

AGENDA

Development Control Committee

Friday, 16 March 2018 AT 10:00

In the Council Chamber, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of Previous Meetings

5 - 18

To note that Council, at its meeting of 6 March 2018, received and adopted the following minutes of the Development Control Committee 24 November 2017, 3 January 2018 (site visits meeting) and 5 January 2018.

[Copy minutes in Minute Book 44(5)]

To approve the minutes of the meeting held on 9 February 2018.

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

- (a) planning permission for proposed developments
- (b) approval of detailed plans
- (c) consents for display of advertisements.

CONTENTS PAGE	19 - 24
----------------------	----------------

Item 01 170689 Land to north of Caxton Road, Carlisle, CA2 7NS	25 - 56
---	----------------

Item 02 171000 Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle, CA3 0LG	57 - 72
--	----------------

Item 03 171047 Land adjacent to Wensleydale, Tarraby, Carlisle, CA3 0JS	73 - 82
--	----------------

SCHEDULE B	83 - 98
-------------------	----------------

A.2 TREE PRESERVATION ORDER 292, LAND AT CALDEW ROAD, 99 - 140 CUMMERSDALE

The Corporate Director of Economic Development to submit a report considering the confirmation of Tree Preservation Order 292, Land at Caldew Road, Cummersdale, Carlisle in light of an objection to the making of the Order.
(Copy Report ED.12/18 herewith)

PART B

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

B.1 AFFORDABLE HOUSING CONTRIBUTION - REAR OF SCOTBY ROAD, SCOTBY

- Information relating to the financial or business affairs of any particular person (including the authority holding that information);

Members of the Development Control Committee

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

Labour – Mrs Bradley, Mrs Glendinning, McDevitt, McDonald, T Sidgwick, Mrs Warwick (Chairman), Bowditch (sub), Ms Patrick (sub), S Sidgwick (sub)

Independent - Tinnion, Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk (01228) 817557 or
jacqui.issatt@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 9 FEBRUARY 2018 AT 10.00 AM

PRESENT: Councillors Mrs Warwick (Chairman), Bloxham, C Bowman (as substitute for Councillor Shepherd), Mrs Bradley, Christian, Earp, Glendinning, McDevitt, McDonald, Mrs Parsons, Sidgwick T and Tinnion.

OFFICERS: Development Manager
Legal Services Manager
Principal Planning Officer
Planning Officer x 2
Planning/Landscape Compliance Officer

ALSO

PRESENT: Mr Allan (Cumbria County Council)

DC.13/18 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Shepherd and the Corporate Director of Economic Development.

DC.14/18 DECLARATIONS OF INTEREST

In accordance with the Council's Code of Conduct the following declarations of interest were submitted:

Councillor Earp declared an interest in respect of applications:

- 17/0969 – Land adjacent Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR. The interest related to objectors being known to him.
- 17/1104 – Land North of Thornedge, Cumwhinton, Carlisle. The interest related to objectors being known to him.

Councillor Earp declared a registrable interest in respect of agenda items A.2 and B.1 – Affordable Housing Contribution – Rear of Scotby Road – Scotby. The interest related to his being a member of Wetheral Parish Council.

Councillor Glendinning advised the Committee that, at its January 2018 meeting, she had failed to declare a Disclosable Pecuniary Interest in respect of application 17/0896 – Land South of the A69, Scotby, Carlisle, CA4 8BJ. The interest related to her being an employee of the landowner. She explained that the report had not contained reference to her employer and therefore she was unaware of their ownership of the land. She undertook to declare the interest when a further report on the application was submitted to the Committee for consideration and not to take part in the discussion or determination of the application.

DC.15/18 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.16/18 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meetings held on 24 November 2017 and 3 January 2018 (site visits meeting) be approved.

DC.17/18 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Legal Services Manager outlined, for the benefit of those members of the public present at the meeting, the procedure to be followed in dealing with rights to speak.

DC.18/18 CONTROL OF DEVELOPMENT AND ADVERTISING

1) That the applications referred to in the Schedule of Applications under A be approved/refused/deferred, subject to the conditions as set out in the Schedule of Decisions attached to these Minutes.

(2) That the applications referred to under the Schedule of Applications under B be noted.

1) Erection of Dwellings (Outline), Land adjacent to Garth Cottage, Wetheral Pasture, Carlisle, CA4 8HR (Application 17/0969).

The Development Manager submitted the report on the application which sought Outline Planning Permission, for residential development with all matters reserved on land at Wetheral Pastures. He reminded Members that the Committee had undertaken a site visit on the 3rd January prior to the application being withdrawn from the 5th January Committee meeting in order to allow revisions to be made. As a result an addendum had been prepared to the original report to update members on the changes and the further consultation that had taken place.

Slides were displayed on screen showing; location plan; block plan; landscape context plan; illustrative layout; illustrative cross-section; typical site access plan; drainage strategy schematic plan, and photographs of the site, an explanation of which was provided for the benefit of Members.

The Development Manager advised Members that four trees along the frontage of the site were the subject of a Tree Preservation Order (TPO) upon which matter a report would be submitted to a future meeting of Committee for Members to consider the confirmation of the Order. The outcome of the Committee's determination would need to be taken into account in any future Reserved Matters application were the current application to be approved.

With reference to the illustrative layout, the Development Manager noted that whilst it established key parameters for the site's development, it was indicative only and the exact details of the final scheme being submitted at the Reserved Matters stage. The submitted illustrative layout showed the potential for five dwellings at the site, which Officers consider would be the maximum density of development acceptable to accord with the local character of the area. The illustrative layout had also illustrated the removal of two of the four trees along the site's frontage and that had prompted consideration the imposition of a TPO which would influence the layout and access arrangements for the site.

Members' attention was drawn to the Supplementary Schedule where two further objections to the application had been produced and a response for the Lead Local Flood Authority. In relation to the additional letters of objection, the Development Manager stated that they had not raised any new issues to those identified during the consultation on the application. The site was not identified as having a nationally designated ecological value and Officers considered that the proposed copse would increase the biodiversity value of the site, replacing any lost from alterations to the site frontage.

The Development Manager noted paragraph 6.32 of the report contained an unintended double negative, he clarified that it was unlikely that the development would harm protected species however, an informative attached to any approval of the application was recommended to

remind the applicant of responsibilities under the provisions of the Wildlife and Countryside Act 1981.

Drainage arrangements for the site were a Reserved Matter and subject to a future application, however, the Lead Local Flood Authority had confirmed that the indicated drainage strategy was acceptable. During the Committee's site visit Members had requested consideration be given to an alternative routing of the drainage system. The matter had been discussed with the applicant who had considered it, however, alternative routes were likely to generate additional development costs. Given that an acceptable solution was possible based on the proposed attenuation and routing, the Development Manager advised that it would therefore be unreasonable to impose a condition requiring the drainage system to take an alternative route. Such matters were only to be considered if, at the Reserved Matters stage, technical reasons proved the shortest route was not acceptable.

In conclusion the Development Manager recommended that the application be approved subject to the completion of a legal agreement consisting of the following obligations: a financial contribution of £3,500 toward a Traffic Regulation Order and of a new signage of a new speed restriction; and the planting of a woodland copse to the immediate south of the application site.

The Development Manager further recommended that, should the legal agreement not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

Mrs Roberts (Objector) spoke against the application in the following terms: the need for the development had not been identified, therefore the proposed scheme was contrary to SP2 – Strategic Growth and Distribution of the Carlisle and District Local Plan 2015-30 (Local Plan); the Parish Council had expressed concerns regarding over-development of the Parish, the scheme would contribute to that; the proposed scheme was not in accordance with Local Plan policies SP6 – Securing Good Design and HO2 - Windfall Housing Development. In conclusion, Mrs Roberts requested that the Committee refuse the application.

Mr Roberts (Objector) spoke against the application in the following terms: the proposal would necessitate the removal of a significant portion the hedge at the frontage of the site, which had characteristics of an "important hedge" as set out on the Hedgerows Regulation 1997; the four trees subject to the TPO should be retained; the collective feature of trees and hedgerow provided a wildlife corridor which linked habitats and was in continual use by woodland birds and Pipistrelle Bats; the submitted Bat Survey lacked validity as it had been conducted out of season; the originally proposed pavement between the site and Cumwhinton should be constructed.

Mr Hutchinson (Agent) responded in the following terms: the Local Plan disadvantaged small and medium sized house builders through its allocation of larger sites for residential development; the proposed scheme would contribute to the Council's housing targets; the Local Plan permitted development within or on the edge of villages, therefore the scheme was compliant with policy HO2; the scheme would bring additional bio-diversity to the area encompassing the site through the planting and maintenance of the proposed copse; the site was already connected to the existing drainage system and did not impact on the flooding of the highway adjacent to the site; the Lead Local Flood Authority had approved the proposal.

The Committee then gave consideration to the application

A Member asked why the Highway Authority had initially proposed that a 280 metres footpath from the site to an existing (to be provided by the developer), was necessary and then decided it was not needed?

The Development Manager advised that as a result of the Section 106 Legal Agreement requiring a payment to the Highway Authority for the making of a Traffic Regulation Order, it was considered unreasonable to expect the developer to fund the provision of a footway. In addition, the Traffic Regulation Order would restrict the speed on the highway, adjacent to the site to 30mph, consequently the footway was determined as not required.

Another Member raised concerns regarding the consultation responses received from Statutory Consultees in relation to the application, and questioned whether Members were provided with all the information needed to determine the application. He further felt that rather than stating that the Section 106 Legal Agreement be completed in a "reasonable time" that a time-frame should be specified.

The Legal Services Manager responded that it was not possible to specify a time-frame for negotiations as each agreement was bespoke, and related to a particular site. She added that on occasion in negotiation with developers, responses were not forthcoming for extended time periods; the recommendation was worded so as to give Officers authority to refuse permission were the agreement not to proceed.

With respect to the level of information submitted with the application, the Development Manager reminded Members that the application was for Outline Permission, and as a result the applicant was only required to submit the red-line boundary drawing for the site. In relation to the application before Members, further detail had been submitted which had enabled Officers to subject trees at the site to a TPO.

Regarding responses from Statutory Consultees, organisations such as the Council's Local Environment team would assume that accessible frontages would be provided which refuse vehicles would be able to access. The submission of no objections to an Outline application did not prevent consultees from objection to a future Reserved Matters application at the site.

A Member was disappointed that the proposed scheme required the removal of two veteran oak trees, but supported the extended 30mph highway restriction in the area and the proposed drainage arrangements.

Another Member asked whether it was possible for the Section 106 Agreement to specify a timescale for the planting of the copse and the species contained therein.

The Legal Services Manager responded that such requirements were able to be included in the agreement, she noted that in respect to the planting it was ordinarily stipulated that it be undertaken during the appropriate season.

The Development Manager added that it was standard practice to require the submission of a landscaping plan, to the Local Planning Authority for approval, which would set out the details of the species of plants to be used. The approved landscaping plan would accord with the Section 106 agreement.

A Member moved the Officer's recommendation, which was seconded.

A Member sought clarification as to how the removal of two veteran oak trees and hedgerow from the site had been permitted.

The Development Manager responded that the TPO applied to the four trees at the site was currently undergoing the necessary consultation phase, and that Members would determine whether to confirm the Order at a future meeting of the Committee. The Order, although not confirmed, was in force therefore the developer was not able to remove any trees from the site

without an application to the Council to secure permission to do so. The application for development before Members would not impact the Order which would remain in force until the Committee considered it, were Members to confirm the Order, the proposed access, as indicated in the illustrative layout would require amendment.

With respect to the existing hedgerow at the site, the Development Manager advised that it was a farm hedge and therefore subject to regulation. In order for sections to be removed, an application had to be submitted to, and approved by the Council.

The Chairman noted that a proposal to approve the Officer's recommendation had been moved, whereupon it was seconded by a Member, and, following voting it was:

RESOLVED: (1) that the application be approved subject to the completion of a legal agreement consisting of the following obligations: a financial contribution of £3,500 toward a Traffic Regulation Order and of a new signage of a new speed restriction; and the planting of a woodland copse to the immediate south of the application site.

2) That, should the legal agreement not be completed within a reasonable time, Authority to Issue be given to the Corporate Director of Economic Development to refuse the application.

2) Erection of 4No. Dwellings (Outline) (Revised Application), Land North Edge Station Road, Cumwhinton, Carlisle (Application 17/1104).

The Principal Planning Officer submitted the report on the application and noted that a previous application for the erection of 4 bungalows at the site had been refused by the Committee at its November 2017 meeting. The Parish Council had indicated that it supported the application before Members on the ground that it would provide bungalows which it considered were needed in the area. In addition two further letters of support for the application had been received which the Principal Planning Officer summarised for the benefit of Members.

Slides were displayed on screen showing; location / site / block plan; extent of Section 106 Area plan; planting plan; illustrative elevation plans, and photographs of the site, an explanation of which was provided for the benefit of Members.

In relation to landscaping, the submitted plans indicated an increase in planting along the eastern boundary of the site, effectively removing that area from the gardens of the proposed dwellings. The applicant had confirmed their agreement to enter into a Section 106 Agreement to retain and maintain the landscape strip in perpetuity.

The Principal Planning Officer considered that the proposed scheme was not well related to the form of the existing settlement or 3 previously approved applications on an adjacent site. He reminded Members that in the same area the following consents had been granted: one 22 dwellings scheme in 2015; one 5 bungalow scheme to the west of the application site in 2015 and; one scheme of 8 dwelling to the east of this application site in 2016. The proposal currently before Members extended farther north of those consented developments and as such created an intrusion into open countryside. Furthermore, given the site's elevated position in the landscape, it was visible in long distance views as not being well related to the existing settlement of Cumwhinton.

The proposed scheme had a number of benefits which had been outlined in paragraphs 6.10, 6.13 and 6.14 of the report, however, the Principal Planning Officer considered those to be outweighed by the harm that the proposal would create for the reasons detailed therein. On that basis he recommended that the application be refused permission.

Mr Hutchinson (Agent) addressed Members and noted that following the Committee's refusal of application 17/0749 the applicant had revised the proposal increasing the extent of planting along the eastern boundary of the site and was willing to enter into a Section 106 Agreement to retain and maintain the landscape strip in perpetuity. With regard to the issue of the scheme's visual intrusion, Mr Hutchinson noted that permission had been granted to the Eden Gate development at Cumwhinton which, in his view had a greater impact on the visual amenity of the surrounding areas than the proposed scheme.

The bungalows which the scheme would provide were much needed in the area, and that view was supported by both the Parish Council and local residents, the Council's Strategic Housing Market Assessment had also indicated that in order to cater for the aging population, provision of bungalows should be increased.

The proposed scheme was modest, comprising four bungalows and had the support of the Parish Council and a number of local residents, with no objections having been received from residents or Statutory Consultees. Mr Hutchinson stated that whilst the Principal Planning Officer had expressed his professional judgement on the proposal, the matter was finely balanced, and given the revisions made to the scheme, he considered that the balance fell in favour of approving the proposal.

The Committee then gave consideration to the application

A Member agreed that determination of the application was a finely balanced matter, with respect to the Officer's concerns that the proposed scheme constituted an intrusion into open countryside, he considered that when seen from a bird's eye view or plan view, that would appear to be the case. However, when viewed from the ground, it was his opinion that the scheme would appear related to the existing settlement. Furthermore, the proposed planting would provide effective screening for the proposed dwellings thereby limiting the visual intrusion of the scheme in the area. He considered that the proposal complied with Local Plan policy HO2, he sought clarification as to whether that policy was sufficient grounds upon which to propose the approval of the application.

The Principal Planning Officer advised that the determination of the balance between the harm and the benefits the proposed scheme would generate was a matter for Members to consider.

Another Member commented that having considered that application, he was also of the view that the proposed scheme would be interpreted as being within the curtilage of the existing settlement, he indicated his support for the application and felt that the Committee should grant permission for the development.

The Principal Planning Officer noted that were the Committee to approve the application it would need to grant Authority to Issue to the Corporate Director of Economic Development to issue approval, subject to the completion of a satisfactory legal agreement regarding the retention and maintenance of the landscape strip and affordable housing.

Another Member commented that the determination of the application was very much a subjective judgement for individual Members. She recalled the Committee's site visit in November 2017 and her consideration of the elevated nature of the site meant that it would create a visual intrusion into the landscape. Furthermore, it was her opinion that the existing settlement was compact and well contained, and that the proposed scheme would effectively create an intrusion into the open countryside surrounding the existing settlement.

The Member moved the Officer's recommendation, which was seconded, but stated that should the Committee be minded to approve the application, it would need to identify relevant

conditions to be imposed in the consent. In the event that the application was approved, she requested that consideration be given to the imposition of a condition restricting the dwellings at the site to single storey.

The Legal Services Manager advised that were Members to approve the application, a further report would be brought to a future meeting of the Committee detailing the conditions of the consent for the scheme.

Another Member expressed support for the proposal, he asked how surface water drainage at the site would be managed in the event that the application was not given permission.

The Principal Planning Officer stated that if the development did not proceed the surface water drainage arrangements would not change.

The Development Manager noted whilst the Officer's recommendation had been formally moved and seconded, a number of Members had indicated their support for the application; he asked whether any Members wished to propose the approval of the application.

A Member moved that Authority to Issue be given to the Corporate Director of Economic Development to issue approval subject to the completion of a satisfactory legal agreement covering the provision of the landscaping strip and affordable housing, the proposal was seconded.

The Chairman put the proposal to approve the application to the vote, the motion was not carried, whereupon the Officer's recommendation was put to the vote, and it was:

RESOLVED: That the application be refused permission

3) Variation of Condition 15 (Open Spaces & Informal Play Areas) Of Previously Approved Application 12/0610 to allow investment in existing Off-Site Play Area at Tribune Drive, Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle, CA3 0LG (Application 17/1000).

A Member moved that determination of the application be deferred in order for the Committee to undertake a site visit and await a further report on the application at a future meeting of the Committee. The proposal was seconded and it was

RESOLVED: That determination of the application be deferred in order for the Committee to undertake a site visit and await a further report on the application at a future meeting of the Committee.

4) Change of use from retail (A1 Use Class) to hot food takeaway unit (A5 Use Class) along with the erection of a single storey rear extension and other external alterations including installation of aluminium grilles associated with extraction and ventilation equipment, cold room compressors, and associated ancillary works, Unit A, 103 – 105 Kingstown Road, Carlisle, CA3 0AL (Application 17/0873).

The Planning Officer submitted the report on the application and drew Members' attention to point 6 of paragraph 4.6 of the report and advised that the text should read "Concerns that the proposal would worsen a recent problem with vermin in the area", notwithstanding the typographical error, the matter of vermin had been addressed in the assessment of the application.

Slides were displayed on screen showing; location plan; site plan; block plan; proposed floor plan; proposed elevations, and photographs of the site, an explanation of which was provided for the benefit of Members.

The principal issue raised by objectors to the proposal was the impact on the residential amenity of neighbouring residents. The Planning Officer noted that whilst the site was located within a primary residential area it was considered that an acceptable level of residential amenity was able to be maintained via the imposition of a condition to restrict opening times to between 11am and 10pm each day.

In conclusion, the Planning Officer recommended that the application be approved subject to the conditions detailed in the report.

The Committee then gave consideration to the application.

A Member expressed concern that the fridge ventilation system used as part of the scheme would create a noise nuisance for the residents of adjacent properties.

The Planning Officer appreciated the Member's concern, however, as detailed in paragraph 6.20 of the report, the applicant was deemed to have provided sufficient information regarding the specification of the refrigeration ventilation system to satisfy the requirement of the Department of Environment, Food and Rural Affairs. The Council's Environmental Health department had also been consulted on the application and had not raised an objection to the proposal on that basis, therefore, the imposition of a condition relating to the ventilation system had not been deemed necessary.

Another Member expressed concern in relation to the management of car parking at the site, and asked whether there were any controls that could be applied which would prevent users of the premises parking in a manner that adversely affected the highway.

The Legal Services Manager responded that as the frontage of the site was classed as the highway, it would be difficult to impose a condition to control parking at the site.

The Planning Officer added that the applicant had identified a specific space for delivery vehicles to park, and further noted that the adjacent premises only traded until 8pm, therefore after that time the parking spaces attributed to that business would also be available for use.

A Member moved the Officer's recommendation, which was seconded and, following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

- 5) Replacement of Flat Roof Dormer with pitched tile roof to provide en-suite and dressing room at first floor; formation of first floor balcony to rear elevation, Madgwick, Green Lane, Crosby-on-Eden, Carlisle, CA6 4QN (Application 17/0979).**

The Planning Officer submitted the report on the application, and displayed slides on screen showing: red line boundary plan; existing floor plans and elevations; location plan; and photograph of the site, and explanation of which was provided for the benefits of Members.

A Member moved the Officer's recommendation, which was seconded and, following voting it was:

RESOLVED: That the application be approved, subject to the implementation of relevant conditions as indicated within the Schedule of Decisions attached to these minutes.

DC.19/18 AFFORDABLE HOUSING CONTRIBUTION – REAR OF SCOTBY ROAD, SCOTBY

Councillor Earp having declared a registerable interest in the item of business, removed himself from the Council Chamber and took no part in the discussion or determination of the matter.

The Development Manager submitted report ED.06/18 Affordable Housing Contribution – Rear of Scotby Road, Scotby, and outlined the planning history of the site which had culminated in the two developments being approved subject to a Section 106 Legal Agreement to provide affordable housing, education contribution, and open space contribution as well as on-site management. Following Members' approval of the applications, the applicant/agent had stated that they were unable, as a result of development costs to meet all the stipulation of the legal agreements.

The Development Manager reminded Members that in order to ensure developments did not stall, the financial viability of sites was able to be taken into account, along with consideration as to when such contributions should be payable and the level of those contributions. The Council had used an independent consultant to advise on the developer's costs, taking into account current market conditions affecting the site costs and market prices as well as those relating to finances.

Officers had undertaken lengthy discussions with the applicant/agent over a number of months with a view to identifying what level of contribution the development could reasonably yield, which had resulted in two options set out in the report. Development had commenced at the site under the permission relating to application 16/0159, the Development Manager advised that the trigger for contributions had been reached whilst negotiations to revise the legal agreements had been ongoing.

The contribution to the Parish Council had been a consideration in the reappraisal of the development's financial viability, option 1's provision of an affordable housing allocation was based on no off site contribution to open space. The Development Manager advised Members that should a contribution for open space provision be sought, the amount of affordable housing provided at the site would have to be reduced in order to maintain the financial viability of the scheme.

In conclusion, the Development Manager recommended that that the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131 be revised for the following contribution for delivery of six affordable units: a tenure of three discounted sale units (Dene 2 Bed apartment type) and three affordable / social rent units (a block of 3 x 2 bed Leyland units). Discounted sale units will have a market value of 70% of market value. The Affordable units would transfer to a Registered Provider at 45% of market value.

Mr Higgs (on behalf of Wetheral Parish Council) addressed the Committee and explained that a payment of £30,524 to Wetheral Parish Council had been agreed as part of the Section 106 Agreement relating to application 16/0159 for the improvement and maintenance of off-site

publicly accessible open spaces in Scotby village. On the basis of that commitment, the Parish Council had taken forward plans to implement wide-ranging improvements to the playing fields in Scotby, and had spent £80,000 on an all-weather play area and equipment, and £30,000 on drainage. In addition to the efforts by the Parish Council to develop plans, it had worked to secure grant funding, and residents and users of the existing facilities had also worked to raise further monies to help meet the total cost of the planned improvements.

The allocation to the Parish Council via the Section 106 Agreement was intended to be used towards the construction of replacement clubhouse facilities for which planning permission had previously been granted under application 17/0583. Mr Higgs noted that £7,000 had been spent on the clubhouse scheme so far, and that further expenditure of £60,000 was anticipated in the 2018/19 financial year.

Mr Higgs stated that Wetheral Parish Council planned its finances carefully and had a rolling 5 year programme of improvements for the parish, were the monies allocated by the Section 106 Agreement not to be received the project was likely to stall. Moreover, were the payment for open space provision not to be received, confidence in the process of securing developer contributions would be detrimentally affected, and such a scenario might risk stifling the development of rural facilities which were not eligible for a grant from the Council.

Mr Higgs understood that in order to meet the payment for open space provision, the developer was willing to reduce the number of affordable dwellings provided at the site by one, he asked the Committee to reject the Officer's recommendation and alter the proposed new agreement by reducing the number of discounted units by one in order that the financial support to the Parish Council could be delivered.

