

SCHEDULE A: Applications with Recommendation

16/0032

Item No: 05

Date of Committee: 25/11/2016

Appn Ref No:
16/0032

Applicant:
Persimmon Homes
Lancashire

Parish:

Agent:

Ward:

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

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

Date of Receipt:
19/01/2016

Statutory Expiry Date
15/03/2016

26 Week Determination
30/11/2017

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

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

2. Main Issues

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

3. Application Details

Background

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

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

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

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

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

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

Condition 4 saying:

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

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

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

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

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

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

The Proposal

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

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

4. Summary of Representations

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

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

5. Summary of Consultation Responses

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

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

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

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

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

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

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

The Ramblers: - No comments received.

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

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

6. Officer's Report

Assessment

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

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

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

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

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

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

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

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

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

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

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

Other Matters

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

Conclusion/Planning Balance

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

7. Planning History

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

8. Recommendation: Grant Permission

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

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

2. The approved documents for this Planning Permission comprise:

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

Reason: To define the permission.

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

Reason: To ensure no impact on nesting birds.

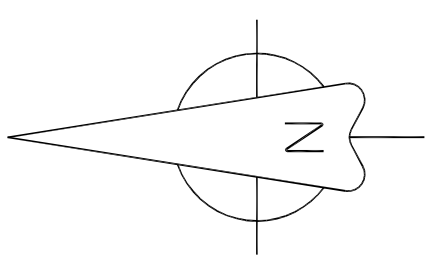
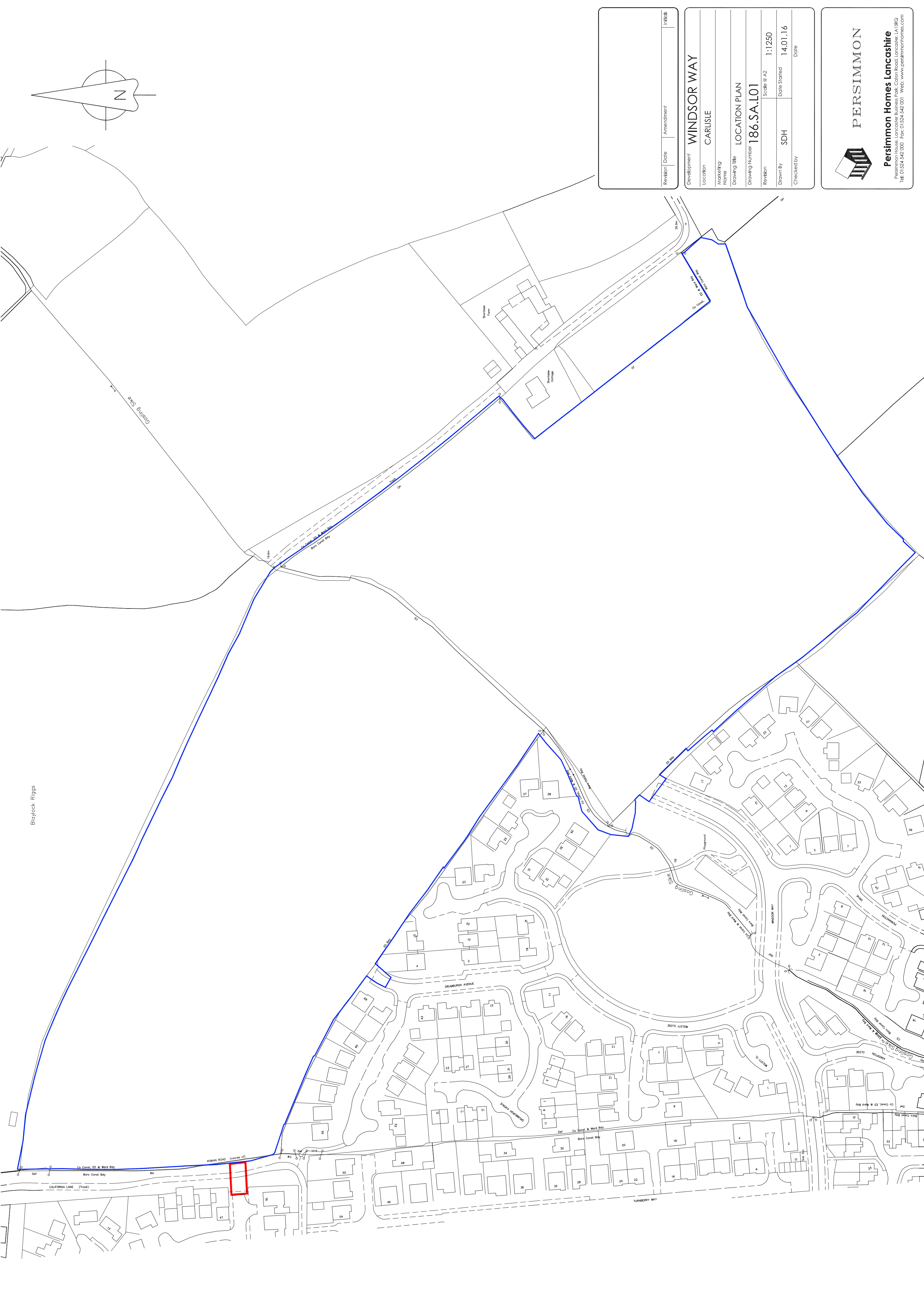
4. Prior to the commencement of the development hereby permitted protective fencing shall be erected around the sections of hedges to be retained.

Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left un-severed. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site.

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

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

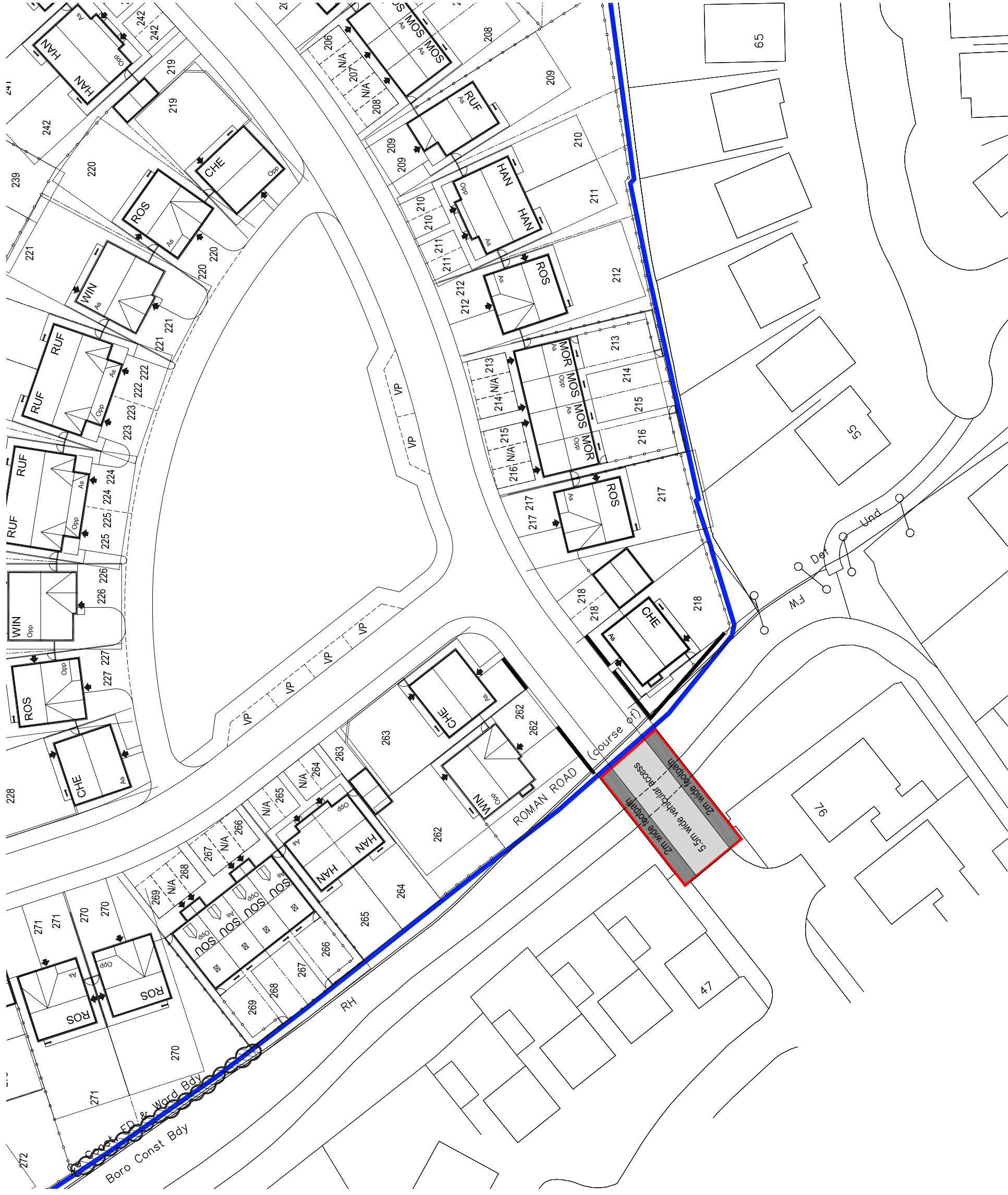


Revision	Date	Amendment	Initials

Development	WINDSOR WAY		
Location	CARLISLE		
Marketing Name			
Drawing Title	LOCATION PLAN		
Drawing Number	186.SA.L01		
Revision	Scale @ A2	1:1250	
