places shall be installed in compliance with the approved details prior to the occupation of the dwellings approved under the pursuant Reserved Matters application.

Reason: In the interests of highway safety.

6. The access drive shall be surfaced in bituminous or cement bound material, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 10 metres inside the site, as measured from the carriageway edge of the adjacent highway.

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

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

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

8. Access gates, if provided, shall be hung to open inwards only away from the highway.

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

9. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter.

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

10. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to the Local Planning Authority for approval. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied. Details showing the provision of a vehicle turning space within the site, which allows vehicles visiting the site to enter and leave the highway in a forward gear, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the turning space constructed. The turning space shall not thereafter be used for any other purpose.

Reason: To ensure that provision is made for vehicle turning within the site and in the interests of highway safety. To support Local Transport Plan Policies: LD7, LD8

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

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

12. Development shall not commence until a Construction Phase Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
 - Details of proposed crossings of the highway verge;
 - Retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
 - Cleaning of site entrances and the adjacent public highway;
 - Details of proposed wheel washing facilities;
 - The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway

Reason: In the interests of highway safety

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

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

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

14. No development shall commence until details to confirm the design of the surface water drainage system will mitigate any negative impact of surface water from the development on flood risk outside the development boundary have been agreed in writing with the local planning authority.

Reason: To safeguard against negative impact outside the development boundary to people and property

15. No development shall commence until details of the future maintenance and operation of the surface water systems are agreed in writing with the local planning authority.

Reason: To ensure the surface water system continues to function as designed

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

Reason: To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

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

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

18. Prior to the commencement of development details of the relative heights of

the existing and proposed ground levels and the height of the proposed finished floor and ridge heights of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and the relationship of the proposed dwelling with existing dwellings in accordance with Policies SP6 and HO3 of the Carlisle District Local Plan 2015-2030.

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

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

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

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

21. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of the dwelling. 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 Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

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

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

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

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

24. Prior to the occupation of each dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for each dwelling shall be implemented on site before that unit is occupied and shall be retained thereafter for the lifetime of the development.

Reason: To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

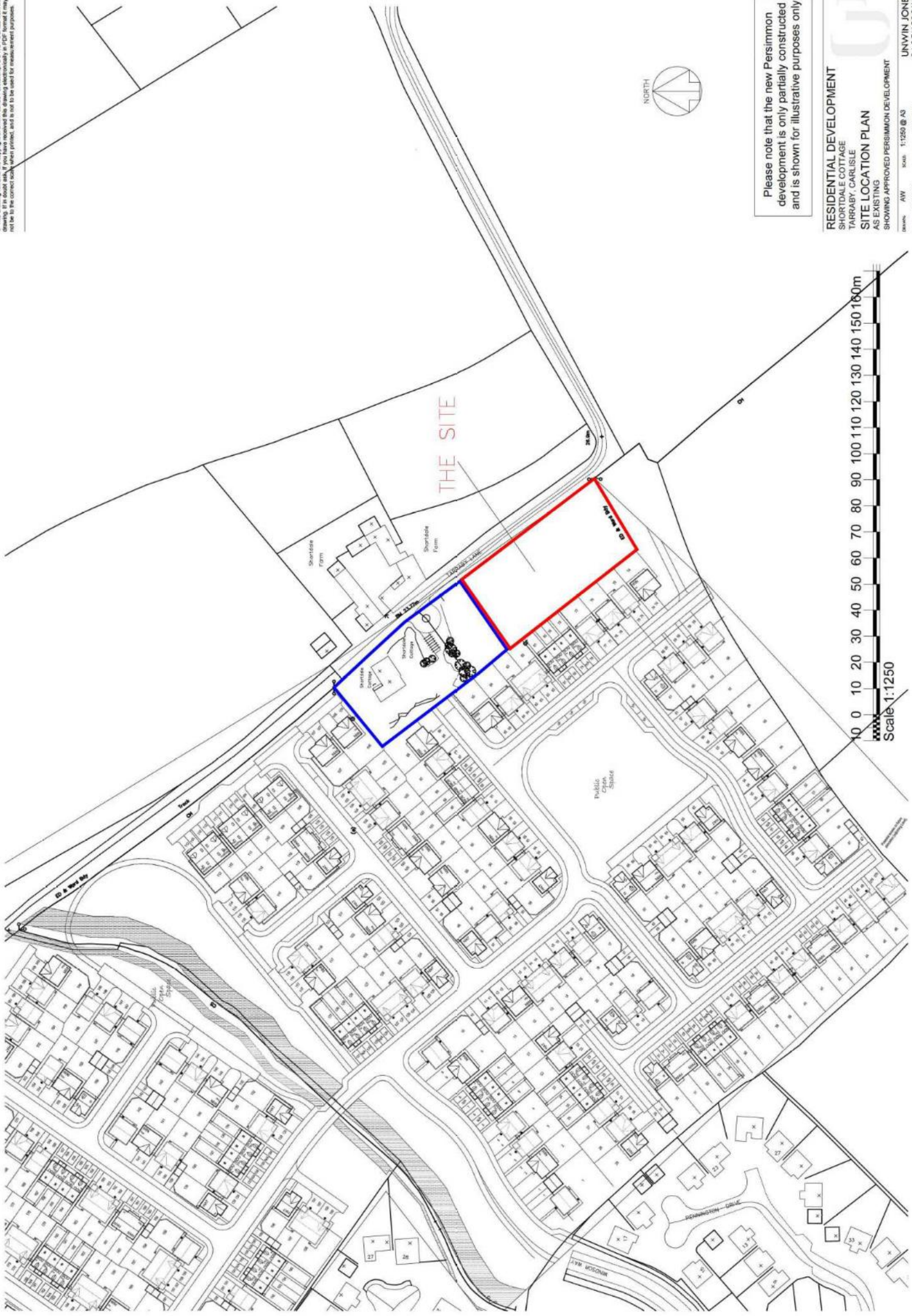
25. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary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