The Committee then gave consideration to the report.

A Member expressed concern that, in his opinion, the developer had not adhered to a number of aspects of the legal agreement with the Council pertaining to application 16/0159, accordingly he sought clarification as to whether the Council considered a breach had occurred.

The Development Manager responded that the trigger point for the payment of contributions had been met in November 2017, therefore in not providing the required monies, the developer was technically in breach of contract. However, the developer had instigated discussions about the revision of the agreement with the Council in advance of the trigger point being met, which they were legally entitled to do.

The Development Manager advised Members that developers were able to contest an agreement or request amendment to the terms therein at any time, therefore the commencement of discussions with the Council was considered to be a mitigating circumstance.

The development of the site had been permitted to take place in two phases, with the larger portion of the works being carried out in the second phase under application 17/0131. The report and its recommendation sought to amalgamate the legal agreements for the individual applications into an overarching agreement, where the developer would be required to meet the stipulated obligations in the second phase of the overall site's development.

The Member sought further confirmation that, were the Committee to reject the proposed amendment to the legal agreements, the Parish Council would remain legally entitled to the payment as set out in the original Section 106 Agreement.

The Development Manager confirmed that, were the Committee not to endorse the revisions to the agreement as recommended in the report, the Council would have to take action to require the developer to comply with the terms of the original Section 106 agreement relating to application 16/0159.

With regard to the permission pertaining to application 17/0131, there were three factors which had made the development acceptable to the Committee: Affordable Housing provision, education contribution, and open space provision. The reassessment of the development's viability had concluded with the two options for revising the Section 106 Agreements as detailed in the report, Officers had recommended Option 1 which would provide 3 social rented and 3 discounted sale units, with no education contribution or Parish Council contribution.

A Member asked why the number of affordable housing units provided was not able to be reduced in order to provide the Parish Council with either the agreed or an increased contribution based on the additional profits the developer would accrue.

The Development Manager responded that it would be reasonable for Members to amend the proposed revision to the legal agreements in order for the Parish Council to receive the contribution stipulated in the original agreement, but that it would not be reasonable to expect the developer to increase that contribution. He considered that the three proposed social rent affordable housing units were an essential requirement of the scheme, with regard to the discounted sale units he advised that it was a matter for Members to consider what they viewed as more reasonable: retaining the proposed three units or reducing the number to enable the developer to meet the contribution to the Parish Council.

A number of Members expressed serious dissatisfaction that the developer had requested a renegotiation of the legal agreement on the grounds of development costs, they were further concerned that allowing a revision to the agreement would set a precedent for other developers to seek to negotiate agreements they considered too onerous.

Further concerns were expressed regarding the options outlined in the report, as Members considered them to be too few and not sufficiently wide-ranging.

A Member moved that further report be submitted to a future meeting of the Committee, outlining all the obligations and options available to Members, which was seconded and it was:

RESOLVED - That a further report be submitted to a future meeting of the Committee, outlining all the obligations and options available to Members.

DC.20/18 PUBLIC AND PRESS

RESOLVED - That in accordance with Section 100A(4) of the Local Government Act 1972, the Public and Press were excluded from the meeting during consideration of the following items of business on the grounds that it involved the likely disclosure of exempt information, as defined in Paragraph Numbers 2, 3, 5 and 6 of Part 1 of Schedule 12A of the 1972 Local Government Act.

DC.21/18 AFFORDABLE HOUSING CONTRIBUTION – REAR OF SCOTBY ROAD, SCOTBY

(Private by Virtue of Paragraph 3)

Councillor Earp having declared a registerable interest in the item of business, remained outside of the Council Chamber and took no part in the discussion or determination of the matter.

The Development Manager submitted report ED.06/18 Affordable Housing Contribution – Rear of Scotby Road, Scotby which outlined the financial aspects of the viability assessment submitted in support of the Part A Report to revise the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131.

Members discussed the reasons for the revisions to the original Section 106 Agreement.

In response to a question from a Member regarding when a Viability Assessment was required to be submitted, the Development Manager outlined the circumstances which would necessitate such a submission and the process involved therein.

Members gave consideration to the various legal and planning constraints applicable to the renegotiation of Section 106 Legal Agreements and the financial information contained in the report.

A Member moved that the information provided and the financial aspects of the viability assessment submitted in support of the Part A Report to revise the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131 be noted. The proposal was seconded and it was:

RESOLVED – That the Development Control Committee noted the information provided and the financial aspects of the viability assessment submitted in support of the Part A Report to revise the Section 106 Legal agreements in respect of applications 16/0159 and 17/0131.

Cllr Earp resumed his seat.

DC.22/18 QUARTERLY REPORT ON PLANNING ENFORCEMENT

(Private by Virtue of Paragraphs 2, 3, 5 and 6)

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.04/18 Quarterly Report on Planning Enforcement which covered the period October to December 2017. An overview of the number of cases addressed in 2017 was given and details of recently received cases were provided to Members.

Slides were shown on screen which illustrated a proportion of the ongoing live enforcement cases the Council was seeking to address.

The Planning/Landscapes Compliance and Enforcement Officer noted that a different system for recording the various types of compliance enquiries and enforcement case was to be implemented, with a view to making the clearer, for the benefit of Members, the types of enforcement activity undertaken.

The Committee then gave consideration to the report.

Members considered and discussed a number of the ongoing enforcement cases detailed in the report, along with potential future course of action the Council was able to take in order to bring about the required compliance.

In response to a question from a Member, the Planning/Landscapes Compliance and Enforcement Officer indicated that she would look at what enforcement action was able to taken in relation to “sandwich boards”, in conjunction with the Highway Authority.

With respect to the issues raised in paragraph 3.7 of the report, a Member requested that the Parish Council be kept abreast of developments. The Planning/Landscapes Compliance and Enforcement Officer undertook to update the organisation on progress regarding those matters.

A Member moved the Officer’s recommendation, which was seconded and, following voting it was:

RESOLVED – That the content of the report be noted.

[The meeting closed at 13:04]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

16th March 2018

The Schedule of Applications

This schedule is set out in five parts:

SCHEDULE A - contains full reports on each application proposal and concludes with a recommendation to the Development Control Committee to assist in the formal determination of the proposal or, in certain cases, to assist Members to formulate the City Council's observations on particular kinds of planning submissions. In common with applications contained in Schedule B, where a verbal recommendation is made to the Committee, Officer recommendations are made, and the Committee's decisions must be based upon, the provisions of the Development Plan in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004 <http://www.legislation.gov.uk/ukpga/2004/5/contents> unless material considerations indicate otherwise.

In order to reach a recommendation the reports have been prepared having taken into account the following background papers:-

- relevant planning policy advice contained in Government Circulars, National Planning Policy Framework, [https://www.gov.uk/government/publications/national-planning-policy-frame work--2](https://www.gov.uk/government/publications/national-planning-policy-frame-work--2),
 - Planning Practice Guidance <http://planningguidance.planningportal.gov.uk/> and other Statements of Ministerial Policy;
 - Carlisle District Local Plan 2015-2030 <http://www.carlisle.gov.uk/planning-policy/Local-Plan/Carlisle-District-Local-Plan-2015-2030> ;
 - Conservation Principles, Policies and Guidance – <https://historicengland.org.uk/advice/constructive-conservation/conservation-principles/>
 - Enabling Development and the Conservation of Significant Places <https://historicengland.org.uk/images-books/publications/enabling-development-and-the-conservation-of-significant-places/>
- Flood risk assessments: climate change allowances
<https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>

- Consultee responses and representations to each application;

<http://publicaccess.carlisle.gov.uk/online-applications/>

- Cumbria Landscape Character Guidance and Toolkit
<http://www.cumbria.gov.uk/planning-environment/countryside/countryside-landscape/land/landcharacter.asp>
- Natural Environment and Rural Communities Act (2006)
<http://www.legislation.gov.uk/ukpga/2006/16/contents>
- Wildlife and Countryside Act 1981 <http://www.legislation.gov.uk/ukpga/1981/69>
- Community Infrastructure Levy Regulations 2010
<http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents>
- EC Habitats Directive (92/43/EEC)
http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm
- Equality Act 2010
http://www.legislation.gov.uk/ukpga/2010/15/pdfs/ukpga_20100015_en.pdf
- Manual For Streets 2007
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/341513/pdfmanforstreets.pdf
- Condition 2 of each application details the relevant application documents

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

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

If you are in doubt about any of the information or background material referred to in the Schedule you should contact the Development Management Team of the Planning Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the

02/03/2018 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 16/03/2018.

Any relevant correspondence or further information received subsequent to the printing of this document will be incorporated in a Supplementary Schedule which will be distributed to Members of the Committee 5 working days prior to the day of the meeting.

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
01.	<u>17/0689</u> A	Land to north of Caxton Road, Carlisle, CA2 7NS	<u>SD</u>
02.	<u>17/1000</u> A	Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle CA3 0LG	<u>SO</u>
03.	<u>17/1047</u> A	Land adjacent to Wensleydale, Tarraby, Carlisle, CA3 0JS	<u>SD</u>
04.	<u>16/1021</u> B	Globe Lane & Grapes Lane, The Lanes Shopping Centre, Carlisle, CA3 8NX	<u>RJM</u>
05.	<u>17/9012</u> B	Former Morton Park Primary School, Burnrigg, Carlisle, CA2 6QH	<u>SD</u>

SCHEDULE A

SCHEDULE A

SCHEDULE A: Applications with Recommendation

17/0689

Item No: 01

Date of Committee: 16/03/2018

Appn Ref No:
17/0689

Applicant:
Lund Group Ltd

Parish:
Carlisle

Agent:
Roger Lee Planning Ltd

Ward:
Belle Vue

Location: Land to north of Caxton Road, Carlisle, CA2 7NS

Proposal: Erection Of 58no. Dwellings (Reserved Matters Application Pursuant To Outline Permission 15/0878)

Date of Receipt:
29/08/2017

Statutory Expiry Date
28/11/2017

26 Week Determination
27/02/2018

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

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

3. Application Details

The Site

- 3.1 The application site comprises approximately 1.5 hectares of land and previously accommodated vacant industrial buildings which have been

disused since 2010. The buildings have recently been demolished and the site has been cleared.

- 3.2 The site is located on the north side of Caxton Road. It is bounded to the north by a stream, woodland, the Engine Lonning and the River Eden. Turnstone Park residential development (Turnstone Drive, Kittiwake Close and Siskin Court) adjoins the site to the east. Employment uses on Newtown Industrial Estate adjoin the site to the south and west.
- 3.3 Caxton Road provides access to the site, as well as providing access to a number of other employment sites on Newtown Industrial Estate and a number of residential properties on Caxton Road and Harvey Street. Caxton Road is a private road and is not currently adopted by the Highway Authority. Turnstone Drive and Kittiwake Close both adjoin the eastern site boundary and a timber fence separates the site from these roads.
- 3.4 The site is relatively level, although elevated in comparison to the residential development to the east and the woodland/Engine Lonning lying to the north. There are a number of existing trees on the northern, southern and eastern site boundaries.

Background

- 3.5 In August 2016, outline planning permission was granted (with all matters reserved) for the construction of 63 dwellings (55 houses and 8 flats) on the site. The submitted illustrative plans showed vehicular access via Turnstone Drive with pedestrian/cyclist and emergency access from Caxton Road.
- 3.6 A Unilateral Undertaking is attached to the outline permission and this requires the provision of six affordable units at a 30% discount comprising four two-bed houses and two three-bed houses and the payment of £63,000 towards off-site amenity/ recreational space.
- 3.7 A number of conditions were attached to the outline permission and these require the submission of the following: a phasing plan; details of materials/ hard surface finishes; details of boundary treatment; a landscaping scheme; details of finished floor levels; details of foul and surface water drainage; a contamination report; details of wildlife enhancement measures; a Construction Method Statement; construction details of the estate road and emergency access; details of a lighting scheme; a noise report; and an archaeological report.

The Proposal

- 3.8 This application is seeking Reserved Matters for 58 residential units. The site would include detached and semi-detached dwellings, as well as terraces of three dwellings. Eight house types are proposed and these include two, three and four bedroom dwellings and one and two-bedroom apartments. The dwellings would either be two-store, two-and-a-half storey or three-storey. The dwellings would be constructed of red/ grey brick and white render under reconstituted slate roofs.

- 3.9 The only access would be via Turnstone Drive and this would provide access to 3 cul-de-sacs. A pedestrian and emergency access would be provided onto Caxton Road. Road surfaces would be tarmac with setts to the Mews Court and driveways and paving slabs to paths and patio areas. Each dwelling would have a minimum of two car parking spaces, with a number of the dwellings having detached garages. The apartments would have a minimum of one parking space.
- 3.10 External boundaries are shown as being either 1.8m high brick walling with feature piers and infill timber panels; 1.8m high timber close boarded fencing; 0.75m high metal galvanized railings; and 2m high acoustic timber fencing along the southern boundary. The majority of existing trees would be retained around the periphery of the site, with some additional planting proposed.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to 69 neighbouring properties. In response, 45 letters of objection have been received, together with a petition which has been signed by 97 people.
- 4.2 The letters of objection make the following points:

Highway Matters

- Caxton Road, which is already in use by a small number of vehicles to access the industrial estate, goes directly to the application site and should be used for the access;
- Caxton Road would be the simplest way for residents to access the new estate and would be a better and safer access for vehicles and pedestrians;
- If Caxton Road is to be used as an emergency access why can't it to be used as the main access?;
- Caxton Road can cope with HGVs already so is surely the better and safer option for the new development;
- If Caxton Road is not the preferred access why was it used by the earth moving equipment to access the site? – was this not because it was the safest, most sensible and most direct route?;
- The junction with Newtown Road and Caxton Road is a better positioned and accessible junction;
- The Council should get Caxton Road, which is an eyesore, upgraded with an improved road surface and proper pedestrian walkways with the developer footing the bill;
- Caxton Road needs to be improved and this would benefit existing users and the residents of Harvey Street;
- Caxton Road can be used – the only reason it's not being used is so the developer can increase their profits;
- This is the perfect opportunity for the Council to get Caxton Road

- adopted, especially as it will be used for construction access;
- The reasons Caxton Road will not be used is that it would be too costly for a developer to upgrade it and that home buyers wouldn't want to buy in a new estate that is accessed via a working industrial estate;
 - It seems unsatisfactory to create the entrance to the new houses via Turnstone Park when a safer more sensible access could be created via Caxton Road;
 - Because Turnstone Park is complete and a nicer entrance doesn't mean it should be used to access the new development;
 - A new housing estate should have its own access;
 - The new home owners won't want to go through another old estate to get to theirs;
 - If every new house has two cars, that's an extra 116 vehicles which will make Turnstone Drive busy and unsafe;
 - Turnstone Drive is already very busy and there are often queues – it often becomes a one-in one-out road due to parking;
 - The Turnstone Drive/ Newtown Road junction is narrow with poor visibility and is often congested – this would be exacerbated by the additional traffic;
 - The Turnstone Park entrance will become gridlocked;
 - The current road layout at Turnstone Park is designed for the current traffic and will not withstand the additional traffic;
 - Turnstone Drive will be like living on a main road;
 - Due to congestion at the Turnstone Drive/ Newtown Road junction vehicles are already taking shortcuts along Harvey Street, where they have to drive half on the pavement;
 - Question the long-term impact the additional traffic and construction traffic would have on the condition of the homes and roads at Turnstone Park;
 - A large number of families bought houses on Turnstone Park because of the safety aspect – this would be massively reduced with the addition of a through road;
 - The proposed access goes directly passed a busy children's play park which is well used every day;
 - Children will not be able to access the park safely due to the extra traffic;
 - Access through Turnstone Park would have an adverse impact on the safety of children who play outside their houses, on other existing residents and on their pets;
 - Increased traffic will result in an accident;
 - The Council said estates should have two accesses but estates that have been built in the Belle Vue/ Newtown area in recent times have single accesses – why should this development be different;
 - A single access road from Caxton Road would be sufficient and in line with other developments within the city;
 - It is no good doing a traffic survey during the week when people are at work/ children are at school – it needs to be done at peak times;
 - Traffic surveys and associated reports should be requested for Caxton Road and Turnstone Park so the potential impacts of each can be considered;
 - The extra traffic from the proposed development would increase noise and air pollution, including at the children's play area;

Scale and Design

- The design of the houses is not in keeping with Turnstone Park;
- Object to the height and proximity of the dwellings to the rear of Siskin Court as these would block light and reduce privacy;
- Two-and-a-half-storey dwellings behind Siskin Court, which sit lower than the proposed site, would have an over-bearing impact on existing dwellings and result in loss of privacy/ amenity;
- Dwellings to the rear of Siskin Court should be two-storeys or less;
- Need sections to fully understand the impact of the development on Siskin Court;
- Object to the position of the houses onto Kittiwake Close – having 5 houses/ apartments looking onto the front and rear of properties will take away privacy and block light to the properties;
- Would the ground level be reduced for the dwellings to the rear of Kittiwake Close so they are at the same level?

4.3 A petition, which is against the use of Turnstone Drive as the main access route to the new development, has been signed by 97 people.

4.4 Story Homes has objected to the proposal and has queried whether the applicant can genuinely commit to the proposed development. This is because the proposed vehicular and pedestrian access will require the removal of an existing Story Homes owned fence. The applicant has not given Story Homes direct notification of the proposed development on their land interest and has not approached Story Homes nor sought the necessary private right to remove the fence on Story land to enable the main access. This, therefore, brings into question the overall deliverability of the scheme. Story has asked County Highways to consider whether it would object to the proposal as there is no demonstration of a deliverable access.

4.5 Cllr Les Tricker has objected to the application for the following reasons:

- The local residents and Ward Councillors welcome this application to build a mix of homes in this area. At no time, have they ever resisted the application. The issue is the choice of access and egress to the new development which was initially to be via Caxton Road but was subsequently change to Turnstone Drive;
- This was a fundamental revision with serious implications for occupiers of Turnstone Park and adjoining roads;
- Two of the key issues are the effect of the proposal on the living conditions of the occupiers of the proposed residential units and the effect on the living conditions of neighbouring residents;
- Two core planning principles of the Framework are for planning to be a creative exercise in finding ways to enhance and improve the places in which people live their lives; and to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (para. 17);
- Criterion 5 of Policy HO2 requires that proposals are “*compatible with*

adjacent land users", and criterion 7 of Policy SP6 seeks to ensure that proposals do not *"result in unacceptable conditions for future users and occupiers of the development"*;

- The proposal to recommend access through an established estate fails to support both of those planning conditions. In fact, it completely contradicts them;
- The submitted illustrative plans indicate that vehicular access is to be via Turnstone Drive with pedestrian/cyclist and emergency access also from Caxton Road. The original proposal was however for access and egress to be via Caxton Road;
- So, it is simply down to cost that the safety of the residents and the children are being put at risk. It is down to cost that the peace and tranquility of this estate is being destroyed;
- On the advice of the Highway Authority, it is considered that no highway safety objections to this proposal would merit the refusal of planning permission. This conclusion simply beggars belief. Given the choice of the original access proposal via Caxton Road, an unoccupied and isolated entrance and the new access proposal via Turnstone Drive, an established estate with a substantial play area anybody with an appreciation of Risk Assessment would say that the safest option is via Caxton Road;
- The Planning Officer's report goes on to say that no development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. This is a legal requirement under the CONDRAM regulations and section 5 states that top of the hierarchy is to avoid risks where possible. This is not a policy it is a legal requirement. That risk can be avoided by permitting access and egress by Caxton Road and not through Turnstone Drive;
- On that basis the Highway Safety issues are not being addressed by the developer's proposals;
- The development should be refused for the above reasons and a revised application should be submitted proposing access and egress via Caxton Road as originally proposed;
- There are also major concerns in regard to the impact on the privacy of existing occupiers in Turnstone Park whose properties will be overlooked by the new dwellings. We would seek guarantees that any design layout would ensure that the privacy of the existing occupiers will be protected;
- The residents have already suffered 25 weeks of site preparation involving heavy plant, rock breaking pneumatic hammers and dust and dirt. This work was scheduled to take only 10 weeks. The residents have had to tolerate a prolonged period of extreme noise, vibration and nuisance which has at times been intolerable. They have incurred additional expense in cleaning cars and windows as a direct result of the dust and grime created by the excavation and demolition work. They have

also been inconvenienced as children have been unable to sleep and shift workers have also been unable to sleep between shifts. This lack of consideration by the developer towards the residents is unacceptable.

4.6 Cllr Mrs Jessica Riddle considers that Caxton Road should be adopted and used as the access to the site, both during construction and on completion.

4.7 County Cllr Mrs Christine Bowditch has objected to the application for the following reasons:

- The local residents and Ward Councillors welcome this application to build a mix of homes in this area. At no time, have they ever resisted the application. The issue is the choice of access and egress to the new development which was initially to be via Caxton Road but was subsequently change to Turnstone Drive;
- This was a fundamental revision with serious implications for occupiers of Turnstone Park and adjoining roads;
- The submitted plans show vehicular access via Turnstone Drive with a pedestrian and emergency access via Caxton Road. The original proposal was, however, for access and egress via Caxton Road;
- On the advice of the Highway Authority, it is considered that no highway safety objections to this proposal would merit the refusal of planning permission. This conclusion simply beggars belief. Given the choice of the original access proposal via Caxton Road, an unoccupied and isolated entrance and the new access proposal via Turnstone Drive, an established estate with a substantial play area anybody with an appreciation of Risk Assessment would say that the safest option is via Caxton Road;

A revised application should be submitted proposing access and egress via Caxton Road as originally proposed.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections to the proposal. Conditions on the outline permission relating to drainage and highways issues still need to be discharged;

Cumbria County Council - (Archaeological Services): - no objections – the archaeological work required by condition on the outline permission needs to be undertaken;

Natural England: - advice provided to the outline application applies to the Reserved Matters application;

Historic England - North West Office: - no objections to the application on heritage grounds. Support advice given by the County Archaeologist;

Cumbria County Council - (Highway Authority - Footpaths): - Public Footpath 109072 runs to the north of the proposed development and must not be altered or obstructed before or after the development has been completed;

Local Environment - Environmental Protection: - conditions on the outline relate to contaminated land and noise levels. Consideration should be given to limit the permitted hours and to reduce noise and dust;

Planning - Access Officer: - no objections;

Cumbria Constabulary - North Area Community Safety Unit: - suggested some measure that would enhance the proposals in relation to crime prevention;

Northern Gas Networks: - no objections;

Local Environment, Waste Services: - no objections in principle – applicant would need to pay for refuse bins for each property;

Cumbria Wildlife Trust – there is no evidence that an ecological survey has been completed to identify negative effects of the proposed development on biodiversity/ wildlife – an ecological survey should be completed prior to the start of the project.

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 The Development Plan for the purpose of the determination of this application is the Carlisle District Local Plan 2015-2030 from which Policies SP1, SP2, HO2, HO4, HE1, SP6, GI3, GI4, GI6, IP2, IP3, IP6, CC5, CM4 and CM5 are of particular relevance. The Council's Supplementary Planning Documents (SPDs) "Achieving Well Designed Housing", "Trees and Development", and "Designing Out Crime" are also material planning considerations.
- 6.3 The requirements of the public sector equality duty under Section 149 of the Equality Act 2010; and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT) are also material considerations. Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:
 - a) to eliminate discrimination, harassment, victimisation etc;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 6.4 The relevant protected characteristics include age, gender, disability and

race.

- 6.5 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014 as updated), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).
- 6.6 The NPPF identifies 3 dimensions for the planning system to perform under sustainable development, namely, an economic role, a social role and an environmental role.
- 6.7 Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as “a golden thread”. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
 - specific policies in this Framework indicate development should be restricted.
- 6.8 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.
- 6.9 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with paragraph 118 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.
- 6.10 The proposals raise the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.11 In August 2016, outline planning permission was granted for residential development on this site and the principle of residential development on the site has, therefore, already been established.
- 6.12 This application is a Reserved Matters application, which is seeking approval for the proposed access arrangements, the appearance, layout and siting of the dwellings and the proposed landscaping.