Drawn By	SDH	Date Started	14.01.16
Checked by		Date	

**PERSIMMON**

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



Revision	Date	Amendment	Initials
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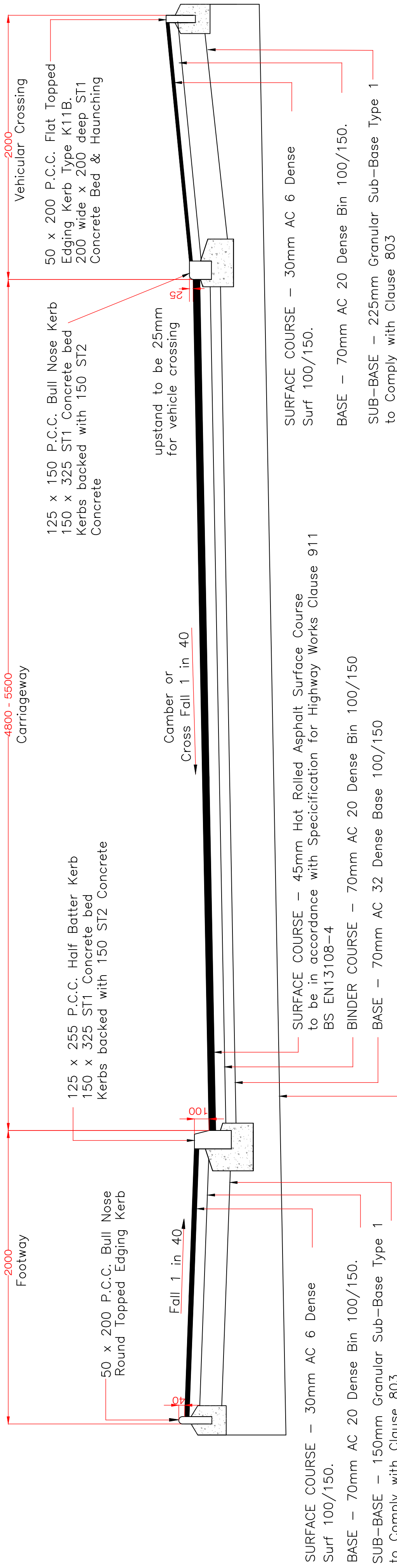
Development	WINDSOR WAY		
Location	CARLSLE		
Marketing Name			
Drawing Title	SITE ACCESS PLAN		
Drawing Number	186.SA.P01		
Revision	Scale @ A3	1:500	
Drawn By	SDH	Date Started	14.01.16
Checked by			Date