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

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

GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.



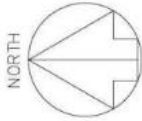
Please note that the new Persimmon development is only partially constructed and is shown for illustrative purposes only

RESIDENTIAL DEVELOPMENT
SHORTDALE COTTAGE
TARRABY CARLISLE
SITE LOCATION PLAN
AS EXISTING
SHOWING APPROVED PERSIMMON DEVELOPMENT

UNWIN JONES PARTNERSHIP
2046-01
1:1250 @ A3
AUG 18
AW
2046-01
UNWIN JONES PARTNERSHIP
2046-01
1:1250 @ A3
AUG 18
AW
2046-01

GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.

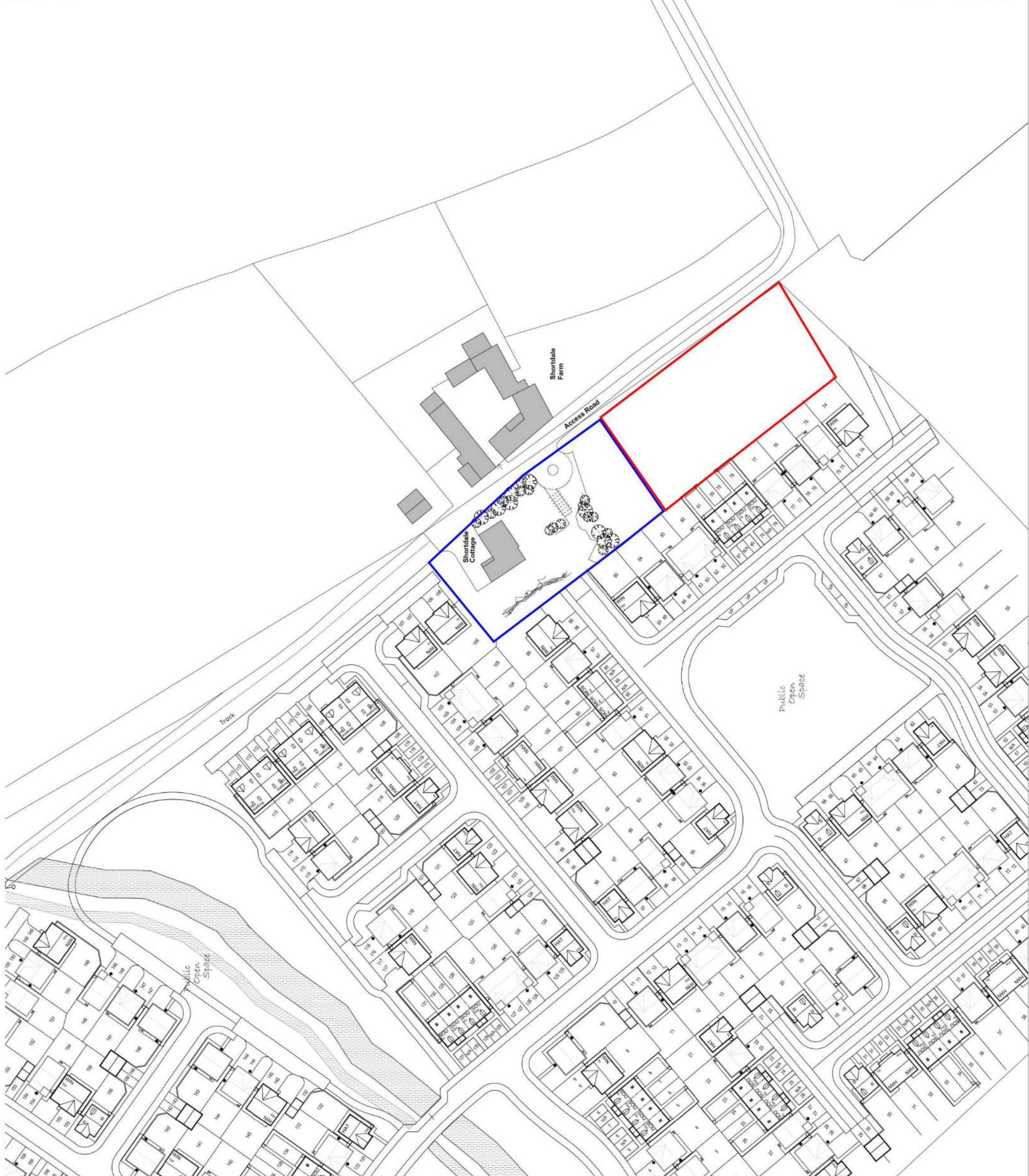


Please note that the new Persimmon development is only partially constructed and is shown for illustrative purposes only

RESIDENTIAL DEVELOPMENT
SHORTDALE COTTAGE
TARRABY, CARLISLE
BLOCK PLAN
AS EXISTING
SHOWING APPROVED PERSIMMON DEVELOPMENT