2. Whether The Proposed Layout, Scale, Appearance And Landscaping Would Be Acceptable

- 6.13 The site would contain 58 dwellings and this equates to 39 dwellings per hectare, which is an acceptable density for a site in this location. The development would contain a range of house types, which would consist of detached and semi-detached dwellings, short terraces of three properties and some apartments. Properties would range in size from one and two-bed apartments and two, three and four bedroom dwellings.
- 6.14 The majority of dwellings would be three-bed properties (31), with 16 dwellings being four-bedroom and four being two-bedroom. There would also be four two-bedroom apartments and three one-bedroom apartments. Six of the dwellings would be affordable and four of these would be two-bedroom units, with two having three-bedrooms.
- 6.15 A variety of house designs would be used with dwellings being either two-storey, two-and-a-half-storey or three-storey. The three-storey dwellings would be located centrally within the site. The dwellings would incorporate a range of features including: two-storey flat roof front projections; flat roof open porches; flat roof dormer windows; bay windows; single-storey rear extensions; brick panels and rendered sections.
- 6.16 The dwellings would be constructed of red/ grey multi-brick, with some white rendered sections, under re-constituted slate roofs. Windows would be grey upvc, with front doors being composite wood effect. Soffits, fascias and barge boards would be black painted timber, with rainwater goods being black upvc. The exact details of the proposed external materials and hard surface details would be agreed through a subsequent discharge of conditions application.
- 6.17 Each dwelling would have a minimum of two car parking spaces, with a number of properties having three parking spaces, including a single garage. The roads would be 5.5m wide, which would be sufficient to accommodate some visitor parking.
- 6.18 Boundary treatments would consist of 0.75m high railings to the front of properties, 1.8m high timber close boarded fences between rear gardens and 1.8m high bricks with feature piers and close boarded timber infill panels on the more prominent elevations, adjacent to the roads. The southern boundary, which lies adjacent to Caxton Road, would consist of a 2m high acoustic timber fence to reduce noise from the adjacent industrial estate. The exact details of the boundary treatment would be agreed through a subsequent discharge of conditions application
- 6.19 The trees on the northern and western site boundaries would be retained, with the majority of trees on the eastern site boundary also being retained.
- 6.20 In light of the above, the layout, scale and appearance of the proposed dwellings would be acceptable. Further details would need to be provided in

order to discharge the landscaping conditions that are attached to the outline permission.

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

- 6.21 Plots 4 to 8 would lie to the rear of dwellings on Siskin Court. The rear elevations of Plots 6 to 8 would be 22m away from the rear elevations of the properties on Siskin Court. Plots 7 and 8 would only have one bedroom and one bathroom window at first floor level in the rear elevation, with the bedroom in the roofspace only being served by rooflights in the rear roofslope. These properties originally had living room windows at first floor level in the rear elevation but the living rooms have been moved to the front of the dwellings to reduce overlooking of the properties to the rear. Plot 6 would only have one bedroom window and one bathroom window at first floor level in the rear elevation and rooflights on rear roofslope to serve the bedroom in the roofspace.
- 6.22 Plots 4 and 5 would be the same house types as the dwelling on Plot 6 and these dwellings would have a rear elevation a minimum of 23m away from the rear elevations of properties on Siskin Court.
- 6.23 A double garage would be provided between Units 5 and 6, with a single garage being provided to the rear of Plot 4. These garages would be a minimum of 14.5m from the rear elevations of the properties on Siskin Court.
- 6.24 The trees along the boundary between the site and the rear gardens of Siskin Court would largely be retained and these would help to prevent overlooking between the existing and proposed dwellings, as would the erection of a 1.8m close boarded fence. Whilst it is acknowledged that the properties on Siskin Court sit at a lower level than the proposed dwellings, the separation distance between the existing and proposed dwellings are considered to be acceptable.
- 6.25 The dwellings on Turnstone Drive that adjoin the site (numbers 37 and 56) have gable elevations facing the site but these do not contain any primary windows.
- 6.26 Plots 55 to 57 would have rear elevations facing the road and the front garden of 2 Kittiwake Close. Plot 58 would have a rear elevation facing the rear garden of 2 Kittiwake Close. Plot 58 would be a two-and-a-half-storey four-bedroom property which would have two bedroom windows at first floor level in the rear elevation. The dwelling would, however, be 10m from the boundary with 2 Kittiwake Close and the garden of this dwelling is already overlooked from the upper floor windows of the adjoining semi-detached property.
- 6.27 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

4. Highway Matters

6.28 The application is accompanied by a Transport Statement. This concludes that:

- road casualty study has not revealed any identifiable existing collision issues associated with the expected movements generated by the proposed development, therefore, it is considered that there are no existing road safety issues pertinent to the development of the site;
- if the proposed access and internal roads of the proposed development are designed with due consideration to road safety, then the proposals should not have a detrimental road safety impact on the local transport network and should not adversely affect the safety of pedestrians and cyclists;
- when fully built the proposed residential development is expected to generate a net increase of 10 two-way vehicle trips during the AM peak hour (08:00 - 09:00) and 16 two-way vehicle trips during the PM peak hour (17:00 - 18:00) relative to previous industrial use of the site;
- the predicted modal split for the residential development indicates that 59.4% of the person trips generated by the proposed development would be made by vehicle drivers;
- the Bridge Street/ Newtown Road junction would be expected to operate well within capacity in 2021 during both peak hours with the full development in place;
- Turnstone Drive represents a suitable vehicular access route for the proposed residential development;
- it has been acknowledged that Turnstone Drive and the vehicular access roads were designed with the intention of providing access to the application site;
- in transport terms, it is concluded that the proposed development could be provided without adversely affecting the operation of the surrounding highway network;
- the proposals are considered to be in accordance with the NPPF which states that 'development should only be prevented or refused on grounds where the residual impacts of development are severe'
- the Transport Statement determination that the proposed development would not be expected to have a detrimental impact on road safety, traffic and highway terms.

6.29 The outline application showed Turnstone Drive as the only vehicular access to the site, with Caxton Road being shown as a pedestrian and emergency access only. Condition 25 of the outline permission states that no development shall take place until details of the proposed estate road via Turnstone Drive and the proposed means of emergency access (inclusive of the foot/ cycleway connection and bollard) via Caxton Road have been

submitted to and approved in writing by the Local Planning Authority. Condition 27 states that there shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, footways and footpaths. These conditions have established the use of Turnstone Drive as the only vehicular access to the new development.

- 6.30 The Highway Authority has been consulted on the application and has no objections to the proposal. Within the outline application (15/0878), the principles of the access point from Turnstone Park were agreed with the Highway Authority as was the emergency access via Caxton Road.
- 6.31 This application is seeking outline consent for a total of 58 residential dwellings on the site which is to be accessed from Turnstone Drive, with a connection being provided from Caxton Road for emergency vehicles, pedestrians and cyclists, as previously agreed by the Highway Authority. The developer has agreed to design the proposed emergency access such that it could be utilised as a full vehicular access in the future, if the connecting section of Caxton Road is brought up to an adoptable standard, and then adopted by the Highway Authority.
- 6.32 The Highway Authority has noted that further information is required through the planning process with regards to construction details of the roads and footways, road lighting, highway drainage and traffic calming. In light of this the Highways Authority has no objections to the approval of the reserved matters planning permission for this site subject to the conditions associated with the outline permission 15/0878 being applied.

5. Affordable Housing

- 6.33 A Unilateral Undertaking is attached to the outline permission and this requires the provision of a six affordable units at a 30% discount to the market value comprising four two-bedroom and two three-bedroom houses. The submitted Site Plan shows Plots 44 to 49 being the affordable units. Plots 44 to 47 would be two-bedroom dwellings, with Plots 48 and 49 being three-bedroom dwellings. The Council's Housing Officer has been consulted on the application and he has confirmed that he has no objections to the proposals, which are in line with the requirements of the outline permission in relation to the provision of affordable housing.

6. Drainage

- 6.34 Conditions 5 and 6 on the outline planning permission (15/0878) require the submission of details of both foul and surface water drainage. These conditions are to be discharged later within the planning process, and as such the Lead Local Flood Authority at this stage has no objections subject to these conditions being applied to this application and discharged at a later date.

7. Biodiversity

- 6.35 Cumbria Wildlife Trust has requested that an ecological survey should be completed prior to the start of the project. An ecology report was submitted with the outline application and this recommended that:
- bat roosting opportunities in the form of bat bricks are installed in the new buildings to enhance the habitat on the site;
 - precautionary measures are put in place during the works with regard to great crested newts;
 - any vegetation clearance works are carried out outside the bird nesting season;
 - an owl nest box is erected in a tree or pole in the north west corner to replace the nesting habitat lost;
 - all personnel working on the site are briefed on the potential presence of reptiles on site; and
 - the removal of the two invasive non native plant species (Japanese Knotweed and Cotoneaster) present on the site.
- 6.36 Conditions have been added to the outline permission which require the installation of bat bricks and the provision of a owl nesting box within the northwest corner of the site; the submission of a scheme to eradicate Japanese Knotweed and other invasive species from the site; the retention a the majority of the trees on the site boundaries; and the submission of a Construction Method Statement for approval by the LPA.
- 6.37 An Assessment of Likely Significant Effects was also prepared by Lloyd Bore on behalf of the City Council during the determination of the outline application. This concluded that direct and indirect impacts on the River Eden and Tributaries SSSI are not anticipated.

8. Other Matters

- 6.38 Story Homes has objected to the proposal and has queried whether the applicant can genuinely commit to the proposed development. This is because the proposed vehicular and pedestrian access would require the removal of an existing Story Homes owned fence. The applicant has not given Story Homes direct notification of the proposed development on their land interest and has not approached Story Homes nor sought the necessary private right to remove the fence on Story land to enable the main access. This, therefore, brings into question the overall deliverability of the scheme. Story has asked County Highways to consider whether it would object to the proposal as there is no demonstration of a deliverable access. County Highways has not raised an objection on this basis, which is a private legal matter and is not relevant to the determination of this Reserved Matters application.
- 6.39 The Unilateral Undertaking attached to the outline permission requires the payment of £63,000 towards off-site amenity/ recreational space.
- 6.40 The County Archaeologist has no objections to the proposal but notes that condition 8, which requires the implementation of a programme of archaeological work, needs to be discharged prior to the commencement of

development.

Conclusion

- 6.41 In overall terms, the principle of the development is acceptable. The proposed layout, scale and appearance would be acceptable. Further details are required to discharge the landscaping conditions. The proposed access, road layout and parking provision would be acceptable and affordable housing would be provided in line with the policy requirement. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

7. Planning History

- 7.1 In 2000, under application 00/0291, planning permission was given for the change of use of part of the site to an indoor leisure centre to include go-karting and skateboarding.
- 7.2 In 2003, under application 03/0836, permission was given for the continuation of use of premises as an indoor leisure centre for go-karting and skateboarding together with the additional use of adjacent buildings as a soft area play centre.
- 7.3 In 2010, application 09/0039, permission was given to erect 2.4m high palisade boundary fencing.
- 7.4 In 2013, under application 13/0863, a Certificate of Existing Lawfulness for the buildings to operate as Use Class B2 was issued.
- 7.5 In August 2016, outline planning permission was granted for the demolition of existing industrial buildings and for the erection of 63no. dwellings (15/0878).

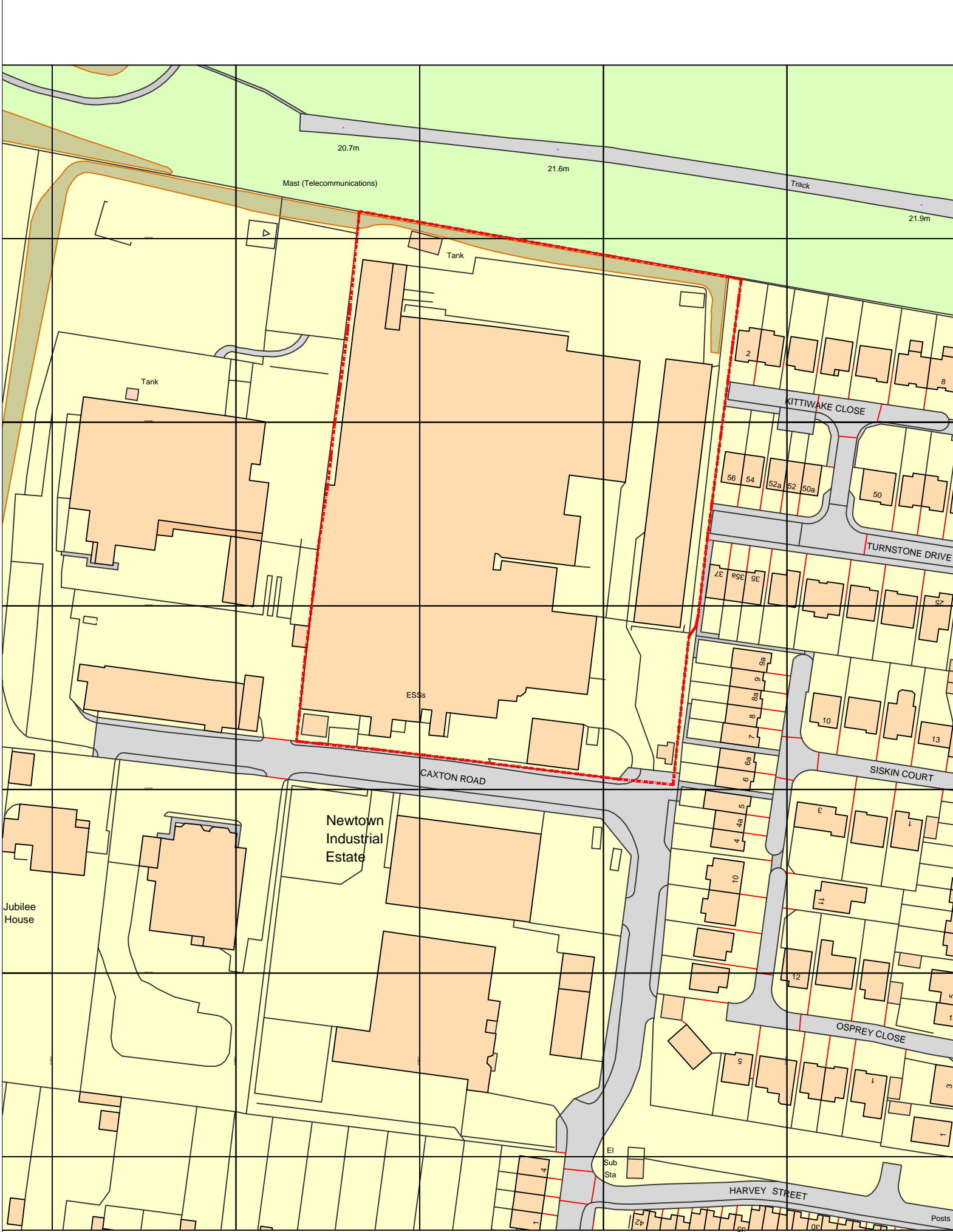
8. Recommendation: Grant Permission

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by condition 2 with regard to access, appearance, layout and scale attached to the outline planning consent to develop the site.
2. The development shall be undertaken in strict accordance with the approved documents for this Reserved Matters Permission which comprise:
 1. the submitted planning application form received 3rd August 2017;
 2. the Site Location Plan (drawing ref 1501-101) received 3rd August 2017;
 3. the Site Plan (drawing ref 1501-100 Rev D) received 27th February

2018;

4. the Housetypes A-D Option 2 (drawing ref 1501-121 Rev C) received 27th February 2018;
5. the Housetypes E-G & Garages (drawing ref 1501-122 Rev B) received 27th February 2018;
6. the Housetypes A1 & B1 (Affordable) (drawing ref 1501-123 Rev A) received 27th February 2018;
7. the Design & Access/Planning Statement (August 2017) received 3rd August 2017;
8. the Transport Statement (May 2016) received 26th January 2018;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.



CDM 2015

AREA	PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING :
	NOT OBVIOUS ■ UNUSUAL ■ DIFFICULT TO MANAGE
CONSTRUCTION	
USE	
MAINTENANCE	
DECOMMISSION	

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

COPYRIGHT RESERVED

C

THIS DRAWING IS COPYRIGHT AND THE INTELLECTUAL PROPERTY OF LOROC ARCHITECTS LIMITED. THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORITY.

DO NOT SCALE

NO DIMENSIONS TO BE SCALED FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ANY DISCREPANCIES REPORTED TO THE ARCHITET / ENGINEER / CONTRACTOR

ALL INFORMATION ON THIS DRAWING IS SUBJECT TO A FULL AND COMPREHENSIVE TOPOGRAPHICAL SURVEY AND CONFIRMATION OF RELEVANT TITLE.

ADDITIONAL NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY

REV	DESCRIPTION	DRWN	CHKD	DATE
<div>LOROC</div>				
CLIENT				
LUND GROUP LTD				
PROJECT				
CAXTON ROAD, CARLISLE				
TITLE				
SITE LOCATION PLAN				
SCALE	1:1250 @ A3	DATE	JUL 2017	
DRAWING NO.	1501-101	REVISION	-	
DRAWN BY	RH	CHECKED BY	-	
PURPOSE OF ISSUE				
<div><div><input checked="" type="radio"/> PLANNING</div><div><input type="radio"/> BUILDING REGS</div><div><input type="radio"/> TENDER</div></div> <div><div><input type="radio"/> APPROVAL</div><div><input type="radio"/> COMMENT</div><div><input type="radio"/> CONSTRUCTION</div></div>				
<div>LOROC ARCHITECTS</div> <div>25A PARK SQUARE WEST,</div> <div>LEEDS, LS1 2PW</div> <div>T: 0113 233 7755 F: 0113 243 4806 W: www.loroc.co.uk</div>				

NOTES
THIS DRAWING IS BASED ON SURVEY DRAWING NO. 11719-106-2, PREPARED BY MET GEO ENVIRONMENTAL AND ORDINANCE SURVEY INFORMATION. IT IS SUBJECT TO CONFIRMATION OF BOUNDARIES / RIGHTS OF WAY / EASEMENTS AND CONSULTATION WITH THE LOCAL AUTHORITY, DESIGN TEAM AND PUBLIC UTILITIES, ETC.



CAXTON ROAD, CARLISLE

NOTES

THIS DRAWING IS BASED ON SURVEY DRAWING NO. 11719-106-2, PREPARED BY MET GEO ENVIRONMENTAL AND ORDNANCE SURVEY INFORMATION. IT IS SUBJECT TO CONFIRMATION OF SURVEY INFORMATION BY THE ARCHITECT'S CONSULTANTS WITH THE LOCAL AUTHORITY, DESIGN TEAM AND PUBLIC UTILITIES ETC.

GENERAL KEY

▲ PEDESTRAIN & VEHICULAR ENTRANCES

1 GATE

→ SIDE WINDOW TO HABITABLE ROOMS (LOUNGE, DINING, KITCHEN, BEDROOM, ETC.)

● DEMOUNTABLE BOLLARDS

--- BOUNDARY

--- EXISTING SEWERS & EASEMENTS

--- GARDEN RETAINING WALLS

--- EXISTING BUILDINGS

PROPOSED TREES TO INCLUDE SPECIES SUCH AS SILVER BIRCH, MOUNTAIN ASH & NATIVE CHERRY - REFERENCE LANDSCAPE ARCHITECTS DRAWINGS FOR SPECIES

EXISTING TREES / SHRUBS / HEDGES TO BE REMOVED - REFERENCE ARBORICULTURALISTS DRAWINGS

EXISTING TREES / SHRUBS / HEDGES TO BE RETAINED - REFERENCE ARBORICULTURALISTS DRAWINGS

ROOT PROTECTION ZONES - REFERENCE ARBORICULTURALISTS DRAWINGS

STOREY HEIGHTS

1 STOREY

2 STOREY - AFFORDABLE UNITS

2.5 STOREY

3 STOREY

BOUNDARY TREATMENTS

1800mm HIGH BRICK WALL WITH FEATURE PIERS AND CLOSE BOARDED TIMBER INFILL PANELS

1800mm HIGH TIMBER CLOSE BOARDED FENCE

750mm HIGH RAILINGS

2000mm HIGH ACOUSTIC TIMBER FENCE

GROUND TREATMENTS

TAR/MAC TO ESTATE ROADS, PAVEMENTS / FOOTPATH, PRIVATE DRIVES AND DRIVE - UNLESS OTHERWISE STATED

BRINDLE SETS TO NEWS COURTS / ACCESSWAYS AND DRIVES - UNLESS OTHERWISE STATED

TURFED AREAS - ALL REAR GARDENS TO BE TURF

PAVING SLABS TO PATHS & PATIOS

LOW LEVEL SHRUBS TO INCLUDE SPECIES SUCH AS BOX, COTONEASTER, ELIOMYLA, BERBERIS & MAHONIA, SPECIES SUCH AS HAWTHORN, BLACKBURN, CHERRY, CORNUS & ELDER - REFERENCE LANDSCAPE ARCHITECTS DRAWINGS FOR SPECIES

SERVICES

FOUL DRAINAGE

SURFACE WATER

TELECOMS

ELECTRICITY

WATER

GAS / LPG

SCHEDULE OF ACCOMMODATION

HT	BEDS	NO	SQFT	SOM
A	38	11No.	1067	99.12
A1	48	4No.	1299	121.73
A2	38	20No.	1208	112.11
C	48	6No.	1281	118.99
D	18	3No.	541	50.30
E	28	3No.	937	87.05
F	28	1No.	729	67.75
G	28	3No.	65078	6046

AREAS

100% TO APARTMENTS, MIN. 200% TO ALL OTHER HOUSES.