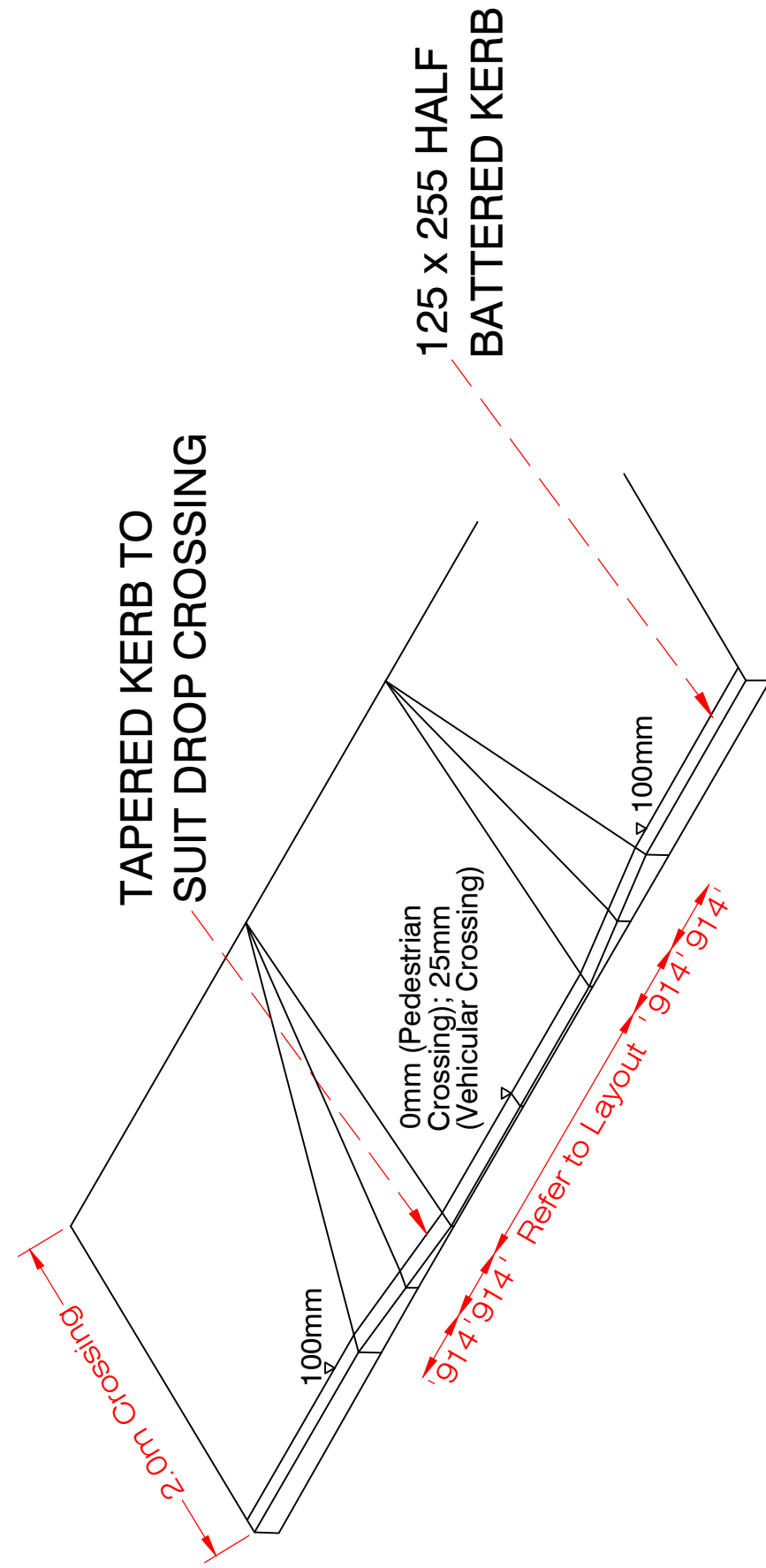