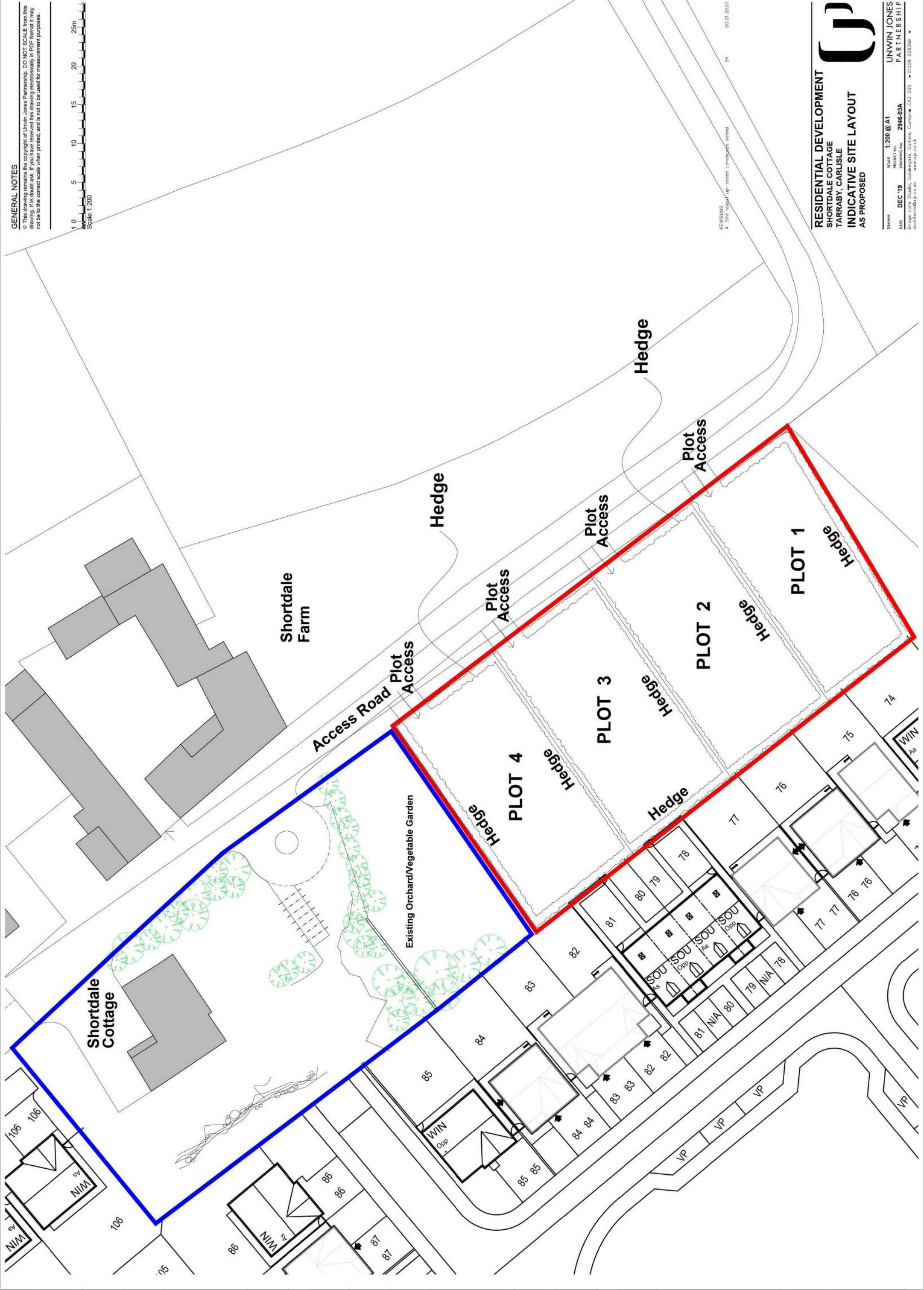
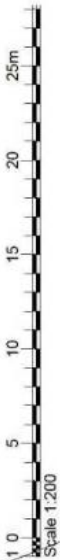


DRAWN: AW SCALE: 1:500 @ A1
DATE: AUG '18 DRAWING No: 2946-02
Unwin Jones Partnership
Bridge Lane Studios, Cullinane, Carlisle, Cumbria, CA2 5JX • 01228 532824 • architect@ujp.co.uk • www.ujp.co.uk



GENERAL NOTES

© This drawing remains the copyright of Unwin Jones Partnership. DO NOT SCALE from this drawing. If in doubt ask. If you have received this drawing electronically/ in PDF format it may not be to the correct scale when printed, and is not to be used for measurement purposes.



REVISIONS
A. Site layout up-dated Landscapes added
SK
20.01.2020

RESIDENTIAL DEVELOPMENT
SHORTDALE COTTAGE
TARRABY, CARLISLE
INDICATIVE SITE LAYOUT
AS PROPOSED



UNWIN JONES
PARTNERSHIP
SCALE: 1:200 @ A1
PROJECT No: 2946-03A
DATE: DEC '19
DRAWING No: 2946-03A
Bridge Lane Studios, Cuddeputon, Carlisle, Cumbria, CA2 5SS
www.ujp.co.uk
01228 528266