DEVELOPMENT

18942 SQ FT / ACRE

44443 SQ FT / HECTARE

DENSITY

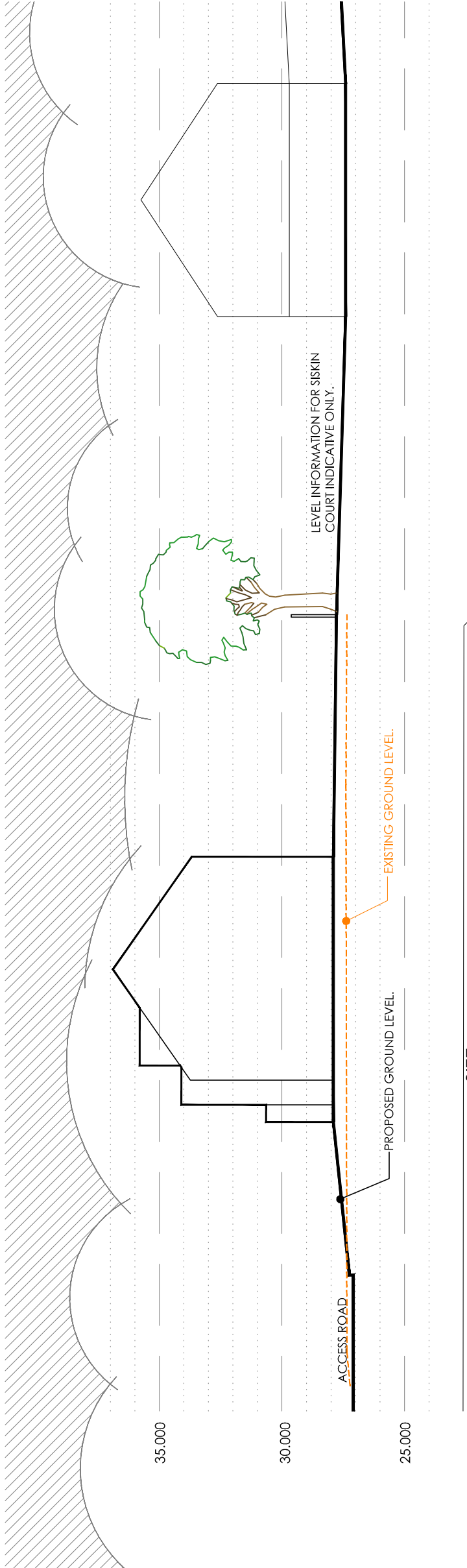
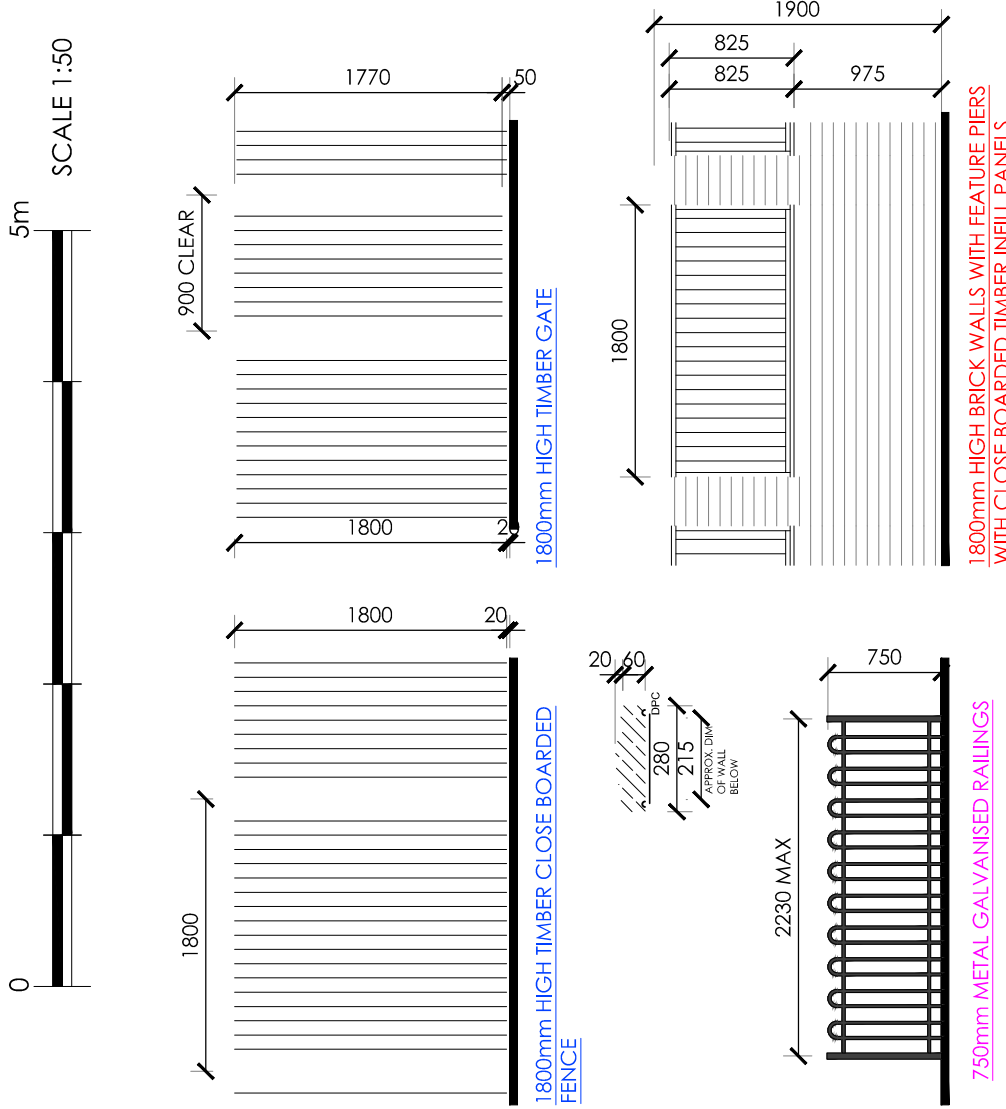
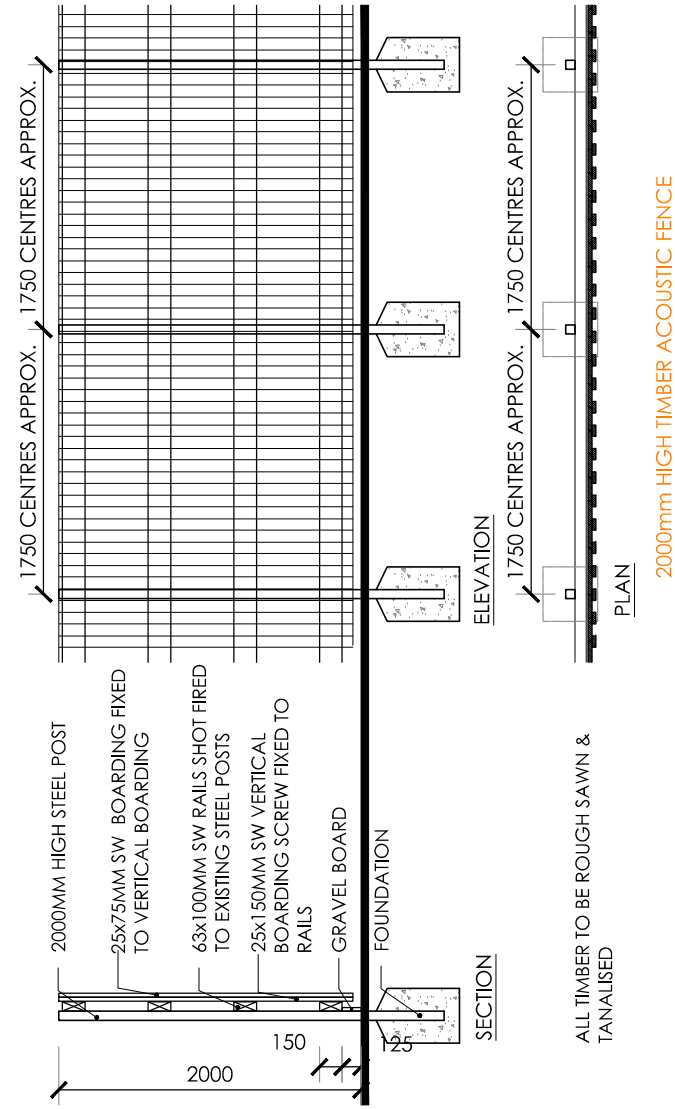
1.6No. UNITS PER ACRE

59No. UNITS PER HECTARE

AFFORDABLE HOUSING

PLOTS 44 - 49 TO BE AFFORDABLE HOUSING UNITS, PROVIDING 4No. 2 BED UNITS (HOUSE TYPE A2) & 2 No. 3 BED UNITS.

FENCE DETAILS



STREETSCAPE / SITE SECTION C-C, 1:200

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

CDM 2015

PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING :
NOT OBVIOUS ■ UNUSUAL ■ DIFFICULT TO MANAGE

AREA

CONSTRUCTION

USE

MAINTENANCE

DECOMMISSION

COPYRIGHT RESERVED

C

THIS DRAWING IS COPYRIGHT AND THE INTELLECTUAL PROPERTY OF LOROC ARCHITECTS LIMITED. THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT WRITTEN AUTHORITY.

DO NOT SCALE

NO DIMENSIONS TO BE SCALED FROM THIS DRAWING. ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO COMMENCEMENT OF WORKS AND ANY DISCREPANCIES REPORTED TO THE ARCHITECT / ENGINEER / CONTRACTOR. ALL INFORMATION ON THIS DRAWING IS SUBJECT TO A FULL AND COMPREHENSIVE TOPOGRAPHICAL SURVEY AND CONFIRMATION OF RELEVANT TITLE.

ADDITIONAL NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY.

REV	DESCRIPTION	DATE
C	AFFORDABLE UNIT NOTATION AMENDED	27.02.17
C	STONE WALL NOTATION AMENDED	27.02.17
B	AFFORDABLE UNIT NOTATION AMENDED	27.02.17
B	TOPOGRAPHICAL SURVEY (UPDATED & LEVELS UPDATED) ACCORDING TO AFFORDABLE HOUSING NOTED: AFFORDABLE HOUSING HEAD ADDED ADJACENT TO PLOT 43.	27.10.17
A	SECTION C-C ADDED	13.10.17

DRWING

NO

DATE

REV

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

DATE

DESCRIPTION

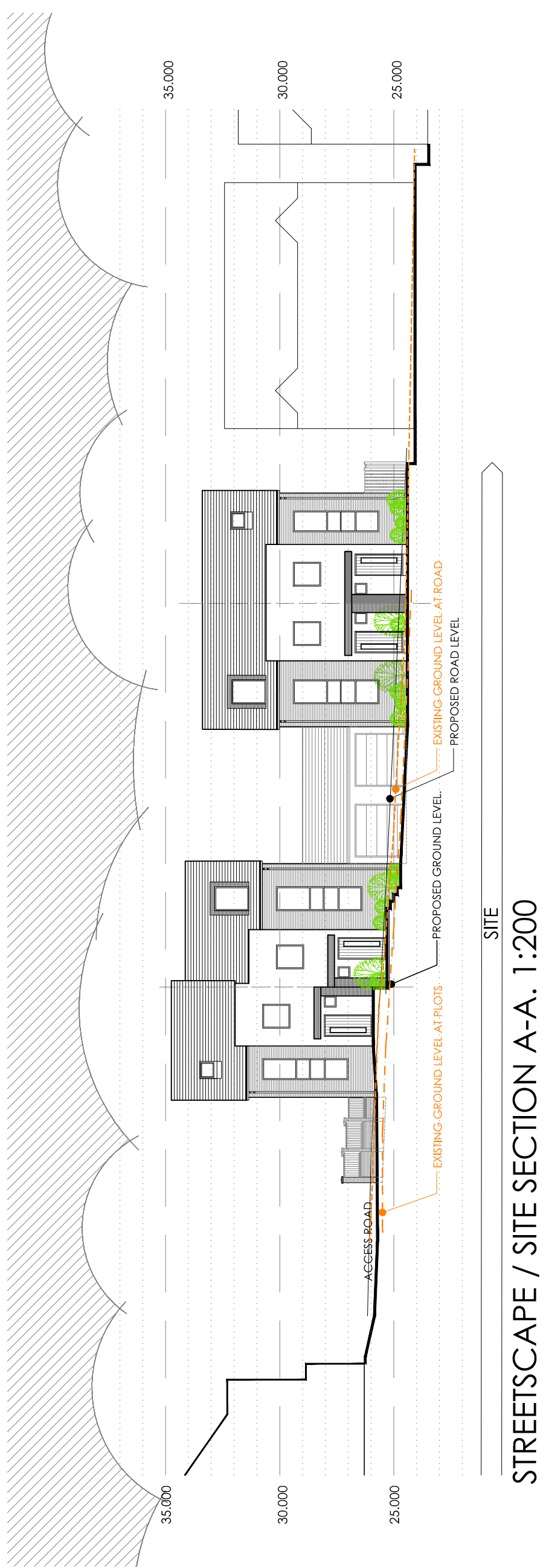
DATE

DESCRIPTION

DATE

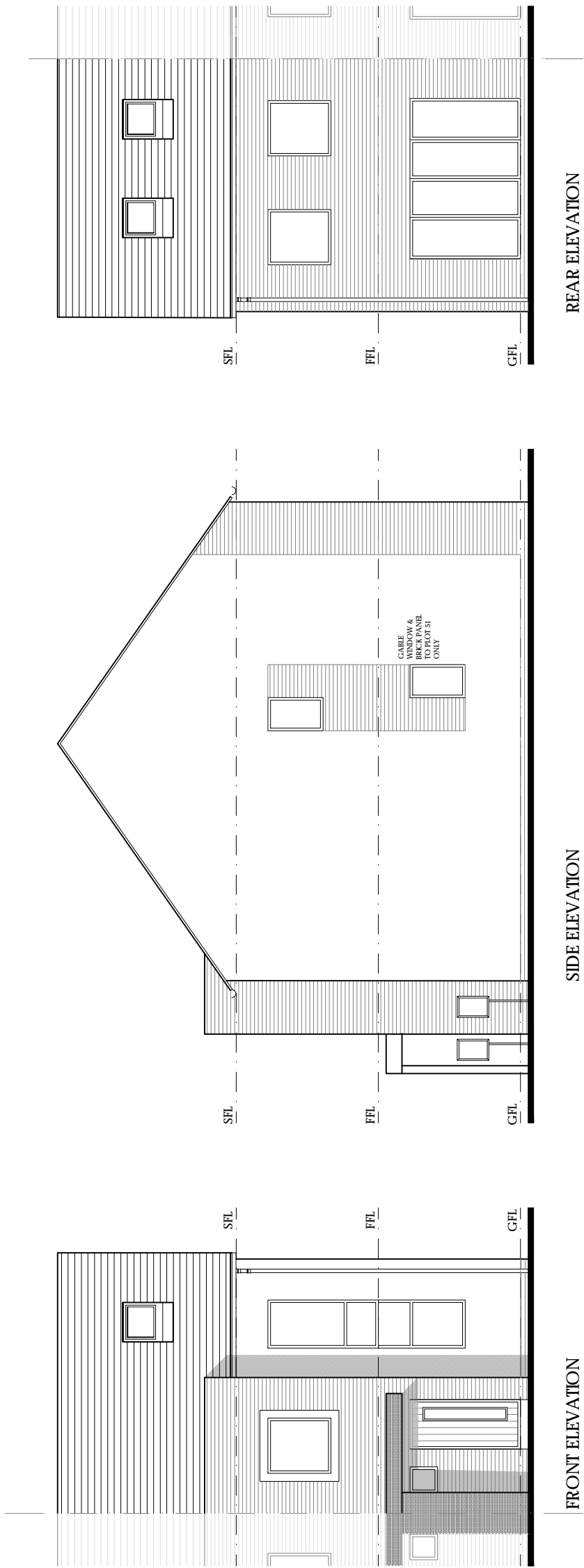
DESCRIPTION

DATE

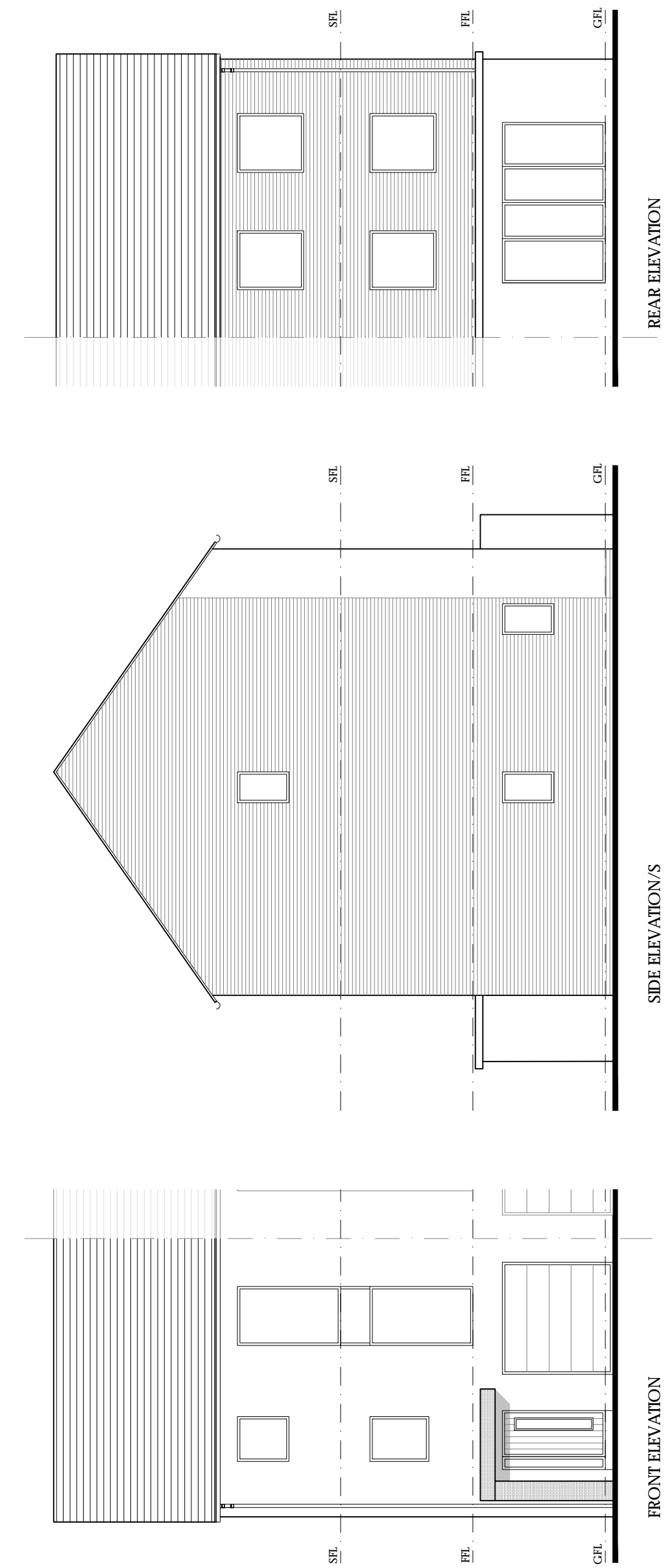


STREETSCAPE / SITE SECTION B-B, 1:200

HOUSE TYPE A



HOUSE TYPE C



©
COPYRIGHT RESERVED

THIS DRAWING IS COPYRIGHT AND THE INTELLECTUAL
PROPERTY OF LOROC ARCHITECTS LIMITED.
THIS DRAWING MAY NOT BE REPRODUCED IN WHOLE
OR IN PART WITHOUT WRITTEN AUTHORITY.

DO NOT SCALE

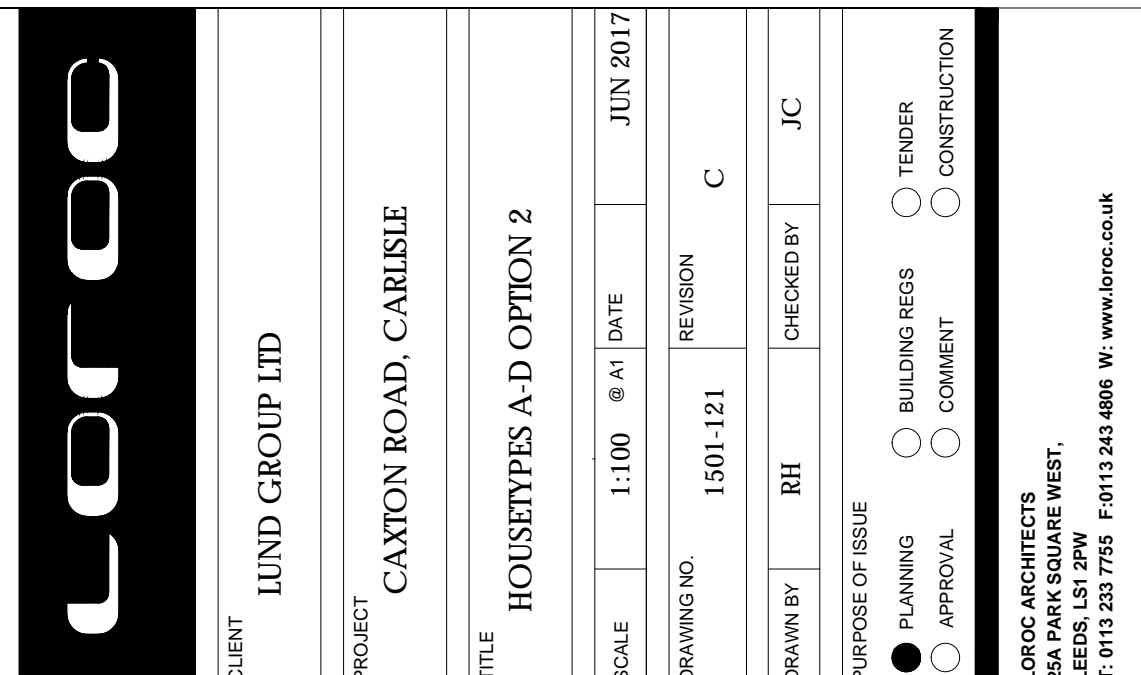
NO DIMENSIONS TO BE SCALED FROM THIS DRAWING.
ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO
COMMENCEMENT OF WORKS AND ANY DISCREPANCIES
REPORTED TO THE ARCHITECT / ENGINEER / CONTRACTOR

ALL INFORMATION ON THIS DRAWING IS SUBJECT TO A FULL
AND COMPREHENSIVE TOPOGRAPHICAL SURVEY AND
CONFIRMATION OF RELEVANT TITLE.

ADDITIONAL NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY

A	HOUSE TYPE A CABLE AMENDED	RF	27.02.18
B	SQUARE WINDOWS AMENDED TO RECTANGULAR & METER POSITIONS NOTED. ALL IN LINE WITH PLANNERS COMMENTS.	RH	27.10.17
A	CABLE END FEATURE ADDED TO PLOTS ADJACENT TO HIGHWAYS AS PER	RH	12.10.17



HOUSE TYPE B



EXTERNAL MATERIALS

ROOF: RECONSTITUTED SLATE. GENERALLY, SINGLE PLY MEMBRANE TO DORMERS, COLOUR GREY.

WALL: RED/ GREY MOUTH BRICK & WHITE RENDER

PORCH/ CANOPY: GREY CLADDING

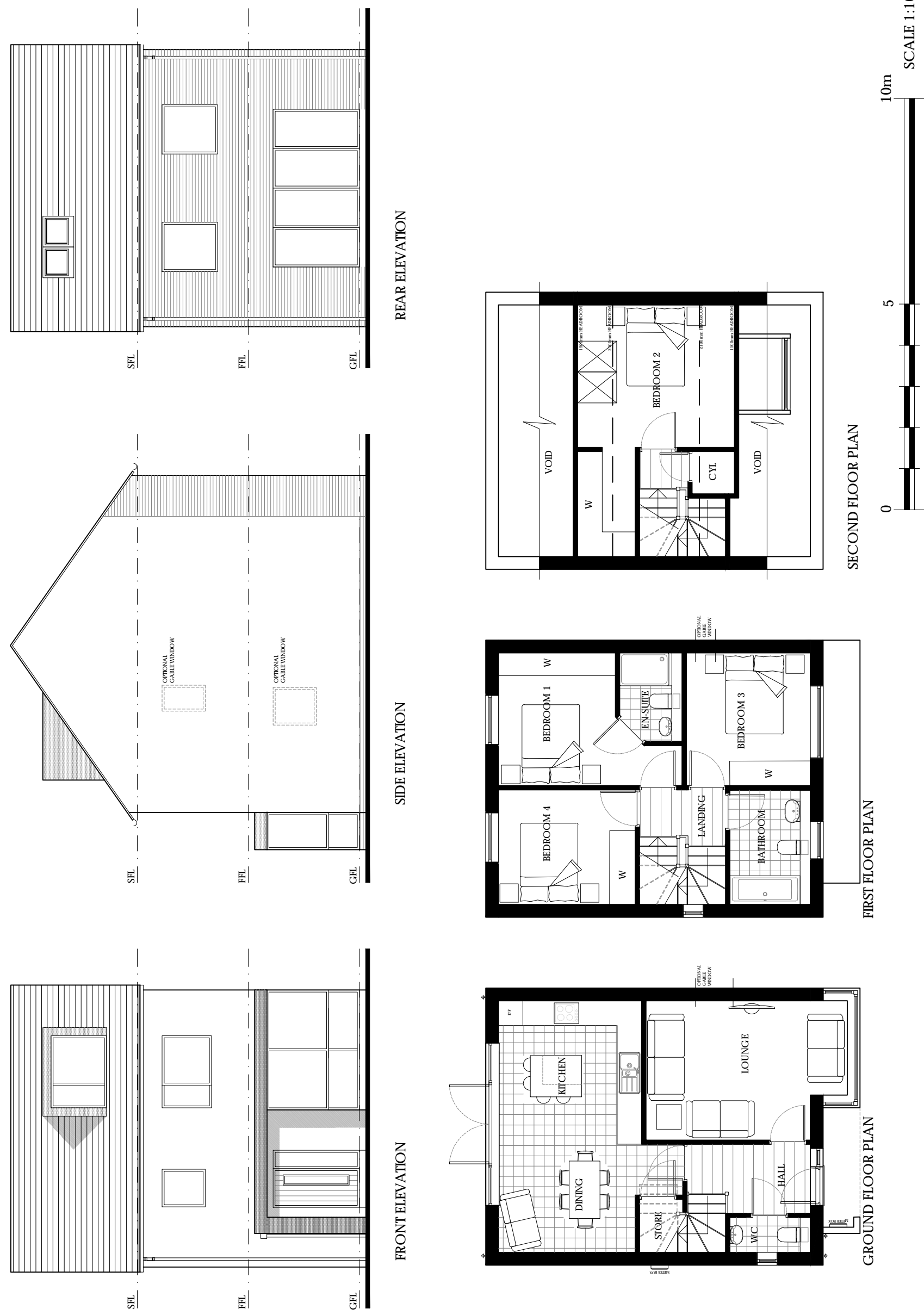
WINDOWS: GREY UPVC WINDOWS. ALL GLASS DOUBLE GLAZED AS STANDARD.