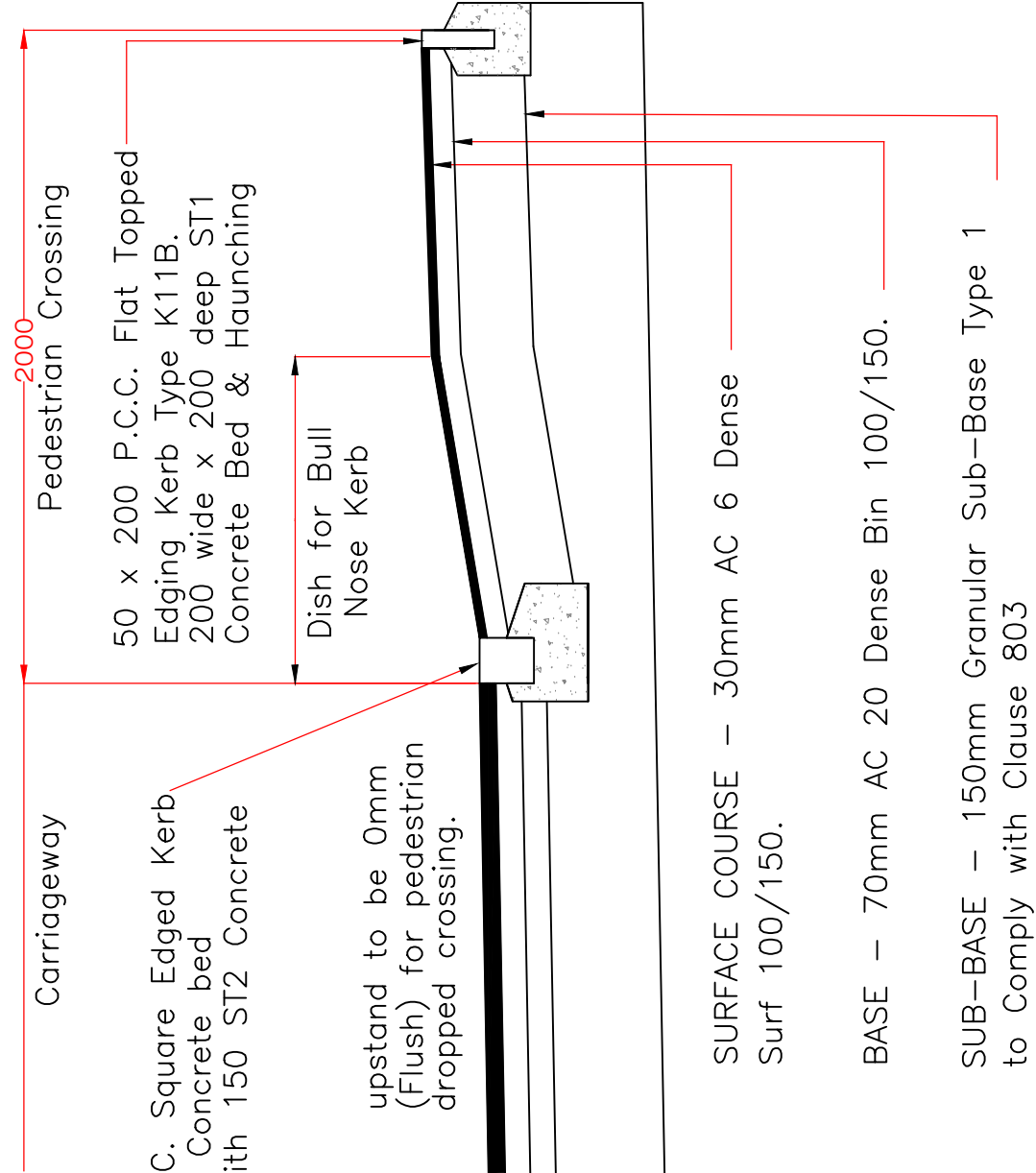
PERSIMMON

Persimmon Homes Lancashire

Persimmon House, Lancaster Business Park, Caton Road, Lancaster, LA 13RQ
Tel: 01524 542 000 Fax: 01524 542 001 Web: www.persimmonhomes.com



TYPICAL ROAD & FOOTWAY DETAILS
SCALE 1:20



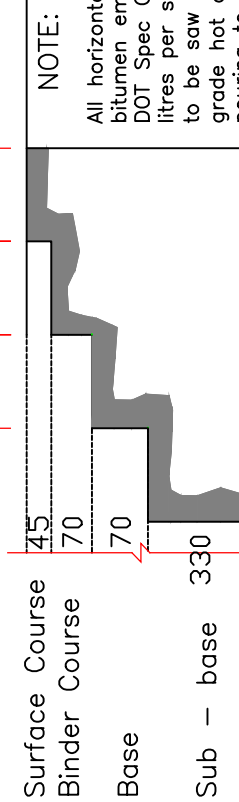
VEHICULAR/ PEDESTRIAN CROSSING
Scale N.T.S



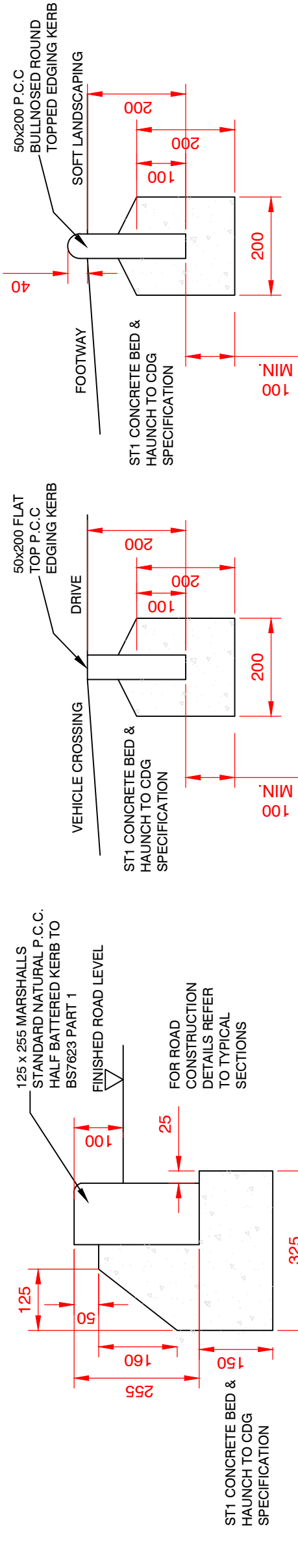
NOTE:

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

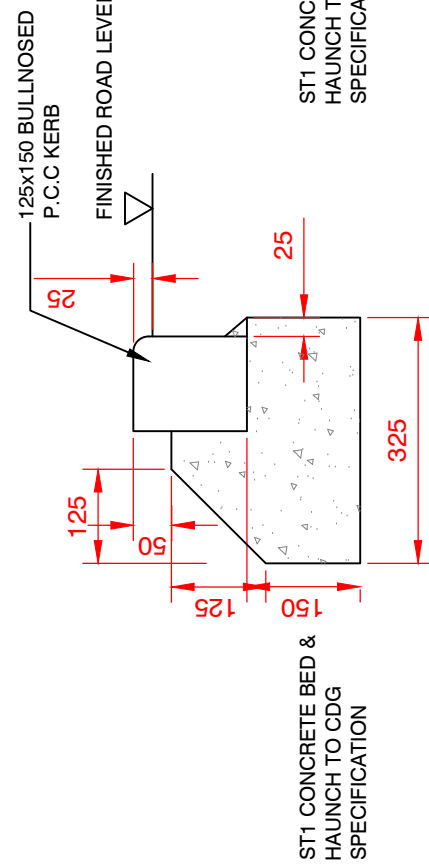
All delivery tickets will be provided for all wearing course material laid.