FRONT DOOR: COMPOSITE WOOD EFFECT; COLOUR 'B'C

RW GOODS: BLACK UPVC

SOFITS/ FASCIAS/ BARGE BOARDS: TIMBER PAINTED BLACK.

HOUSE TYPE D



PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING :
NOT OBVIOUS ■ UNUSUAL ■ DIFFICULT TO MANAGE

Application for Outline Planning Permission Notice of Approval

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure)

(England) Order 2010

Applicant:

Prospect Estates Limited
Prospect Court
2 Courthouse Street
Leeds
West Yorkshire
LS21 1AQ

Agent: (if any)

Brewster Bye Architects
5 North Hill Road
Headingley
Leeds
West Yorkshire
LS6 2EN

Part 1 - Particulars of Application

Date of Application: 15/10/2015

Application Number: 15/0878

Particulars and Location of Proposal:

Proposal:

**Demolition Of Existing Industrial Buildings; Erection Of 63No. Dwellings
(Outline)**

Location:

Land to north of Caxton Road, Carlisle, CA2 7NS

Part 2 - Particulars of Decision

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Outline Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) The expiration of 3 years from the date of the grant of this permission, or

- ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Consent comprise:

1. the submitted planning application form received 23rd September 2015; and
2. the Site Location Plan (drawing no. 483/01(01)001) received 23rd September 2015.

Reason: To define the permission.

4. 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 visitor parking spaces;
2. the provision of the pedestrian/cyclist and emergency access onto Caxton Road (inclusive of proposed bollard);
3. the provision of the means of enclosure along the frontage with Caxton Road;
4. the provision of any on site open space; and
5. the provision of suitable accessing arrangements for recyclable/waste collection vehicles.

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

Reason: To ensure that the site is developed in a co-ordinated manner.

5. No development shall take place until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second per hectare has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be designed to attenuate flows generated by the

critical 1 in 100 year storm event, with an appropriate allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. The scheme shall be phased, so as to include details of when, during the development of the site, the attenuation and flow restriction will be installed. The development shall be carried out in accordance with that phased scheme and the scheme retained and maintenance and management plan implemented throughout the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. No development shall be carried out until a scheme for separate foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of any related off-site works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision and existing drainage to be maintained/diverted/abandoned as required. The scheme shall be phased, so as to include details of when, during the development of the site, the drainage works will be installed. Development shall be carried out in accordance with the approved scheme and phasing schedule, and no dwellings within each phase shall be occupied prior to the completion of the scheme.

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

7. No development shall be carried out until a scheme detailing temporary surface water drainage for the construction phase has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
- phasing of the development and phasing of the temporary drainage provision as required; and
 - methods for preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the local planning authority.

Reason: To avoid pollution and minimise the risk of flooding.

8. 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.

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which

- will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

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 and recording of such remains and in accord with Policy E30 of the Carlisle District Local Plan 2001-2016.

9. No development shall commence until an investigation and risk assessment, in addition to the assessment provided with the planning application, has been completed (in accordance with a scheme to assess the nature and extent of any contamination on the site, and whether or not it originates on the site) and submitted to and approved in writing by the local planning authority. The aforementioned assessment must include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to:
 - i) human health,
 - ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - iii) adjoining land,
 - iv) groundwaters and surface waters,
 - v) ecological systems,
 - vi) archaeological sites and ancient monuments;
- c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared, submitted to and approved in writing beforehand by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in

relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing beforehand by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. In the event that contamination not previously identified prior to the grant of planning permission is encountered during the development, all works on site (save for investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority works on site shall not recommence until either a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or b) the local planning authority has confirmed in writing that remediation measures are not required. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the Remediation Strategy a Validation Report shall be submitted to and approved in writing by the local planning authority. Unless otherwise approved in writing no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the Remediation Strategy and Validation Report in respect of those works, as approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. No development shall take place until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to minimise light spillage across the site and include details of any permanent lighting to roads and footpaths/pavements together with any temporary lighting required during the construction phase. Development shall be carried out in accordance with the approved details and public areas shall only be lit as per the approved scheme.

Reason: To safeguard the living conditions of neighbouring residents and ecology.

14. Prior to the occupation of any of the residential units hereby approved bat bricks shall be installed in the new buildings and an owl nesting box erected on a tree/pole in the northwest corner of the site in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: To safeguard the ecology of the area.

15. No development shall take place until details of a scheme to eradicate Japanese Knotweed and other invasive plant species on the site has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to occupation of any residential unit hereby approved.

Reason: To safeguard the ecology of the area.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions, outbuildings or boundary treatments, other than those expressly authorised by this permission, shall be erected within the curtilage of any of the residential units hereby permitted adjacent to the northern boundary of the site.

Reason: To safeguard the existing trees.

17. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- and
- the timing and routing of site clearance and construction traffic.

Reason: To safeguard the living conditions of neighbours and the environment during the construction phase.

18. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CP6 of the Carlisle District Local Plan 2001-2016.

19. No development hereby permitted shall commence until an updated environmental noise report based upon World Health Organisation and BS 8233:2014 guidelines has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out fully in accordance with the recommendations of the aforementioned approved environmental noise report.

Reason: To protect the living conditions of the future occupiers of the proposed residential units.

20. Before the occupancy of any residential unit hereby permitted abutting either Caxton Road or the adjoining commercial property to the immediate west, noise level measurements must be undertaken to verify that the internal and external noise levels do not exceed World Health Organisation and BS 8233:2014 guidelines during the daytime and night time; and the measured noise levels reported to and approved in writing by the Local Planning Authority.

The internal noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. The daytime internal noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must be orientated towards Caxton Road and adjoining commercial property to the west.

Before the measurements are undertaken a schedule of the properties and rooms to be used must be submitted in writing to the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

Reason: To protect the living conditions of the future occupiers of the proposed residential units.

21. For the duration of the development works existing trees and hedges to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The Authority shall be notified at least seven days before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works.

22. No development shall take place until details of a landscaping scheme have been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or in the first planting and seeding season following the occupation of the respective residential unit. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

24. No development shall take place until details of the proposed boundary treatments and any retaining walls have been submitted to and approved in writing by the local planning authority. No residential unit shall be occupied until the boundary treatment(s) and any retaining walls relating to that plot(s) have been completed in accordance with the approved details.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

25. No development shall take place until details of the proposed estate road via Turnstone Drive and the proposed means of emergency access (inclusive of the foot/cycleway connection and bollard) via Caxton Road have been submitted to and approved in writing by the local planning authority. The details shall include full sections with suitable gradients and curves, traffic calming, drainage works, street lighting, lining, surface finishes, together with an independent Road Safety Audit, covering all aspects of the works. No residential unit hereby permitted shall be occupied until the respective estate/access road (including associated footways, turning heads, and surface water drainage) has been constructed and completed in accordance with the approved details and street lighting provided and brought into full operational use.

Reason: In the interests of highway safety.

26. Prior to the occupation of any residential unit hereby permitted the associated vehicle parking areas shall have been surfaced and drained in accordance with details submitted to and approved in writing beforehand by the local planning authority. The approved vehicle parking areas shall be retained for their intended purpose at all times thereafter.

Reason: In the interests of highway safety.

27. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, footways and footpaths.

Reason: In the interests of highway safety.

28. Samples or full details of all materials to be used on the exterior of the residential units hereby permitted shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To ensure that the materials used are acceptable.

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

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

30. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the local planning authority before any site works commence.

Reason: In order that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents.

31. Adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable telephone/broadband services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

Reason: To maintain the visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

Date: 11/08/2016

Signed:

Jane E Meek
Director of Economic Development

Advisory Statement(s)

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which

the application relates.

Important Note

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

Notice to Applicant of Rights of Appeal

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms can be submitted electronically at-

www.gov.uk/appeal-planning-decision

Alternatively they can be obtained from the following address: -

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

Telephone: 0303 444 50 00

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

Further Information

- The government web site (www.gov.uk/planning-inspectorate) contains a range of planning-related guidance and services, which are useful at both the

application and appeal stage.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

DocFdn OUT/GTL 11/08/2016 11:30:50

SCHEDULE A: Applications with Recommendation

17/1000

Item No: 02

Date of Committee: 16/03/2018

Appn Ref No:
17/1000

Applicant:
Story Homes

Parish:
Stanwix Rural

Agent:

Ward:
Stanwix Rural

Location: Land at Hadrian's Camp, Houghton Road, Houghton, Carlisle CA3 0LG

Proposal: Variation Of Condition 15 (Open Spaces & Informal Play Areas) Of Previously Approved Application 12/0610 To Allow Investment In Existing Off Site Play Area At Tribune Drive

Date of Receipt:
23/11/2017

Statutory Expiry Date
18/01/2018

26 Week Determination
30/03/2018

REPORT

Case Officer: Suzanne Osborne

Members resolved to defer consideration of the proposal at the meeting of the Development Control Committee on the 9th February 2018 in order to under take a site visit.

Since the application was deferred, two further representations from the occupier of a property at Eden Gate (No.3 Drawdykes Lane) have been received. The representations have been made available to Members in the third party schedule; however, in summary the representations make further reference to the informal access between Eden Gate and Tribune Drive and the practicality of the informal access.

The issue of a formal/informal access is identified in paragraphs 6.15-6.18 of the main committee report.

1. Recommendation

- 1.1 It is recommended that this application is approved subject to a deed of variation to the existing S106 agreement.

2. Main Issues

- 2.1 Acceptability of providing an off-site play area contribution;
- 2.2 Impact upon Hadrian's Wall World Heritage Site Buffer Zone;
- 2.3 Other Matters.

3. Application Details

The Site

- 3.1 This application relates to 4.997 hectares of the former military training base/Army Apprentices School known as "Hadrian's Camp" which is currently being developed by Story Homes for 99 dwellings and associated open space/infrastructure following reserved matters planning approval in 2015. The land (now called Eden Gate) is located on the eastern side of Houghton Road to the immediate south of residential development at Antonine Way/Tribune Drive associated with the village of Houghton and north of a transport depot for Cumbria Constabulary and existing ribbon development at 2-48 Houghton Road. To the south of the transport depot there is further residential development at Centurion Walk and Hadrian's Gardens as well as Hadrian's (caravan) Park.

Background

- 3.2 In December 2013, under application 12/0610, outline planning permission was given for residential development subject to a number of conditions and the completion of a Section 106 Agreement.
- 3.3 In 2015, under application 14/0930, a reserved matters application was granted for the erection of 99no.dwellings (of which 25no.to be affordable) and associated open space and infrastructure. A further application was also submitted in 2015 for development of associated drainage to support the proposed 99no.dwellings including a suds attenuation pond and connecting drainage pipe work (reference 14/0989).
- 3.4 In 2015 two discharge of conditions applications were submitted, references 15/0045 and 15/0574, which dealt with a number of matters including landscaping, materials, construction management, drainage, boundary treatments, floor levels, highway construction, archaeology and contamination.
- 3.5 In 2017 a further discharge of conditions application was submitted and granted, reference 17/0728, for the discharge of condition 15 (open spaces and informal play areas). The wording to condition 15 stated:

No development shall commence until details of the proposed open spaces and informal play areas, which shall be provided with items of equipment at the expense of the developer, have been submitted to and approved, in writing, by the Local Planning Authority. The open spaces and informal play areas shall be completed, fully equipped and available for use prior to the occupation of the 70th residential unit completed within the development

unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: *In order to secure an acceptable standard of development and to make proper provision for the recreational needs of the area in accordance with Policy LC4 of the Carlisle District Local Plan 2001-2016.*

- 3.6 The proposed play area which was submitted for application 17/0728 was to be located at the top of the turning head to the development on land part of the public open space, providing the same equipment as the play area on the Crindledyke site to the north of the City.

The Proposal

- 3.7 This application seeks permission to vary condition 15 (open spaces and informal play areas) of previously approved application 12/0610 to allow investment in an existing off site play area at Tribune Drive in Houghton. The applicant now proposes a commuted payment of £55,000 to allow Carlisle City Council to make off-site play park improvements at Tribune Drive.
- 3.8 The supporting statement submitted with the application requests that condition 15 is reworded as follows *"The open spaces shall be completed with approved landscaping prior to final occupation of 99th dwellings unless otherwise agreed in writing with the Local Planning Authority"*.
- 3.9 Following concerns raised by the Parish Council regarding when the monies will be paid, the applicant has now agreed to pay the commuted sum within one month of the date of any planning approval and is prepared to enter into a deed of variation to the existing S106 to ensure this.

4. Summary of Representations

- 4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 84 neighbouring properties. In response to the consultation undertaken 5 objections have been received.
- 4.2 The letters of objection can be summarised as follows:
1. the two housing estates should not be merged;
 2. Tribune Drive is a quiet estate which the application would compromise;
 3. developer should build a play area on Eden Gate;
 4. concern that Developer is trying to get out of their undertakings;
 5. there is mixed views on Eden Gate, provision would only make sense if there was access from Eden Gate around plot 65 to the Tribune Drive play area;
 6. concern that the open spaces land at Eden Gate would be used for housing if play area is not provided;
 7. unfair that residents of Tribune Drive should share their play area;

8. potential anti-social behaviour from a new access;
9. distance from Eden Gate to Tribune Drive play area is too great;
10. if access is not available the existing play area will not be used;
11. residents were sold their houses on the premise that play facilities would be provided on site;
12. giving money than providing play area at Eden Gate is the cheaper option.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objection;

Stanwix Rural Parish Council: - Two aspects to the proposal. Firstly from its own experience the Parish Council can advise that such a sum of £50,000 does not go very far when investing in play areas and thus would prefer to see a further £10,000 being offered. Additionally no provision is made for maintenance. Parish is aware of the differing opinion within the communities of Tribune Drive and Eden Gate which both have merit and can be summarised as - invest in a dedicated play area within the boundary of Eden Gate, or invest in the Tribune Drive play area and create a path to allow easy access from Eden Gate.

There is concern from residents that opening an access route may provide opportunities for the spread of anti-social behaviour and recommends consultation with Cumbria Constabulary regarding the design and construction of any such access.

The Parish prefers the option of developing the Tribune Drive site as this would maximise the number of local children able to benefit from the additional investment, avoid the creation of Eden Gate as an enclave somewhat apart from the community of Houghton, enhance opportunities for community integration and cohesion; and, provide a pedestrian route between Eden Gate and Houghton School avoiding Houghton Road which in places only has a narrow and often overgrown footway.

Second aspect - Parish Council objects strongly to when the commuted sum shall be paid as the commuted sum could be entirely avoided if only 98 dwellings are built.

(Former Environmental Services) - Green Spaces: - supportive of the proposal as the new site will be accessible to the wider community and will provide much needed investment in play facilities in Houghton. One issue to be resolved is the access via an existing strip of land (an overgrown hedgerow) owned by a third party but Green Spaces are confident that this access can be achieved by negotiation. It will have the added benefit of linking the new development with existing facilities in the village. Whilst it is understood that residents of the new development may be disappointed by

the proposal, overall it achieves a better outcome for the community as a whole.

Historic England - North West Office: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, GI4, GI6 and HE1 of the Carlisle District Local Plan (CDLP) 2015-2030.
- 6.3 The proposal raises the following planning issues:

1. Acceptability Of Providing An Off-Site Play Area Contribution

- 6.4 Paragraph 14 of the NPPF states *"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking"*
- 6.5 Paragraph 6 of the NPPF illustrates that sustainable development has three dimensions economic, social and environmental which are mutually dependant. Under social the NPPF confirms that strong vibrant and healthy communities should be supported by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well being.
- 6.6 In order to promote healthy communities paragraph 70 of the NPPF confirms that planning decisions should plan positively for the provision of shared space and community facilities and other local services to enhance the sustainability of communities and residential environments. Planning decisions should guard against the unnecessary loss of valued facilities; ensure that existing facilities/services are able to develop and modernize in a way that is sustainable and retained for the benefit of the community; and, ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 6.7 Paragraph 69 of the NPPF also highlights that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, and, create safe and

accessible developments with clear and legible pedestrian routes and high quality public space which encourage the active and continual use of public areas.

- 6.8 At the local level, Policy GI4 "Open Space" of the CDLP confirms that housing developments of more than 20 dwellings will be required to include informal open space for play and general recreational and amenity use on site according to the size of the proposal. All new dwellings should have safe and convenient access to high quality open space, capable of meeting a range of recreational needs. Where deficits are identified, new development will be expected to contribute towards the upgrading of an existing open space to improve its accessibility or the creation of a new one within the immediate locality. Furthermore, one of the objectives of Carlisle Green Infrastructure Strategy (2011) is to integrate new and existing communities into green networks.
- 6.9 The supporting text to Policy G14 confirms that contributions can be used to upgrade existing local space to improve either its quality or accessibility. This could involve planting, path laying, new play equipment, new foot/cycle paths connecting the space to the proposed development or other improvements recommended by the Council.
- 6.10 The housing development on the former Hadrian's Camp, now known as Eden Gate which Members gave outline approval in 2013 and reserved matters approval in 2015, included 0.12 hectares for informal play space. Due to the awkward shape of the site, the open space is concentrated in the north-eastern corner.
- 6.11 As stated in paragraph 3.5 of this report condition 15 of the outline planning approval stated:

No development shall commence until details of the proposed open spaces and informal play areas, which shall be provided with items of equipment at the expense of the developer, have been submitted to and approved, in writing, by the Local Planning Authority. The open spaces and informal play areas shall be completed, fully equipped and available for use prior to the occupation of the 70th residential unit completed within the development unless otherwise agreed, in writing, with the Local Planning Authority.

Reason: *In order to secure an acceptable standard of development and to make proper provision for the recreational needs of the area in accordance with Policy LC4 of the Carlisle District Local Plan 2001-2016.*

- 6.12 A discharge of conditions application was submitted and granted in 2017, reference 17/0728, for the discharge of condition 15 (open spaces and informal play areas). The application included a plan illustrating that a proposed play area was to be located at the top of the turning head to the development, in the north-eastern corner, providing the same equipment (a double tower with plank bridge, two bay swing, play tower with balcony, albatross and a multi spinner carousel) as the play area on the Crindledyke

site to the north of the City . The other areas of open spaces within the scheme would remain for informal play.

- 6.13 The developer now however proposes a commuted payment of £55,000 to allow Carlisle City Council to make off-site play park improvements at Tribune Drive, payable within one month of the date of any planning approval.
- 6.14 The play area/open space at Tribune Drive is located on the eastern side of the housing estate and consists of two sets of swings, a play tower with slide and a spinning disc. There is also a large tarmaced area with small football goals and netball hoops. From the Officer site visit it was evident that this play area is tired and in need of improvement.
- 6.15 When considering connectivity between the existing houses and play facilities at Tribune Drive and the housing development at Eden Gate Members will recall that there is a fundamental difficulty in that there is a strip of land in separate ownership to the developer and Council that currently prevents a direct formal access between the two sites. There is however an informal access path connecting the two sites which existed at the time of consideration of the outline planning application. Due to separate ownerships the issue of a formal access link cannot be tackled at this stage. Inherently, formal connectivity to the remainder of the settlement is therefore via Houghton Road.
- 6.16 The principle of a commuted payment towards the upgrade of existing play facilities at Tribune Drive is acceptable as this would enable an existing tired play facility to be upgraded which would be a benefit to all residents living within Houghton. Although there is no formal access at present from Eden Gate to Tribune Drive the contributions made from the developer could go to towards the laying of a new path between the two sites subject to negotiations between the Council and the landowner. Failing this there are still informal links to the play area which existed at the time of consideration of the outline planning approval as well as formal links via Houghton Road.
- 6.17 There has been concerns raised by some objectors regarding anti-social behaviour as a result of the proposal. The Crime Prevention Officer for Cumbria Constabulary has verbally confirmed that in order to avoid anti-social behaviour there is a preference for access tracks to be located in front of dwelling houses. It is however noted that the design and layout of the two housing schemes at Tribune Drive and Eden Gate enable overlooking of the areas of open spaces from the rear and side of the existing and newly constructed dwelling houses.
- 6.18 Notwithstanding the issue of a formal access via the strip of land in separate ownership between the two sites, an off-site contribution towards the existing play facilities at Tribune Drive would enable better integration of the two housing estates and the community as a whole. Creating a separate play facility at Eden Gate would not encourage social cohesion and the off-site contribution would therefore accord with the Governments objectives of achieving sustainable development by encouraging integrated developments, facilities and communities.

2. Impact Upon Hadrian's Wall World Heritage Site Buffer Zone

- 6.19 The application site is located within Hadrian's Wall World Heritage Site Buffer Zone. Given the scope of the proposed variation of condition application the development would not have an adverse impact upon key views into and out of the Buffer Zone.

3. Other Matters

- 6.20 Several provisions of the Human Rights Act can have implications in relation to the consideration of planning proposals, the most notable being:

Article 6 bestowing the "Right to a Fair Trial" is applicable to both applicants seeking to develop or use land or property and those whose interests may be affected by such proposals;

Article 7 provides that there shall be "No Punishment Without Law" and may be applicable in respect of enforcement proceedings taken by the Authority to regularise any breach of planning control;

Article 8 recognises the "Right To Respect for Private and Family Life";

- 6.21 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need;

- 6.22 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced.

Conclusion

- 6.23 In overall terms, this application seeks to vary condition 15 to allow investment in an existing off site play area at Tribune Drive. The off-site contribution is acceptable in principle as this would enable improvements to an existing tired play facility within Houghton village and would also create a better integration of the two housing estates at Tribune Drive and Eden Gate as well as the community as a whole. In all aspects the proposal is compliant with the NPPF and Planning Practice Guidance with regard to the use of planning conditions and with the objectives of the relevant Local Plan Policies. The application is therefore recommended for approval subject to a deed of variation to the S106 to enable the play area contribution.

7. Planning History

- 7.1 The most relevant planning history is as follows:
- 7.2 In 2013 outline planning permission was granted subject to a legal agreement

for residential development (reference 12/0610);

- 7.3 In 2015 a reserved matters application was granted for the erection of 99no.dwellings (of which 25no.to be affordable) and associated open space and infrastructure (reserved matters application pursuant to outline approval 12/0610, reference 14/0930);
- 7.4 In 2015 full planning permission was granted for development of associated drainage to support the proposed 99no.dwellings including new suds attenuation pond and connecting drainage pipe work (reference 14/0989);
- 7.5 In 2015 a discharge of conditions application was granted for discharge of conditions 4 (Phasing Plan); 6 (Materials); 7 (Hard Surface Details); 8 (Soft Landscape Works); 9 (Protective Fence); 10 (Method Statement); 13 (Construction Environmental Management Plan); 15 (Proposed Open Spaces); 16 (Flood Risk Assessment & Drainage Strategy); 17 (Foul Drainage Scheme); 19 (Boundary Treatments); 21 (Floor Levels); 22 Part (Contamination); 24 (Highway Construction Details); 28 (Parking During Construction); 29 (Underground Ducts); 31 (Travel Plan) And 34 (Archaeological Work) Of Previously Approved Application 12/0610 (reference 15/0045);
- 7.6 In 2015 advertisement consent was granted for display of 2no.sales advertisement boards and 4no.sale flags (reference 15/0208);
- 7.7 In 2015 a discharge of conditions application was granted for the discharge of condition 22 (contamination) of previously approved permission 12/0610 (reference 15/0574);
- 7.8 In 2016 full planning permission was refused for removal of condition 33 of previously approved outline application 12/0610 regarding the requirement of 2no.bus stops with boarding platforms and link foot ways (reference 16/0694);
- 7.9 In 2017 a discharge of conditions application was granted for the discharge of condition 15 (open spaces and informal play areas) of previously approved application 12/0610 (reference 17/0728).

8. Recommendation: Grant Subject to S106 Agreement

- 1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the submitted planning application form received 21st November 2017;
 - 2. the supporting statement received 21st November 2017;
 - 3. the Notice of Decision; and
 - 4. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

2. Not more than 99 residential units/dwellings shall be erected on the site.

Reason: To ensure an adequate means of access commensurate with the scale of the development in support of Local Transport Plan Policies LD7 and LD8.

3. The full details of the proposed soft landscape works, including a phased programme of works, shall be carried out as approved under application 15/0045 prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

4. A protective fence shall be erected around those hedges and trees to be retained in accordance with the scheme approved under application 15/0045. 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 SP6 of the Carlisle District Local Plan 2015-2030.