TIE- IN EXISTING ROAD
Scale N.T.S

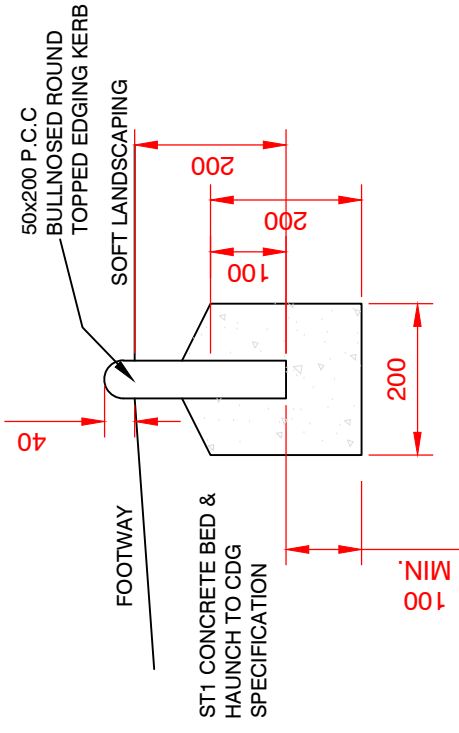


CARRIAGEWAY KERB DETAIL



VEHICULAR CROSSING KERB DETAIL

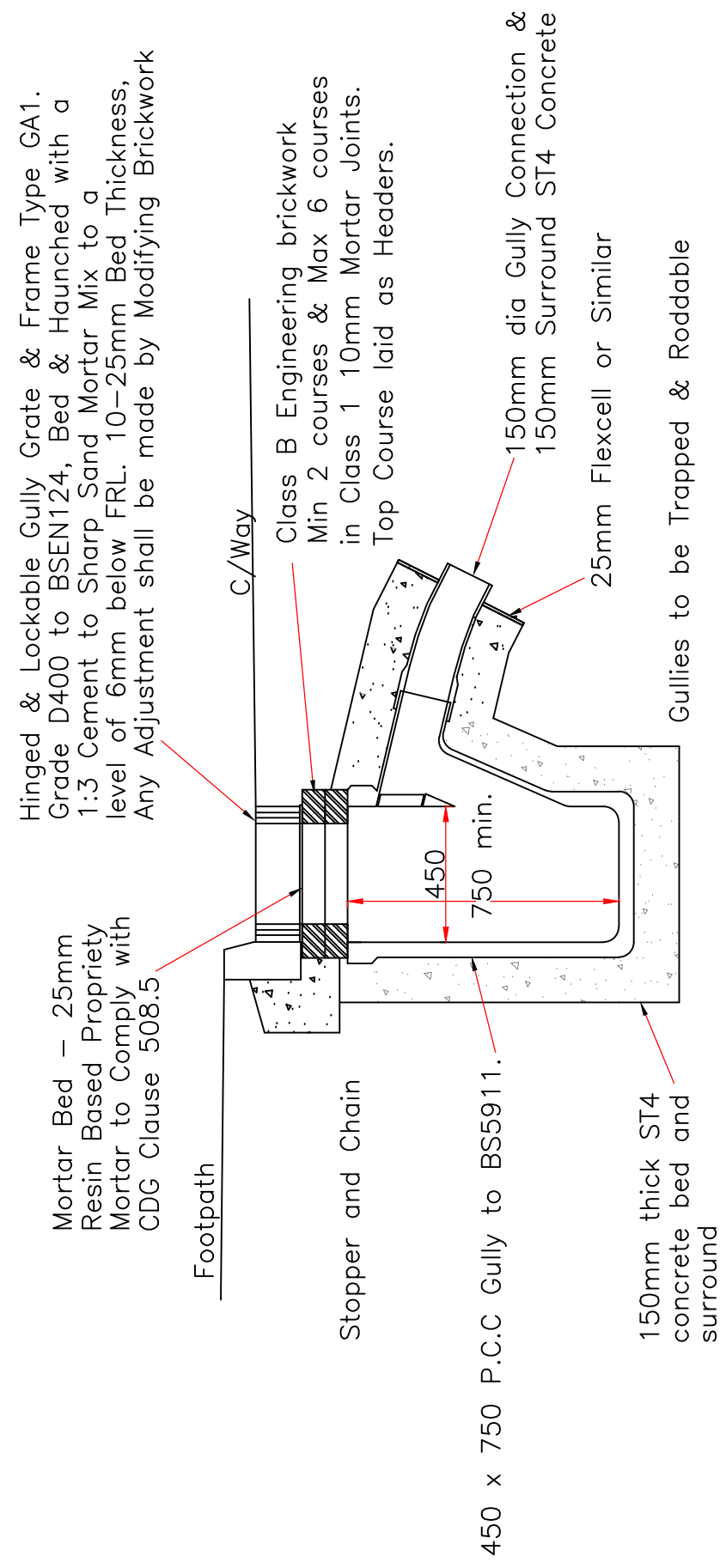
PEDESTRIAN CROSSING KERB DETAIL



EDGE KERB DETAIL

SCALE 1:10

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



STREET GULLY
Scale N.T.S.

NOTES

1. All dimensions are in millimetres unless otherwise shown
2. All highway works shall be in accordance with the Cumbrian Design Guide Volume 2.
3. Gully connections to be clay pipes, plastic ultra rib pipes are not to be used.
4. Sub-base thickness is based on IAN73/06 Revision 1 assuming a class 2 foundation type and an estimated CBR of 5%. The final thickness of sub-base materials required shall be determined by on site tests to the approval of the Engineer
5. Soft spots below formation and unsatisfactory sub-grade materials shall be excavated and replaced with selected filling Type 1 material to formation level
6. Kerb and edging details must conform with Cumbria County Council standard details.
7. Bitumen Materials shall comply with BS EN 13108-1
8. Where possible with the constraints of technical performance, recycled materials to be used, i.e. recycled Type 1 subbase, recycled macadam base course.

[illegible]

North Point	Project Windsor Way, Carlisle	Client Persimmon Homes Lancashire	Title Typical Highway Details	Drawn ME	Checked By ME	Revision B
Quality Ass	UAS 005 Quality ISO 9001:2008 SGS Certificate GB0254539	Drawn SAP	Checked By ME	Scale Mar 15	As Shown	
Digital Size	A1	Original Size A2	Copyright Acknowledgment Ordnance Survey © Crown Copyright All rights reserved. Licence No. AL100017966			



Key

Location of protective fencing to retained trees within the adjacent 10m zone.

PDP **PROTECTIVE DESIGN PLAN**

Client: **Forsyth & Partners Ltd**

Project: **Woolsty Way, Caldey**

Drawing title: **Protective fencing layout**

Scale: **1:500 @ A0**

Drawn by: **PDP**

Date: **December 2015**

Drawing No.: **C-1042-03**

Notes:

- 1. The proposed protective fencing is shown in pink on the plan.
- 2. The proposed protective fencing is to be installed within the adjacent 10m zone.
- 3. The proposed protective fencing is to be installed within the adjacent 10m zone.
- 4. The proposed protective fencing is to be installed within the adjacent 10m zone.
- 5. The proposed protective fencing is to be installed within the adjacent 10m zone.
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- 9. The proposed protective fencing is to be installed within the adjacent 10m zone.
- 10. The proposed protective fencing is to be installed within the adjacent 10m zone.

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

14/0778

0003 PASK
SB

AH

FAO Case Officer: Angus Hutchinson

PARISH COUNCIL REPLY TO CONSULTATION ON PLANNING APPLICATION

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

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

Appn Ref: 14/0778

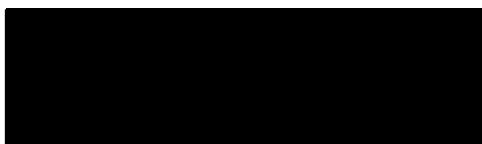
*1 ~~My Council does not wish to make any representation on the proposal detailed above.~~

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

**Delete as appropriate*

Clerk to Stanwix Rural PC

Parish Observations



Chairman: M Fox

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

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

24th November 2014

Dear Angus,

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

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

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

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

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

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

Tarraby and Tarraby Lane

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

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

Tarraby Conservation Area

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

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

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

Drainage, flooding and sewage

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

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

Environmental assessment

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

Safety issues

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

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

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

Highways matters

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

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

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

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

Highways and access matters

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

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

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

School provision

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

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

Yours sincerely,

Andrea McCallum
Clerk to the Council

STANWIX RURAL PARISH COUNCIL

Chairman: Cllr M Fox

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

Mr Angus Hutchinson
Planning Services
Civic Centre
Carlisle
CA3 8QG

Dear Mr Hutchinson.

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

Attenuation Pond Safety

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

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

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

These 'places' represent 69 children.

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

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

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

Proposed New Access to Tarraby Lane

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

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

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

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

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

California Lane – Stopping Up

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

Vehicle Access - Windsor Way and Newfield Drive

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

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

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

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

Flood Risk

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

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

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

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

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

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

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

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

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

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

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

Parking Provision

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

SRPC 14 November 2014

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

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Yours sincerely



Sarah Kyle
Clerk to the Council