5. No further development shall commence until a method statement for any work within the root protection area of those trees and hedges to be retained has been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.

Reason: In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. The development hereby permitted shall be fully undertaken and completed in accordance with the Ecological Assessment (2012) prepared by Hesketh Ecology.

Reason: To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy SP6 of the

Carlisle District Local Plan 2015-2030.

7. No clearance of or damage to hedgerows shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.

Reason: To protect features of recognised nature conservation importance, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

8. The development shall be constructed in accordance with the Construction Environmental Management Plan approved under application 15/0045.

Reason: To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies GI3, SP6, CM5 of the Carlisle District Local Plan 2015-2030.

9. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

10. The flood risk assessment and drainage strategy approved under application 15/0045 shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To ensure adequate means of surface water disposal; to prevent and reduce the risk of flooding; and avoid impacts on a designated site in accordance with Policies GI3, CC5, IP6 of the Carlisle District Local Plan 2015-2030.

11. No dwelling shall be occupied until the respective foul and surface water drainage works approved under application 15/0045 have been completed in accordance with the details approved by the Local Planning Authority.

Reason: To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies GI3, CC5 and IP6 of the

Carlisle District Local Plan 2015-2030.

12. All works comprised in the approved details of means of enclosure and boundary treatment (approved under application 15/0045) for the constituent phases of development shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

Reason: To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies SP6 and CM4 of the Carlisle District Local Plan 2015-2030.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no electricity sub-stations or gas governors shall be erected without the prior permission of the Local Planning Authority.

Reason: The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

14. 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 in accordance with the condition above, 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 Policies GI3 and CM5 of the Carlisle District Local Plan 2015-2030.

15. The carriageway, footways, cyclepaths, provision of ramps on each side of every junction, and, the junction of any distributor/estate road with Houghton Road shall be designed, constructed, drained and lit to a standard suitable for adoption. The works approved under application 15/0045 shall be constructed progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the

phasing plan and/or programme required to be submitted by condition 3 of application 12/0610.

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

16. No dwelling shall be occupied until the respective estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use together with the associated means of vehicular and pedestrian access, and parking provision.

Reason: To ensure that the matters specified are designed and provided to ensure a minimum standard of access when the development is brought into use.

17. No development shall commence until visibility splays providing clear visibility of 90 metres measured along the nearside channel lines of the public road from a position 4.5 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

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

18. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, footways/footpaths and cycletrack(s).

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

19. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

Reason: To maintain the visual character of the locality in accord with Policy SP6 of the Carlisle District Local Plan 2015-2030.

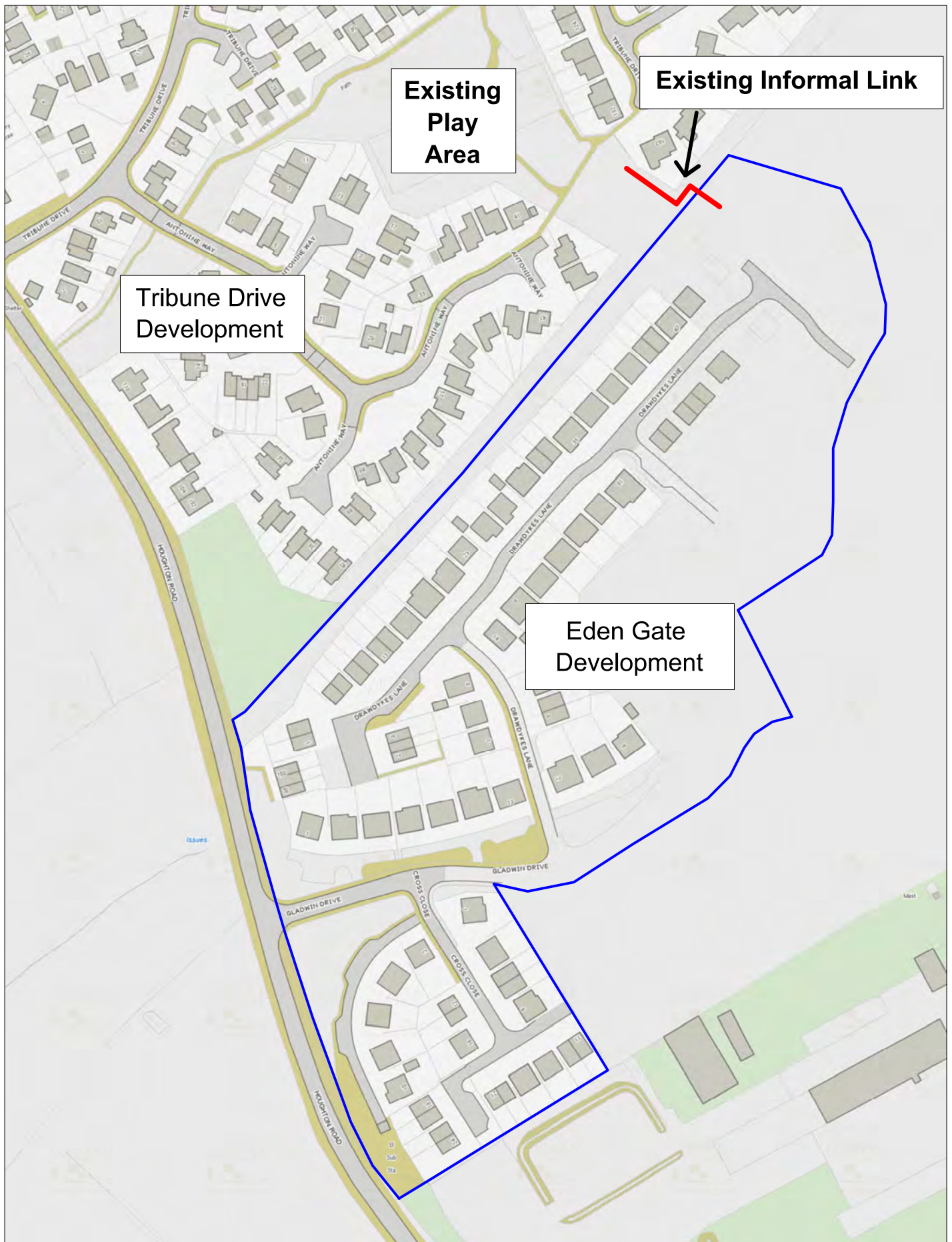
20. An annual report reviewing the effectiveness of the Travel Plan and including

any necessary amendments or measures shall be prepared by the developer/s and submitted to the Local Planning Authority for approval 12 months after the commencement of the Travel Plan, and for four consecutive years thereafter.

Reason: To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS3 and LD4.

21. Prior to the completion (by plastering out) of 70 residential units/dwellings two bus stops with boarding platforms and link footways to link the development continuously and conveniently to the existing public transport service on Houghton Road shall be provided. The layout shall provide for safe and convenient access by public transport.

Reason: In the interest of accessibility by public transport and provide a safe means of pedestrian access in accordance with Policies IP1 and IP2 of the Carlisle District Local Plan 2015-2030.



©crown copyright database rights 2014 ordnance survey LA100024459



Economic Development
Civic Centre
Rickergate
Carlisle
CA3 8QG

Scale: 1 : 2000

Date: January 2018

SCHEDULE A: Applications with Recommendation

17/1047

Item No: 03

Date of Committee: 16/03/2018

Appn Ref No:
17/1047

Applicant:
Mr A Gould

Parish:
Stanwix Rural

Agent:

Ward:
Stanwix Urban

Location: Land adjacent to Wensleydale, Tarraby, Carlisle, CA3 0JS

Proposal: Proposed New Vehicular And Pedestrian Access To Serve Previously Approved Dwelling (Ref. 15/0179)

Date of Receipt:
12/12/2017

Statutory Expiry Date
06/02/2018

26 Week Determination

REPORT

Case Officer: Stephen Daniel

1. Recommendation

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

2. Main Issues

- 2.1 Impact On The Tarraby Conservation Area
- 2.2 Impact On The Setting Of Listed Buildings
- 2.3 Impact On The Hadrian's Wall World Heritage Site
- 2.4 Highway Matters
- 2.5 Impact On Biodiversity

3. Application Details

The Site

- 3.1 The application site is a paddock that lies adjacent to Wensleydale, which is a large detached property that is set in an extensive plot. The paddock lies directly to the west of the property and is separated from an adjacent field by a timber post and rail fence. A hedgerow runs along the front of the site, adjacent to Tarraby Lane and this qualifies as an important hedgerow under the Hedgerow Regulations 1997. The site lies within the Tarraby

Background

- 3.2 In August 2015, planning permission was granted for the erection of a large detached dwelling within the paddock and within part of the side garden of Wensleydale (15/0179). This permission has not been implemented but remains extant until 14th August 2018.
- 3.3 The approved access to the dwelling is via the existing access to Wensleydale, which would be altered to improve visibility. A new driveway would be created to the front of Wensleydale and this would require the removal of six trees (silver birch and scots pine). The existing hedge to the front of the site, that lies adjacent to Tarraby Lane, would be retained and the existing timber post and rail fences to the paddock would be replaced by new hawthorn hedges along the eastern, western and southern site boundaries.
- 3.4 A condition was attached to the permission which requires the existing hedge to the front of the site adjacent to Tarraby Lane to be retained at a height of no less than 2m (measured from the garden side).

The Proposal

- 3.5 This proposal is seeking to create a new vehicular and pedestrian access to serve the previously approved dwelling. The new entrance would be similar to the existing entrance to Wensleydale and would be angled to face east towards Houghton Road.
- 3.6 The proposal would require the removal of approximately 12m of hedgerow. This would be replaced by 9m of new hedgerow to the east of the new access and 3m to the west which would link into the existing hedgerow. The six trees in the garden of Wensleydale, which were to be removed, would be retained.
- 3.7 The application is accompanied by a Hedge Report. This states that there are no unique species or specimens recorded within the hedge and the species composition of the hedge is typical for this rural north Cumbria setting. The report considers that the existing hedge is in poor condition and replanting would be beneficial. Furthermore, the retention of the existing trees would be greatly beneficial to the landscape character of the lane.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices. In response, one letter of objection has been received, which makes the following points:
- 1) an entrance way for the new dwelling has already been approved through the garden of Wensleydale. The approved access route to the new house respects the protected status of the hedgerow and uses Wensleydale's drive for access to and from Tarraby Lane;

2) the proposed planning application should not be seen as a way of protecting trees in the garden of Wensleydale from being felled. Scots Pine trees are incongruous within the surrounding landscape and have only served to starve the protected hedgerow of light and nutrients. The trees are also a danger to traffic. In the last year a large branch of one tree was caught by the bin lorry;

3) the presence of dead or dying hedging plants or wide gaps in between existing hedging plants should never be a reason for the destruction of a protected hedgerow. Rather, the planting of new hedging plants to bolster the existing hedgerow should be enforced by the Council;

4) the proposed creation of a new entrance way destroys a section of protected hedgerow which takes out part of the curvature of the country lane. The curvature helps to slow traffic down. The space opened up will only discourage drivers from slowing down when driving towards Tarraby before their approach of the sharp bend at Tarraby Farm;

5) reference has also been made to the new gateway into the field across the road from Wensleydale (approved planning application 15/0755). It should be noted that this is not an additional gateway into the field, but a replacement gateway. The existing roadside gateway is to be sealed up with hedgerow.

5. Summary of Consultation Responses

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

Stanwix Rural Parish Council: - recommends that the application is determined in accordance with national and local planning and conservation policy and guidance;

Historic England - North West Office: - does not wish to make any comments;

Northern Gas Networks: - no objections.

6. Officer's Report

Assessment

6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.

6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies HE1, HE3, HE7, GI3, GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

6.3 The proposal raises the following planning issues:

1. Impact On The Tarraby Conservation Area

- 6.4 Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of conservation areas. This states *"with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area"*. Policy HE7 of the adopted Local Plan requires new development within conservation areas to preserve or enhance the special character and appearance of the conservation area and its setting.
- 6.5 The proposal would lead to the removal of 12m of hedgerow (which qualifies as an important hedgerow under the Hedgerow Regulations 1997) that lies adjacent to the roadside and makes a positive contribution to the rural character of the area and the Tarraby Conservation Area. This would be replaced by 9m of new hedgerow to the east of the new access and 3m to the west which would link into the existing hedgerow. The six trees in the garden of Wensleydale, which were to be removed as part of the previous permission, would be retained.
- 6.6 The Conservation Area Advisory Committee has been consulted on the application. Whilst it is not in favour of the urbanisation of the lane by the creation of a new entrance, it considers that on balance the retention of trees that were to be removed in the previously approved scheme, to create the access through Wensleydale, is preferable to the loss of a section of hedgerow. The Council's Heritage Officer shares this view.
- 6.7 It is acknowledged that the removal of 12m of the roadside hedge would have an adverse impact on the character of the area, including on the Tarraby Conservation Area and one letter of objection has been received which raises concerns about the loss of this section of hedgerow. However, 12m of new hedgerow would be planted adjacent to the proposed access to mitigate for the loss of the existing hedgerow. The six trees that would previously to be removed in order to provide an access to the new dwelling, and which make a positive contribution to the character of the area, would be retained. A landscaping condition has also been added to the permission, to secure additional tree planting (of native species) in the paddock, to the front of the proposed dwelling. A condition has also been added to require the submission of details of the proposed gate and gate stoups to ensure that they are appropriate to the rural setting.
- 6.8 In light of the above, the proposal would not have an adverse impact on the Tarraby Conservation Area and would preserve or enhance the conservation area.

2. Impact On The Setting Of Listed Buildings

- 6.9 Tarraby Farm, which is a Grade II listed building, lies 95m to the north west of the site. The Near Boot Public House, which is also a Grade II listed building, lies approximately 125m to the south east of the site.
- 6.10 Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act

1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. The aforementioned section states that:

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

6.11 Policy HE3 (Listed Buildings) of the adopted Local Plan states that Listed Buildings and their settings will be preserved and enhanced.

6.12 The proposed access would be over 95m away from the front elevation of Tarraby Farm and would be separated from it by a field. The Near Boot Public House would lie 130m away from the proposed access and two dwellings (Wensleydale and Hadrian's Rise) and the pub car park would separate the two properties. Given the minor nature of the works and the distance from the Listed Buildings the proposal would not have an adverse impact on the setting of either Listed Building.

3. Impact On The Hadrian's Wall World Heritage Site

6.13 The proposed access would be approximately 40m from the Hadrian's Wall World Heritage Site. Whilst a short section of roadside hedge would be removed this would not have an adverse impact on the World Heritage Site, particularly given the extant permission for a new dwelling in this location. Historic England has confirmed that it does not wish to comment of the application.

4. Highway Matters

6.14 The application is accompanied by a drawing which shows visibility splays of 60m to the east and the west of the proposed access. County Highways has been consulted on the application and has confirmed that it has no objections to the proposals. The proposed visibility splays of 60m in both directions would be acceptable and the proposal would not have material affect on existing highway conditions.

5. Impact On Biodiversity

6.15 Whilst 12m of hedgerow would be removed, 12m of new hedgerow would be planted in mitigation. Six trees, that were to be removed under the permission for the new dwelling, would be retained, with some additional trees being planted. The proposal would not, therefore, have an adverse impact on biodiversity.

Conclusion

6.16 In overall terms, the proposal would not have an adverse impact on the Tarraby Conservation Area, the setting of any listed buildings, the World Heritage Site or biodiversity. County Highways considers that the location

and design of the proposed access would be acceptable. In all aspects, the proposals are compliant with policies in the adopted Local Plan.

7. Planning History

- 7.1 In February 2014, an application for the erection of 1no. dwelling with detached garage was withdrawn prior to determination (13/0835).
- 7.2 In August 2015, planning permission was granted for the erection of 1no. dwelling (revised application) (15/0179).

8. Recommendation: Grant Permission

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

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

- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

- 1. the submitted planning application form received 6th December 2017;
- 2. the Site Location Plan (drawing no. AG/DWELL/SLP Rev A) received 6th December 2017;
- 3. the Site Block Plan (drawing no. AG/DWELL/SBP Rev D) received 12th February 2018;
- 4. the Entrance Detail Plan (drawing no. AG/DWELL/ENT1 Rev A) received 6th December 2017;
- 5. the Design and Access Statement received 6th December 2017;
- 6. the Hedge Report received 6th December 2017;
- 7. the Notice of Decision; and
- 8. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle

District Local Plan 2015-2030.

4. Prior to the commencement of development, a scheme of tree and hedge protection shall be submitted to, agreed in writing by the Local Planning Authority, and this scheme shall be implemented prior to commencement on site.

Within the fenced off area;

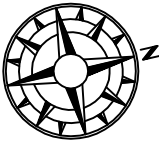
- 1 No fires shall be lit within the fenced off area or within 10 metres of the nearest point of the canopy of any retained tree or hedge.
- 2 No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- 3 No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- 4 No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.
- 5 No materials or vehicles shall be stored or parked within the fenced off area
- 6 No alterations to the natural/existing ground level shall occur

Reason: In order to protect the existing trees and hedges and to accord with Policy GI6 of the Carlisle District Local Plan 2015-2030.

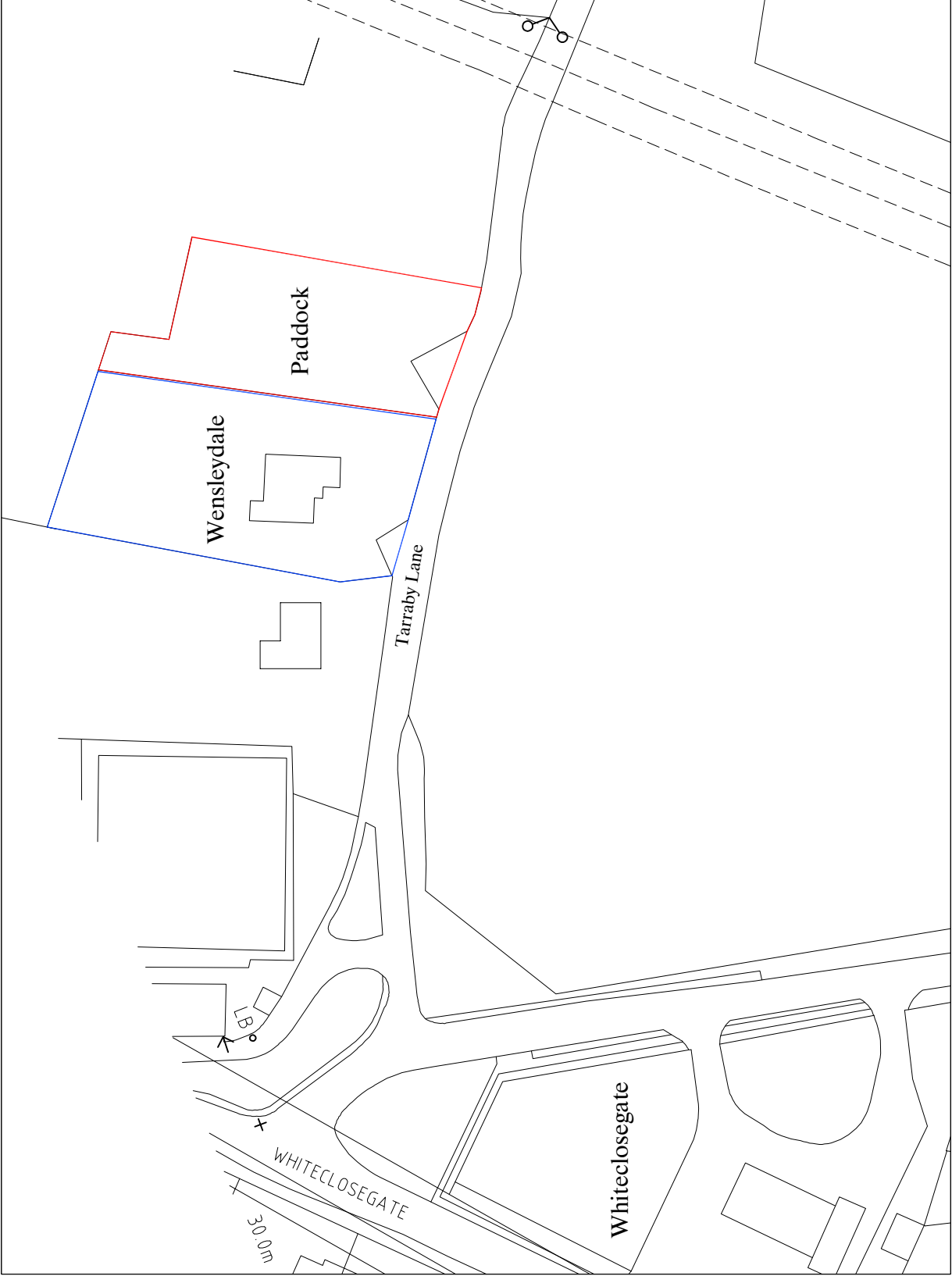
5. No development shall take place until full details of the proposed gate and gate stoups have been submitted for approval in writing by the Local Planning Authority. The gate and gate stoups shall then be implemented in accordance with these details.

Reason: To ensure that the gate and gate stoups are appropriate to the rural setting and to ensure compliance with Policies HE7 and SP6 of the Carlisle District Local Plan 2015-2030.

This Drawing is the property of Tyler Design Services and must not be copied or submitted to a third party without the written consent of the company



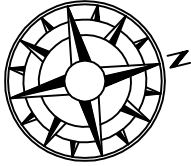
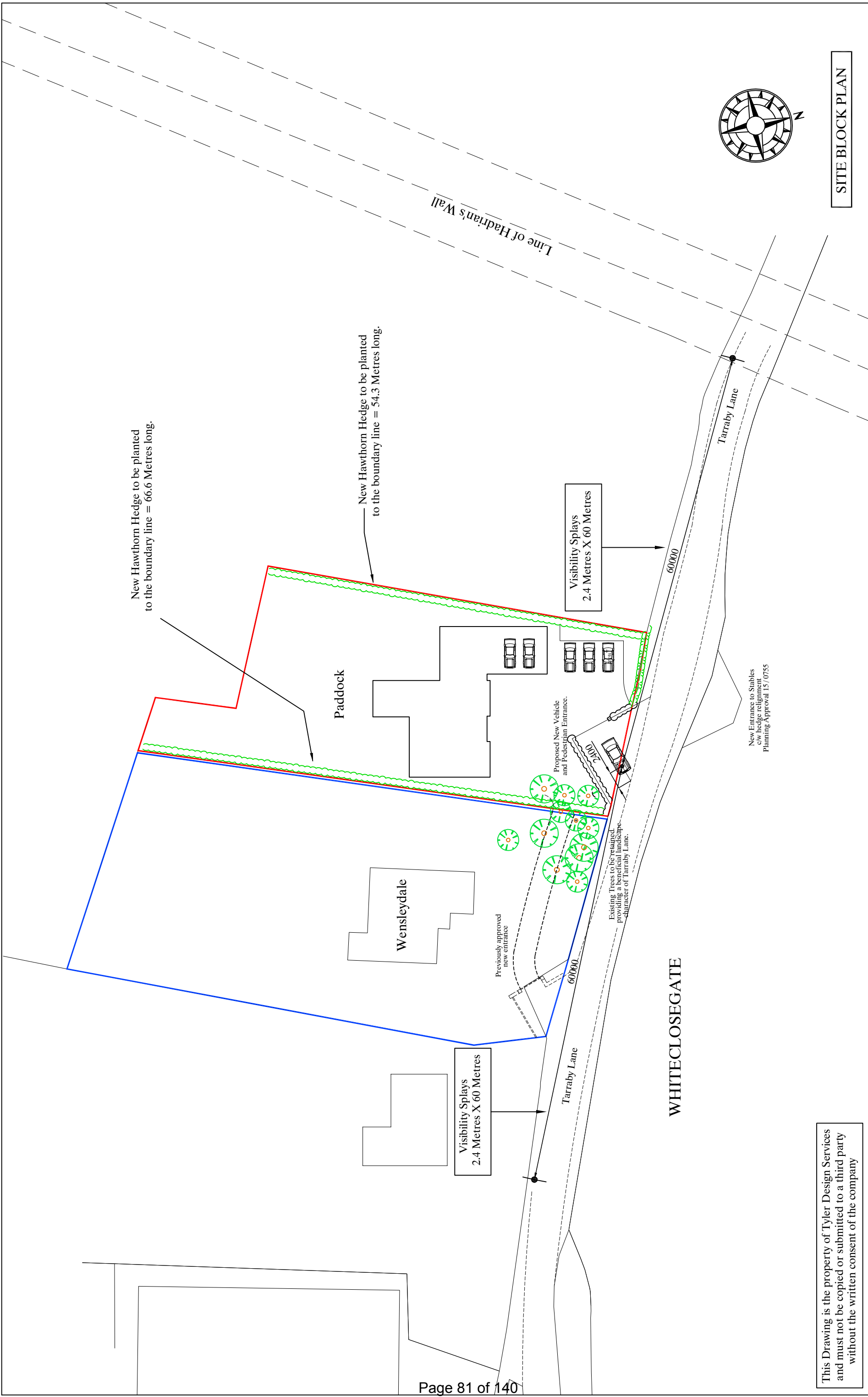
SITE LOCATION PLAN



Proposed New Vehicle & Pedestrian Entrance to Land Adjacent to
" Wensleydale ", Tarraby Lane, Carlisle, Cumbria, CA3 0JS for Mr & Mrs A. Gould.

Drawn By	G.Tyler
Scale	1:1250
Date	1st December 2017
Drawing No	AG / DWELL / SLP
Rev	Rev A

Rev.	Date	Original Issue	Description
A	14 / 10 / 17		



SITE BLOCK PLAN

This Drawing is the property of Tyler Design Services and must not be copied or submitted to a third party without the written consent of the company

Proposed New 5 Bedroom Dwelling to Land Adjacent to " Wensleydale ", Tarraby Lane, Carlisle, Cumbria, CA3 0JS for Mr & Mrs A. Gould.				Drawn By	G.Tyler
D	09/01/18	New Boundary Hedges added		Scale	1:500
C	21/12/17	Visibility Splays added		Date	28th August 2013
B	12/12/17	New Dwelling added		Drawing No	AG / DWELL / SBP
Rev.	Date	Description			Rev D

SCHEDULE B

SCHEDULE B

Item No: 04

Between 27/01/2018 and 02/03/2018

Appn Ref No:
16/1021**Applicant:**
Carlisle Shopping Centre
Ltd**Parish:**
Carlisle**Date of Receipt:**
06/12/2016**Agent:**
GVA Grimley Ltd**Ward:**
Castle**Location:**
Globe Lane & Grapes Lane, The Lanes Shopping
Centre, Carlisle, CA3 8NX**Grid Reference:**
340158 556032**Proposal:** Installation of Security Shutters To Enclose Both Ends Of Globe Lane &
Grapes Lane (Retrospective)**Amendment:**

REPORT**Case Officer:** Richard Maunsell**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Written Representations**Report:** A copy of the Notice of the decision from the Planning Inspectorate is
printed following the report.**Appeal Decision:** Appeal Allowed with Conditions **Date:** 05/02/2018

Appeal Decision

Site visit made on 17 January 2018

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 February 2018

Appeal Ref: APP/E0915/W/17/3187373

The Lanes Shopping Centre, Carlisle CA3 8NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Carlisle Shopping Centre Ltd against the decision of Carlisle City Council.
 - The application Ref 16/1021, dated 22 November 2016, was refused by notice dated 11 August 2017.
 - The development proposed is installation of security shutters across either end of Globe Lane and Grapes Lane.
-

Decision

1. The appeal is allowed and planning permission is granted for installation of security shutters across either end of Globe Lane and Grapes Lane at The Lanes Shopping Centre, Carlisle CA3 8NX in accordance with the terms of the application, Ref 16/1021, dated 22 November 2016 and the plans numbered 13059-59B, 13059-60B, 13059-61A, 13059-62A, 13059-63, subject to the following condition:
 - 1) Development insofar as it relates to shutters 1 and 3a and their associated infrastructure as shown on drawing nos. 13059-59B and 13059-60B together with the additional lighting and CCTV coverage for Shutter 3 highlighted in the Supporting Statement received 27th April 2017 shall commence within 3 months from the date of this decision and shall be implemented in full before Grapes Lane can be closed to the public between the hours of 1900 and 0700.

Preliminary Matters

2. I saw at my site visit that 4 shutters were already in place in locations shown as shutter 1, 2, 3 and 4 on the plan Ref 13059-59B. At the time of my visit, which was around midday on a weekday, the shutters were open and I was only able to see the housing. However, photographs of the shutters in their closed position have been provided in the appeal. During the application and following advice from the police, the plans were amended to show a revised position for shutter 1 and an additional shutter to be placed at the eastern end of Grapes Lane, shown as Shutter 3a which would be closed after KFC ceases trading at 2100. I have determined the appeal on the basis of these plans.
3. A number of representations have been received relating to the routes along Globe Lane and Grapes Lane being '**deemed**' rights of way or dedicated as a highway. Matters relating to the above are dealt with by separate legislation

and are not a matter for consideration in the context of an appeal made under section 78 of the Town and Country Planning Act 1990 (the 1990 Act).

4. Having regard to the definitive map, neither Grapes Lane nor Globe Lane are recorded as a public right of way. It has been brought to my attention that Cumbria County Council, as the relevant authority, has received an application under Section 53 of the Wildlife and Countryside Act 1981 claiming two public rights of way along Grapes Lane and Globe Lane. However, at the time of writing my decision their status has not altered and such an application would be unaffected by my determination of this appeal.
5. A small section of a public right of way at the western end of Globe Lane would be affected by the development. According to the Officer's Report, approximately 5m of this right of way would be extinguished (albeit only during the evening and night) as a result of the development. However, whilst the effect on a public right of way is a material consideration in the determination of applications for planning permission, the extinguishment of a public right of way is not a matter to be determined in an appeal made under section 78 of the 1990 Act. Such an order must be made by an order making authority under section 118 of the Highways Act 1980 or section 247 or 257 of the 1990 Act. The grant of planning permission does not entitle developers to obstruct or close a public right of way and it cannot be assumed that because planning permission has been granted that an order, for the extinguishment of the right of way, will invariably be made or confirmed. Development, insofar as it affects a right of way should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

Main Issue

6. The effect of the development on the vitality, viability and accessibility of Carlisle City Centre.

Reasons

7. The development comprises the installation of shutters at the eastern and western end of Globe Lane and Grapes Lane which has the effect of preventing access to the public between 1900 and 0700 (with the exception of Shutter 3a which would close at 2100). The appellant states that this is necessary to secure the protection of the shopping centre and its staff against threats to their safety and security in the evenings when it is closed.
8. The appellant argues that there has been a significant increase in anti-social behaviour and rough sleeping at the centre in the evenings. Despite the use of CCTV the centre offers a sheltered environment with limited opportunities for natural surveillance. An incident log has been provided which shows a general increase in the number of incidents from 2006 to 2017 with 137 incidents logged between January and September 2017. Incidents vary and include, amongst other things, anti-social behaviour and vandalism. The majority of the incidents took place outside normal trading hours of 1800 and 2200.
9. A number of letters of support have been received including from those who work within the centre and those who live in the attached flats at Hodgson's Court. The Residents Association for the flats have commented that there has been a noticeable difference in noise and disturbance for its residents following the installation of the shutters on Grapes Lane. Cumbria Constabulary is also

generally supportive of the closure of the shopping centre outside normal shopping hours that would reduce crime and antisocial behaviour in the area. They dealt with 135 calls in a 12 month period between 2015 and 2016 in and around the area.

10. Policy SP4 of the Carlisle District Local Plan (2016) (LP) aims to support the vitality and viability of Carlisle City Centre as the principal focus for comparison retail within the District. Amongst other things, it states that development proposals within the city centre should improve connectivity specifically with regards to increasing pedestrian and cycle permeability and accessibility. Policy SP9 of the LP states that in order to ensure all developments should contribute to enhanced health and wellbeing outcomes through, amongst other things, encouraging development proposals which maximise the opportunity for walking and cycling creating a high quality and inclusive environment. The Council is concerned that the installation of the shutters has reduced pedestrian activity and connectivity in the city centre which is detrimental to residents, business and tourists.
11. Pedestrian access is only restricted during the evening and night. There are no restrictions to access through The Lanes during the day. Furthermore, whilst I note concerns about the closure of the routes through the shopping centres splitting the city centre in half, there are alternative routes via Bank Street and Drovers Lane to the north and south of the shopping centre. I was able to walk these routes at my site visit and agree with the Planning Officer that any increase in journey time would not be considerable. Furthermore, I saw nothing to persuade me that these routes are unattractive or imperceptible. Whilst the alternative routes might be a slight inconvenience, the closure of Grapes Lane and Globe Lane would not restrict connectivity between Lowther Street and Scotch Street altogether.
12. Furthermore, the principle behind Policy SP4 is to support the vitality and viability of the city centre and Policy SP9 also requires development that creates a safe and accessible environment. Anti-social behaviour and crime and also the fear of crime can have a detrimental impact on the vitality and viability of town centres both from a visitor and investor perspective. I note that anti-social behaviour and crime is not confined to the shopping centre alone and recognise that measures such as CCTV can help to reduce incidents. I also recognise that the Police also have powers to control such disturbances. Nonetheless, the shopping centre has CCTV in place already this has not prevented incidents occurring. To my mind, such incidents are not insignificant in number and the Police are supportive of the proposals and their effect on reducing anti-social behaviour and crime. I consider that the shutters and the closure of The Lanes to the public outside of normal shopping hours would have the effect of reducing opportunities for anti-social behaviour and crime within the shopping centre and consequently the fear of crime for those working in the centre late at night or those who live nearby.
13. I note that the County Council as the relevant authority has not raised any objection to the development in relation to the extinguishment of the small section of the right of way on Globe Lane and having regard to the evidence before me I have no reason to come to a different view on this matter. That said, as referred to above, my findings in this regard do not affect any application for such an extinguishment which would be considered on its own merits, notwithstanding this decision.

14. Therefore, on the basis of the evidence before me, I consider that the benefits to the vitality and viability of the shopping centre by reducing the opportunity for crime and disorder and its consequent effect of reducing the fear of crime would outweigh the slight inconvenience of having to take an alternative route around the centre during the evening and night. Given these alternative routes, the accessibility and permeability though the city centre is not materially harmed and there is no compelling evidence before me that that this has led to a decline in the night time economy within the city centre or that has had a detrimental impact on other businesses, the historic quarter, the maintenance of listed buildings or tourism in the area.
15. For the aforementioned reasons, I conclude that the development does not have a detrimental impact on the vitality, viability and accessibility of Carlisle City centre and thus I find no conflict with the aims of Policy SP4 and SP9, the objectives of which are outlined above.

Other Matters

16. The site lies within the City Centre Conservation Area (CCCA) and there are a number of listed buildings in the locality. The significance of the CCCA is derived from the architectural quality of its buildings and their historical significance and the listed buildings relate primarily to the age, form and historic fabric of the buildings. I note that the Council does not consider that the proposal would have an adverse effect on the setting of the listed buildings or the character and appearance of the CCCA given the modern appearance of the shopping centre and the design and recessed nature of the shutters. Given the above and the intervening distance with the listed buildings, I agree with the Council that the proposal would not materially harm the character or appearance of the CCCA or the setting of the nearby listed buildings. Hence, both the setting of the nearby listed buildings and the character and appearance of the CCCA would be preserved.
17. In reaching my decision I have had regard to the numerous representations received both in objection to and in support of the development. Those relating to rights of way I have dealt with above. The Council has not raised any objections to the design of the shutters or their impact on the character and appearance of the area in general and I have no reason to come to a different view. The fact that the shutters were installed without permission is not a reason in itself to dismiss the appeal. The development should be judged against material planning considerations. I have considered the argument that grant of planning permission would set a precedent for other similar developments. However, no directly similar/comparable sites to which this might apply were put forward. Each application and appeal must be determined on its own merits and a generalised concern of this nature does not justify withholding permission in this case.
18. I acknowledge that anti-social behaviour and crime are likely to occur outside the shopping centre as well as inside and that not all incidents occur once the shops are closed. However, the shutters have been installed to deal specifically with such incidences from occurring within The Lanes once the shops are closed and it is on this basis that I must consider the appeal. There is no compelling evidence to suggest that the closure of the shopping centre would result in the transfer of this behaviour elsewhere. Whilst it is suggested that there are devices that can prevent people from congregating, no details about such a

device has been provided. There is no reason for me to question the validity or the extent of the incidents recorded. I note that a consultation document to tackle antisocial behaviour has been produced, although I have not been provided with a copy. However, it cannot be assumed that this will ultimately resolve the issues that the owners of the shopping centre are currently facing. The appellant acknowledges that it is the particular characteristics of the shopping centre that lends itself to attract such behaviour, particularly given the lack of natural surveillance. It may be the case that the fast food outlet is a magnet for such incidents and that these incidents have increased despite the installation of the shutters, however, the appellant has proposed increased CCTV coverage, lighting and an additional shutter in this area.

19. I have had regard that the lanes within the city centre are historic and the original concept and design of the shopping centre acknowledged linkages from Lowther Street to Scotch Street. These linkages would still be retained through the day when the shops are open as part of the original design concept. Their closure during the evening and night is not sufficient reason to dismiss the appeal on this basis.
20. I note the suggestions of alternative closing hours and the opening up of vacant units for the homeless. However, I must determine the appeal on the basis of what is before me. It may be the case that there are other vacant units within the town centre and that anti-social behaviour and crime is not the only reason why the shopping centre has empty units. However, the appellant has submitted compelling evidence that crime and disorder is an issue for the shopping centre and this in turn is likely to have an impact on investor confidence and the ability to let out units in future.
21. I note that the appellant had incorrectly stated in the application form that a right of way would not be affected. However, it is clear from the information before me that the appellant is aware of the extinguishment of a 5m section as a result of the development. The Counter Terrorism Security Advisor states **that the deployment of shutters would contribute to the 'lock down' procedures** during a threat from outside the centre and I have no reason to take a different view.
22. I cannot take into consideration the frustrations expressed regarding the application for East Tower Lane. I must confine my consideration to the appeal scheme before me. In any case, each application and appeal must be determined on its own merits. Those concerns relating to the reputation of the developer, their future intentions for the shopping centre or the lease are not planning matters and have no bearing on the planning merits of the scheme.
23. Having regard to the public sector equality duty, I have borne in mind the need to eliminate discrimination; advance equality or opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it. However, I do not consider that any persons would suffer a disadvantage if planning permission is granted, as I saw nothing at my site visit that indicated the alternative routes would not be suitable for the elderly or those with a disability. Both routes have footpaths of normal width and both are lit.

Conditions

24. As the development has already commenced it is not necessary for the standard time limit to be imposed. Similarly, as the development has been carried out (notwithstanding minor variations proposed) I have not imposed a condition requiring that the development is carried out in accordance with the plans. I have, however, referred to the relevant plans in the formal decision.
25. The minor changes proposed to shutter 1 and 3a can be secured by condition and are necessary in order to reduce the opportunities for crime and anti-social behaviour that the development as existing has the potential to increase. I have imposed that suggested by the Council albeit with slight variation in wording having regard to the tests in paragraph 206 of the National Planning Policy Framework and guidance within Planning Practice Guidance (PPG). The PPG states that conditions requiring development to be carried out in its entirety will fail the test of necessity by requiring more than is needed to deal with the problem they are designed to solve. Such a condition is also likely to be difficult to enforce due to the range of external factors that can influence a decision whether or not to carry out and complete a development. The amended wording will ensure that Grapes Lane will not be closed to the public until shutter 1 is relocated and shutter 3a is installed together with the increased CCTV and lighting.

Conclusion

26. For the reasons given above and taking all matters raised into account, I conclude that the appeal should be allowed.

Caroline Jones

INSPECTOR

SCHEDULE B: Applications Determined by Other Authorities

Item No: 05

Between 27/01/2018 and 02/03/2018

Appn Ref No:

17/9012

Applicant:

Health Care and
Community Services

Parish:

Carlisle

Date of Receipt:

23/08/2017

Agent:

Cumbria County Council -
Development Management

Ward:

Morton

Location:

Former Morton Park Primary School, Burnrigg,
Carlisle, CA2 6QH

Grid Reference:

338217 554486

Proposal: Variation Of Condition 3 (Approved Documents) Of Previously Approved
Permission 17/9003/CTY

Amendment:

REPORT

Case Officer: Stephen Daniel

City Council Observations on the Proposal:

Decision: City Council Observation - Raise No Objection **Date:** 18/10/2017

Decision of: Cumbria County Council

Decision Type: Grant Permission

Date: 29/01/2018

A copy of the Notice of the decision of the Determining Authority is printed following the report.

**The Town and Country Planning Act 1990
The Town and Country Planning (Development Management Procedure)
(England) Order 2015**

Notice of Planning Permission

To: Cumbria County Council
Parkhouse Building
Kingmoor Business Park
Carlisle
CA6 4SJ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 18 August 2017.

**viz: Section 73 application for variation of design (Condition 3) of the approved scheme of Planning Permission Ref.1/17/9003 for a new Care Home
Carlisle Care Home, Burnrigg, Carlisle, CA2 6QH**

Subject to due compliance with the following conditions:

NOTIFICATION OF COMMENCEMENT OF USE

1. The County Planning Authority shall be notified of the commencement date of occupation of the new build, within 7 days of such commencement.

REASON: To enable the County Planning Authority to monitor the development to ensure compliance with this permission.

APPROVED SCHEME

2. The development hereby permitted shall be carried out, except where modified by the conditions to this permission, in accordance with the following:
 - a. The submitted Application Form – dated 10 August 2017;
 - b. The Design and Access Statement – Ref - dated August 2017;
 - c. Plans numbered and named:
 - i) Location Plan 6421-S1 L(00) 01, Revision 5, dated 9/1/2017;
 - ii) Existing Site Plan (03), Ref P6421S1 L(00) 05 Rev. 3 - dated 9 January 2017;
 - iii) Proposed Site Plan 0003420-GDA-V1-ZZ-DR-A-05_20-0003_CO2, received on 22 December 2017;
 - iv) Proposed Landscaping Plan 0003420-GDA-V1-ZZ-DR-A-05_20-0002-C05, received on 22 December 2017;
 - v) Proposed Ground floor Plans GDA-V1-GF-DR-A-05_20-0001_C02, received 22 December 2017;
 - vi) Proposed Elevations GDA-V1-ZZ-DR-A-05_20-0005-P10, received on 22 December 2017;
 - vii) Proposed first floor plans GDA-V1-01-DR-A-05_20_C02, received on 22 December 2017;
 - viii) Proposed roof plan GDA-V1-R1-DR-A-20_00-0001_C02, received on 22 December 2017;
 - ix) Proposed site sections, GDA-V1-ZZ-DR-A-05_20-0012_P05, received 22 December 2017;
 - x) Proposed overall elevations, GDA-V1-ZZ-DR-A-05_20-0004_C03, received on 22 December 2017.

- d. The details or schemes approved in accordance with the conditions attached to this permission.

REASON: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.

CONSTRUCTION PHASE

3. No site construction work, delivery or removal of materials shall take place on the site outside the hours of:
07:30 to 18:00 Monday to Fridays (except Public Holidays)
08:00 to 13:00 Saturday
No site construction work, delivery or removal of materials shall take place on Sundays; Bank Holidays and other Public Holidays.

REASON: To ensure the construction is carried out in accordance with the approved scheme and to minimise impacts upon the amenities of nearby residents, in accordance with Policy CM 5 of the Carlisle District Local Plan 2015-2030.

4. The construction phase of the development shall be carried out in accordance with the Construction Management Plan dated 26 September 2017.

REASON: In order to minimise impacts on residential and environmental amenity, in accordance with Carlisle Local Plan policy CM5

5. The approved Construction Environmental Management Plan dated 22 June 2017 shall be implemented in full from the commencement and throughout the duration of the construction phase of the development.

REASON: To ensure that traffic is managed in accordance with the approved scheme in the interests of highway safety and residential amenity.

6. 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 as soon as possible to the County Planning Authority and in any event within 24 hours the contamination is identified. Development on that part of the site where contamination has been identified shall be halted until a risk assessment has been submitted to and approved in writing by the County Planning Authority. Where unacceptable risks are found, remediation and verification schemes to include the following shall be submitted:
- an appraisal of remediation options;
 - identification of the preferred options;
 - the proposed remediation objectives and remediation criteria;
 - a description and programme of works to be undertaken, and
 - The provision of a verification plan for submission on the completion of the development.

The approved remediation scheme shall thereafter be implemented in full.

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 Carlisle Local Plan Policy CM 5.

SITE LEVELS

7. No development shall commence until details of all building(s)/structure(s) including finished site and ground floor level in relation to existing site levels and adjoining land and buildings have been submitted to and approved in writing by the County Planning Authority. The details shall include the proposed grading and mounding of land areas, cross sections through the site and relationship with the adjoining landform and buildings. The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the development is constructed in accordance with the approved scheme.

ACCESS AND HIGHWAYS

8. No development shall commence on site until details of the design, layout, construction, and drainage (to include longitudinal/cross sections), and visibility splays and kerb radii at the site access and egress) of the following elements of the development have been submitted to and approved in writing by the County Planning Authority:
- i. The proposed site access and egress, to include visibility splays and kerb radii; positioning of access/egress gates, and details of the proposed crossings of the highway verge/footway;
 - ii. The proposed internal accesses, footways and parking and servicing areas;
 - iii. The proposed road widening and new footpath provision along Burnrigg as shown on the Proposed Site Plan – Carlisle; Drawing No. P6421- S1L(00) 03 Rev8, dated 9 January 2017, and
 - iv. Hardening of verges for a minimum length of 30m opposite the proposed new site egress (Note: the site egress is shown on the Proposed Site Plan – Carlisle; Drawing No. P6421-S1 L(00) 03 Rev8, dated 9 January 2017).

The approved details shall thereafter be implemented in full and prior to the occupation of the building.

REASON: To ensure a minimum standard of construction in the interests of road safety and to safeguard the amenity of local residents, in accordance with Carlisle Local Plan Policies IP 2 and IP 3.

9. There shall be no vehicular access to or egress from the site other than those shown on Proposed Site Plan – Carlisle; Drawing No. P6421-S1 L(00) 03 Rev8, dated 9 January 2017.

REASON: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of highway safety.

10. Access gates shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

REASON: In the interests of highway safety.

11. The measures identified in the Framework Travel Plan shall be implemented within 9 months of the building being brought into use. Within 12 months of the building being brought into use the Framework Travel Plan shall have been developed into a Full Travel Plan and submitted to the County Planning Authority for approval. This submission shall include the baseline travel survey; evidence that measures specified in the Framework Travel Plan to achieve modal shift away

from the use of private cars have been carried out, and set targets to be used as benchmarks for the forthcoming Annual Review Reports.

REASON: To aid in the delivery of sustainable transport objectives in accordance with Carlisle Local Plan Policy IP 2.

12. Following the approval of the Full Travel Plan, Annual Review Reports reviewing its effectiveness, including any amendments or measures to achieve targets, shall be prepared by the applicant/occupier and submitted each Easter to the County Planning Authority for approval. Any measures identified by the County Planning Authority as being required shall be implemented before the commencement of/during the following year as may be required by the County Planning Authority, and be continued for the operational life of the care home hereby approved.

REASON: To aid in the delivery of sustainable transport objectives in accordance with Carlisle Local Plan Policy IP 2.

13. No development shall commence until a detailed scheme for surface and foul water drainage (inclusive) has been submitted to and approved in writing by the County Planning Authority. The submitted scheme must demonstrate the following:
- i. That it has taken into account an assessment of the existing site conditions;
 - ii. That it has considered the hierarchy of drainage options set out in the National Planning Practice Guidance (NPPG; March 2014);
 - iii. That it is in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards;
 - iv. That in the event of surface water run-off from the development draining to the public surface water sewer, the pass forward flow rate to the public surface water sewer would be restricted to a maximum of 6.5l/s;
 - v. Method of connection to any watercourse;
 - vi. Separation of foul and surface water drainage, and
 - vii. Details of the maintenance and future management regime after completion, for the lifetime of the development, to include:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The drainage scheme shall be installed in accordance with the approved details prior to the occupation of the building and shall thereafter be maintained and managed in accordance with the approved details.

REASON: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with Carlisle Local Plan Policies CC 4 and CC 5.

14. No development shall take place on the site above foundation level until details of the lighting scheme for the development [including siting and design (colour, style, size); details of all lamps and lux levels (including light spread diagrams showing lux levels at the site boundary and calculation of the impacts of these on nearby residential properties), and hours of illumination] has been submitted to and approved in writing by the County Planning Authority. The lighting shall thereafter be provided in accordance with the approved details.

REASON: To ensure that external lighting does not cause light pollution to nearby residents or negatively impact upon nature conservation interests, in accordance with Carlisle Local Plan Policies SP 6 and GI 3.

LANDSCAPING, DESIGN & EXTERNAL DETAILS

15. The landscaping scheme shown on the Proposed Landscaping Plan – Carlisle; Drawing No. P6421-S1 L(00) 02 Rev5, dated 9 January 2017 shall be implemented within the first available planting season following completion of the construction phase of the development.

REASON: To secure the satisfactory establishment and maintenance of a landscaping scheme in the interests of local and residential amenity.

16. No development shall take place on the site above foundation level until details of additional landscaping to be provided on the boundary between the proposed parking areas and the neighbouring residential properties has been submitted to and approved in writing by the County Planning Authority. The details shall include proposed tree and shrub species mix, planting size, location, protection and maintenance of proposed planting. When approved, the landscaping shall be undertaken in accordance with the approved details and within the first available planting season following completion of the construction phase of the development.

REASON: To secure the satisfactory establishment and maintenance of a landscaping scheme in the interests of local and residential amenity.

17. The landscaping scheme and the additional landscaping shall be maintained for a minimum period of five years from the date of planting. Any trees or shrubs which die or become seriously damaged or diseased within five years of planting shall be replaced with plants of the same species or such species as may otherwise be agreed with the County Planning Authority.

REASON: To secure the satisfactory establishment and maintenance of a landscaping scheme in the interests of local and residential amenity.

18. No development shall take place on site above foundation level until:
- i. samples of all external materials and finishes to be used on the building;
 - ii. samples of all materials and finishes to be used for the hard landscaped areas, including paving and pathways, and
 - iii. details (style, colour and finishes/materials) of all boundary treatments, including fences - metal and wooden, walls, gates and railings; have been submitted to and approved in writing by the County Planning Authority.

The development shall thereafter be carried out in accordance with the approved details.

REASON: To ensure the construction is carried out in accordance with the approved scheme, and in the interests of visual and residential amenity, in accordance with Carlisle Local Plan Policy SP 6.

NATURE CONSERVATION

19. The Weeping Willow tree (identified as T1 TPO on Figure 3.1 Tree Categories in the Tree Method Statement, undertaken by OpenSpace; dated January 2017) shall not be felled until a licensed bat ecologist has overseen a pre-felling climbing inspection of the tree to establish the presence or otherwise of bats. In the event bats are present the tree shall not be felled until such time as the bats have been relocated in accordance with a bat licence from Natural England.

REASON: To ensure compliance with the Conservation of Habitats and Species Regulations 2010 (as amended), and to accord with Carlisle Local Plan Policy GI 3.

20. No trees, bushes or hedges within the development site shall be removed, lowered or pruned during the bird nesting season between March and August inclusive. If such works cannot be undertaken outside this time period, a suitably qualified ecologist must be present to oversee all vegetation removal and, if appropriate, an exclusion zone set up around any vegetation to be protected. No works shall be undertaken within the exclusion zone until the birds and any dependent young have vacated the area.

REASON: To protect nesting birds during the bird nesting season in order to deliver no net loss of biodiversity through compliance with the NERC biodiversity duty as reflected in Carlisle Local Pan Policy GI 3.

21. No development shall commence on site until fencing, in accordance with BS5837: 2012 for the protection of trees to be retained on site, and the other precautionary measures as set out in Section 4 of and the Tree Protection Plan (dated 9 January 2017) contained in the Tree Method Statement, undertaken by OpenSpace; dated January 2017 have been provided. The protective measures shall be retained throughout the construction phase of the development and thereafter removed from site prior to the occupation of the building.

REASON: To protect and preserve existing trees within the site and to ensure no net loss of biodiversity through compliance with the NERC biodiversity duty as reflected in Carlisle Local Pan Policy GI 3.

22. All bird and bat boxes and wildflower and tree habitat creation shall be provided in accordance with the Proposed Landscaping Plan – Carlisle; Drawing No. P6421-S1 L(00) 02 Rev5, dated 9 January 2017 before the building is brought into use.

REASON: In order to ensure no net loss of biodiversity through compliance with the NERC biodiversity duty as reflected in Carlisle Local Pan Policy GI 3.

USE OF THE BUILDING

23. The building shall not be used for community purposes by the local community between 21:00 hours and 08:00 hours.

REASON: To safeguard residential amenity in accordance with Carlisle Local Pan Policy HO 12.

Dated 29 January 2018

Signed: Angela Jones
Assistant Director of Economy & Environment
on behalf of Cumbria County Council.

NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
 - The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: planning.cumbria.gov.uk/Planning/Display?applicationNumber=1/17/9012
 - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
 - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
-

APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27](#) of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.

Report to Development Control Committee

Agenda
Item:
A.2

Meeting Date: 16th March 2018
Portfolio: Economy, Enterprise and Housing
Key Decision: Not Applicable:
Within Policy and Budget Framework YES
Public / Private Public

Title: TREE PRESERVATION ORDER 292 LAND AT CALDEW ROAD, CUMMERSDALE, CA2 6BN
Report of: Director of Economic Development
Report Number: ED/12/18

Purpose / Summary:

This report considers the confirmation of Tree Preservation Order 292 at land at Caldew Road, Cummersdale, Carlisle in light of an objection to the making of the order.

Recommendations:

That Tree Preservation Order 292 is confirmed, subject to a modification to the tree type of T2, T3 and T4 from Oak to Sycamore.

Tracking

Executive:	N/A
Scrutiny:	N/A
Council:	N/A

1. BACKGROUND

- 1.1 A telephone call made by a resident raised concerns that the trees on the land at Caldew Road were under perceived threat of being cut down. No planning application related to the land, although it was being marketed, and a site visit was subsequently undertaken to investigate the works being undertaken.
- 1.2 It was apparent from the site visit that the trees in question were significant and therefore a Tree Evaluation Method for Preservation Orders (TEMPO) exercise was undertaken on each tree to assess their suitability to warrant a preservation order being made.
- 1.3 The TEMPO method is broken down into 4 sections, each of which is related to the suitability for a TPO, these being:
- Condition
 - Retention span
 - Relative public visibility
 - Other factors (such as location, cohesion of a group, historical/commemorative importance and if a tree has good form, is rare or unusual)
- 1.4 All 4 trees scored appropriately to merit a TPO however officers were notified that works had commenced prior to the order being made and an immediate order was served on 2nd January 2018.

2. CONSULTATION

- 2.1 The Parish Council, owners of the field adjacent to Caldew Road (field no. 296), owners of affected properties, and all those known to have an interest in the land were consulted on the TPO in accordance with the requirements of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 2.2 A site notice was placed at the entrance of the field advising of the making of the TPO, and how to object or make representations.
- 2.3 The 'Statement of Reasons' included in the order states that the 1no. oak tree and 3no. Sycamore trees protected by this order are large prominent trees that are clearly visible to the public along Caldew Road. They contribute to the pleasant rural character of the area enhancing the approach to Cummersdale. Due to their size, prominent location and public visibility, the trees make a substantial positive contribution to the visual amenity of the location.

2.4 Letters in support of the Order were received from 4 residents and are included in Appendix B. The representations raise the following points:

- The Caldew road widening issue has been contentious and has been around for at least 30 years plus. This issue was high on the agenda about 30 years ago and the Council took the final view that the lane should be retained.
- The lane at the front of Caldew Road houses is a source of relaxation, enjoyment and used by the villagers, cyclists, Cumbrian Way walkers, dog walkers and country lovers.
- The trees in Cummersdale Bank field provide habitat and food to local wildlife of all kinds
- The narrowness of the lane has kept the road safe from accidents and speeding motorists. [The residents] do not recollect any serious road accidents occurring on that site.
- The lane should be preserved for the good of the village
- The trees are of value to the community and contribute to the character and setting of the village
- The trees are an important part of the landscape
- The trees are identified as an important greenspace village amenity within the Local Plan
- Removal of these trees will permanently change the visual character of the village.

2.5 A letter of objection was received from the land owner and is included in Appendix C correspondence. The representation raises the following points:

- The trees are not historically or culturally valuable
- The trees are in a position that they do not interact with the wider village and its setting
- The position of the trees means that the road down to the Steads complex is very narrow.
- The removal of the trees would provide a safe route into the field for agricultural vehicles
- It would be in the interests of public safety to remove these trees
- The removal of the trees would enhance the field access
- The owner of the field is happy to plant new trees along the new line which provides a much better road width

- 2.6 A letter from Councillor Trevor Allison was also received and is included in Appendix D. Councillor Allison raised in his letter that a total of three sites in Cummersdale were submitted for housing development allocation during the Strategic Housing Land Availability Assessment (SHLAA) consultation in 2014. With the field in question (CUD03) being one of the two sites that were considered deliverable in SHLAA, Councillor Allison raised concerns that the making of the TPO will have an impact on the deliverability of the site at Caldew Bank field, should the allocated site (CUD01) be withdrawn or become undeliverable.

3. CONTEXT

- 3.1 During the site inspection in mid-December, all four trees in question were in good health and they showed no evidence of significant defects or reduced vigour. The trees are located at the boundary of the field adjoining Caldew Road and are clearly visible to the public. They contribute to the pleasant rural character of the area.
- 3.2 Whilst the Council has not received any formal applications regarding development of the field in question, several enquiries have previously received regarding changing to field from agricultural to domestic use. As these were general enquiries there was no clarity whether developers or future occupants of any dwellings would retain or seek to remove these trees.
- 3.3 On 2nd January 2018, a telephone enquiry was received by one of the residents suggesting that several branches of T2-T4 had been lopped off that morning. A formal notice was subsequently served the same day to the relevant parties (Please see Paragraph 2.1) to inform the making of the TPO.
- 3.4 Upon the serving of the formal notice, works had already been done to Trees T2-T4, concern was raised that the branches removed from Trees T2-T4 would result in the trees being unbalanced. In light of this, the Council commissioned Capita to provide a Tree Hazard Survey for the four trees using the Quantified Tree Risk Assessment (QTRA) methodology.
- 3.5 The report (included at Appendix E) concludes that 'the trees are structurally adapted to high loadings, particularly arising from high winds. The small amount of weight that has been removed due to the lopping has not resulted in the trees becoming physically unbalanced and likely to topple over.' The report also noted that three of the trees were sycamore and not oak and any confirmation of the Order should make that correction.

- 3.6 Whilst it is noted within the report that the loss of leaf area and the creation of wounds could lead to decay and the decline of the trees in years to come, the report also suggests that the remaining branches of Trees T2-T4 are currently sturdy and free of significant defects, and consequently, there is no significant increase in risk from branch failure due to increased wind exposure.
- 3.7 In addition, the report also suggests that phased pruning could be undertaken to improve the visual impact of the unbalanced trees. Thinning and reduction of epicormic shoots as they grow would also further reduce the risk of failure and recreate a good form for the trees.
- 3.8 The owner of the field mentioned within his objection letter that the removal of the trees would allow the road down to the riverside to be widened and subsequently enhance the field access and public safety. The owner of the field also stated that he is happy to plant replacement trees in the future.
- 3.9 Whilst it is incontrovertible that the road adjacent the aforementioned trees is narrow, the speed limit of that part of the road is 20mph and has sufficient visibility, it is unlikely that Caldew Road in its existing form would present a hazard to any vehicular users or pedestrians. Furthermore, there is an existing field access located on road down to Stead McAlpin, in which the widening of this access will have no impact to any of the aforementioned trees. The council has not previously received any enquiry in relation to the widening of Caldew Road in the interest of public safety. As such, it is not felt that the argument presented by the land owner of the field are sufficient enough to justify the removal of these four trees which currently make a positive contribution to the visual amenity of the area.
- 3.10 Should there be any future application in relation to the widening of Caldew Road which requires the removal of these trees, the Council will then assess the proposal and the status of those trees during that time. A decision will then be made as to whether the benefits provided by the proposal would outweigh the harm caused by the removal of these trees during that time.
- 3.11 As there are no tree health or management reasons for the trees to be excluded from the Order, their merit of inclusion as a group of 4 trees has to be considered.
- 3.12 On the basis that they scored individually sufficient under the TEMPO process for a TPO to be served and they combine to increase group value, it is considered that they should remain part of the TPO.

4. CONCLUSION AND REASONS FOR RECOMMENDATION

- 4.1 The Oak tree (T1) and the 3no. Sycamore trees (T2-T4) scored within points 12-16+ points within the TEMPO assessment, giving a decision guide of 'TPO defensible/definitely merits a TPO'. The condition of all the trees is described as 'good'.
- 4.2 All trees scored a good retention span of 20-100 years.
- 4.3 Given the foregoing, it is recommended that Tree Preservation Order 292 at land at Caldew Road, Cummersdale, should be confirmed with a modification to the tree type of T2, T3 and T4 from Oak to Sycamore, to ensure the safety of wildlife and provide continuing visual amenity of Caldew Road and the surrounding area.

5. OPTIONS TO MEMBERS

- 5.1 To confirm TPO 292 with modifications
- 5.2 To refuse the making of TPO 292

6. RECOMMENDATION

That Tree Preservation Order 292 is confirmed, subject to a modification to the tree type of T2, T3 and T4 from Oak to Sycamore.

Contact Officer: Alanzon Chan

Ext: 7260

**Appendices
attached to report:**

- **Appendix A – TPO 292**
- **Appendix B – Letters of support**
- **Appendix C – Letter of objection**
- **Appendix D – Letter from Councillor Trevor Allison**
- **Appendix E – Tree Survey Report**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

- **Planning Practice Guidance Tree Preservation Orders and Trees in Conservation Areas**

CORPORATE IMPLICATIONS/RISKS:

Community Services – N/A

Corporate Support and Resources – N/A

Economic Development – Contained within the report

Governance and Regulatory Services – The Corporate Director of Economic Development, the Development Manager and the Principal Planning Officer each have delegated authority to confirm Tree Preservation Orders in the absence of any objections. As an objection has been received in relation to this particular Order, it falls to the Development Control Committee to consider the objection before deciding whether or not to confirm the Order.

**TOWN AND COUNTRY PLANNING (TREE PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Town and Country Planning Act 1990

The City Council of Carlisle

Land at Caldew Road, Cummersdale, Carlisle CA2 6BN

Tree Preservation Order 2018 (No.292)

The City Council of Carlisle in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Land at Caldew Road, Cummersdale, Carlisle CA2 6BN – Tree Preservation Order 2018 (No.292).

Interpretation

2.— (1) In this Order “the authority” means The City Council of Carlisle

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

The Common Seal of the City Council of Carlisle
was affixed to this Order in the presence of
~~Corporate Director of Governance and Regulatory Services/~~
Legal Services Manager



This Order was confirmed by The City Council of Carlisle without modification on the day of

This Order was confirmed by The City Council of Carlisle, subject to the modifications indicated by _____, on the _____ day of _____

.....
Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by The City Council of Carlisle
on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by The City Council of Carlisle on the day of
by a variation order under reference number
a copy of which is attached

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by The City Council of Carlisle on the day of

Signed on behalf of The City Council of Carlisle

.....
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	OS Grid Ref. 339070 553114
T2	Oak	OS Grid Ref. 339079 553097
T3	Oak	OS Grid Ref: 339087 553082
T4	Oak	OS Grid Ref: 339097 553068

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		

Groups of trees

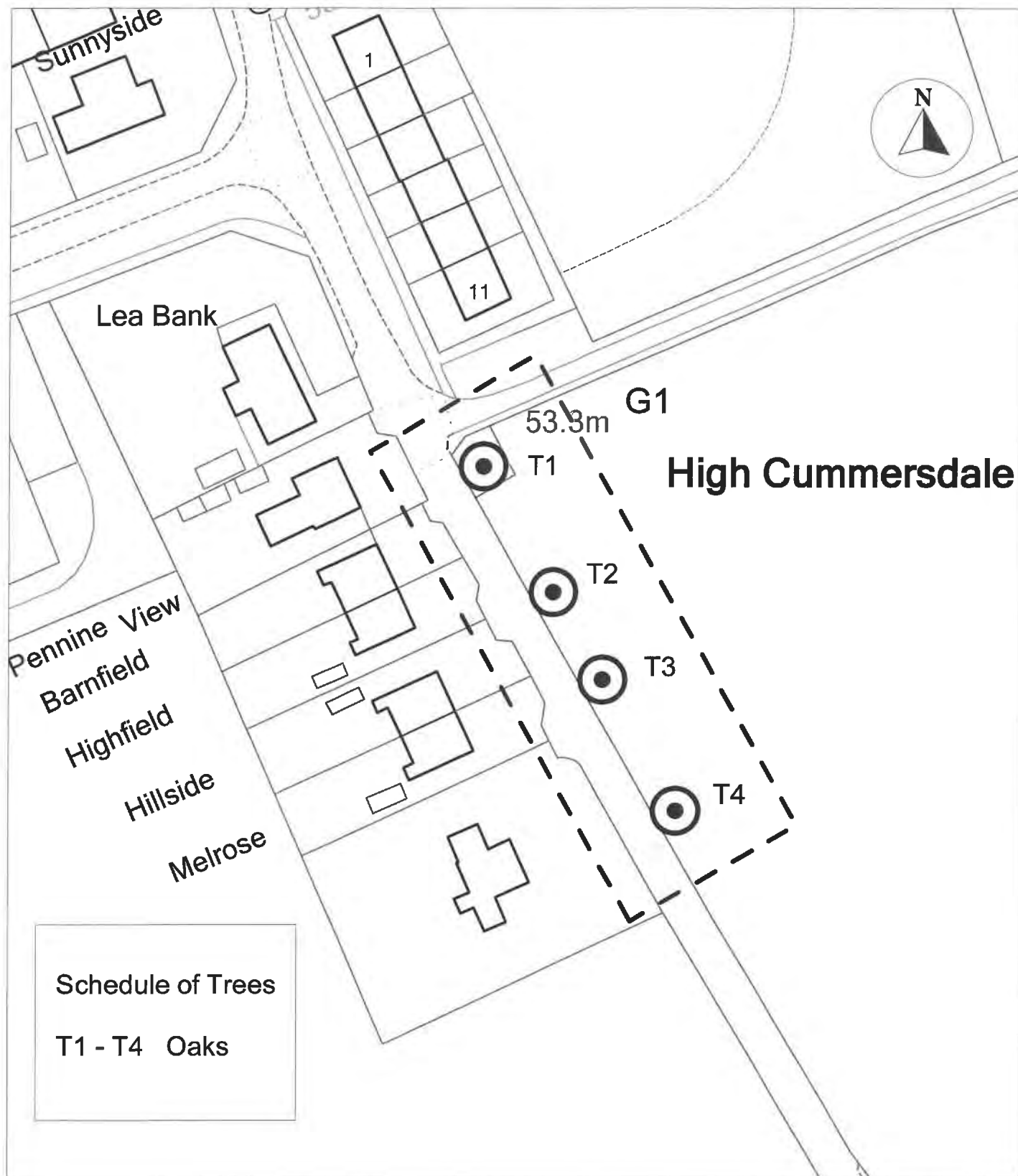
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
None		

Woodlands

(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
None		



Act 1990 Section 198(1)

Tree Preservation Order Number 292
Land at Caldew Road, Cummersdale,
Carlisle, CA2 6BN

Scale: 1:750

©crown copyright database rights 2014
 ordnance survey LA100024459

Date: December 2017

Economic Development, Civic Centre, Carlisle, CA3 8QG

Page 110 of 140



STATEMENT OF REASONS
TREE PRESERVATION ORDER NO. 292

LAND AT CALDEW ROAD, CUMMERSDALE,
CARLISLE, CA2 6BN

Section 197 of the Town and Country Planning Act 1990 places a duty on local planning authorities to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made for the preservation of trees. The local authority may make a tree preservation order where it appears to the authority that it is expedient in the interests of amenity.

The four mature oak trees protected by this tree preservation order are large prominent trees clearly visible to the public along Caldew Road. They contribute to the pleasant rural character of the area enhancing the approach to Cummersdale.

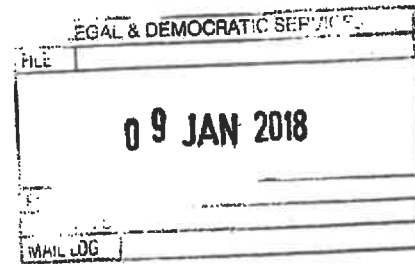
Due to their size, prominent location and public visibility, the trees make a substantial positive contribution and visual amenity of the location.

It is considered that the most appropriate way to protect these trees for the future is by means of a tree preservation order.

Appendix B - Letters of Support

A J PRETSWELL
HIGHFIELD
CALDEW ROAD
CUMMERDALE
CARLISLE
CA2 6BN

M D LAMBERT
CORPORATE DIRECTOR OF GOVERNANCE
AND REGULATORY SERVICES
CARLISLE CITY COUNCIL
CIVIC CENTRE
CA3 8QG.



Friday 5th January 2018.

CUMMERSDALE BANK FIELD TREE PRESERVATION
ORDER 2018 NO. 292.

WITHOUT PREJUDICE.

Dear Sir,

I take this opportunity to personally and on behalf of my wife and myself, to thank the Councils immediate action on the morning of Tuesday 2nd Jan. in stopping the wanton and deliberate destruction of 4, around 100 year old oak trees of historical imprint on higher Cummersdale village..... This episode in my view is simply untenable and for John Dalton Arter (his agents) to have surreptitiously desecrated the trees, pre-empting the above mentioned order to his own ends and presumably to rid the trees obstructing the Caldew road/ lane widening and his own housing development schedule intended for the field..... John Dalton Arter should be called to account and to apologise formally, in writing for the damage witnessed by me, on my own evidence. Likewise my immediate neighbours who also witnessed the incident.

The absolute truth is that nobody should have been high up in the trees on that morning because of the wind, rain and cold weather and this is another issue that should be taken into account, especially when using a chainsaw on slippery branches. The man whom I witnessed in the 4th tree was suspended by fastening ropes and properly equipped for that work in proper conditions!. But the weather situation caused the risk.

The three trees that have been desecrated, NO.s 4, 3, and 2 have had large branches measuring in some cases between 15 to 20 feet in length, simply left lying in the field, following the hasty withdrawal of the contractors. The damaged trees have been photographed and uploaded onto computer for future reference.

The Caldew road /lane widening issue has been contentious and has been around for at least 30 years plus, for those of us living alongside of the lane itself it still is!!!. The issue was high on the agenda about 30 years ago when Councillor Trevor Allison was M.D. at the lower Cummerdale "Steads" factory. He was all for it and we were all against it and the Carlisle City Council took the view that the lane should be retained. The issue caused some animosity and the loss of trust, which in hindsight achieved nothing. Trevor Allison has down the years always worked to help the village in any way possible and recently, acting in his capacity as Councillor, called at my home to discuss the, amongst other things, the situation re Cummersdale bank field. Also present was Linda Dixon from Pennine View, Terry Jackson from Hillside house and my wife and myself. He said that he would contact Mr Arter to try and establish what the situation was regarding developing the field for housing stock. Nothing came from this until now and the tree episode.

The lane at the front of the Caldew Road houses has to the best of my knowledge been in existence since the Stead Mcalpine factory commenced trading in the 1850.s. It is a source of relaxation,

(2)

enjoyment and use by the villagers, cyclists, Cumbrian way walkers (many more this summer due to the lack of adequate safe footpaths alongside of the Steads factory). Dog walkers, and Country lovers in general and the 22+ mature trees in Cummersdale Bank field add to this with Birdlife and wildlife of all kinds in existence. The narrowness of the lane has in itself kept the road safe from accidents and speeding motorists and in my 30+ years of living in the village, I can not recollect a serious road accident occurring. It is my sincerely held view that the lane should be preserved for the good of the village. It is a peaceful, tranquil place without street lights, little vehicular traffic and crime free and should in my view be retained.

As I have said earlier, the Carlisle City council took the appropriate course of action and it will be for them to decide on the outcome of Cummersdale Bank field. The priority should be that all of the 22+ mature trees in the field be preserved for future generations to enjoy. I feel strongly that this field is not the place to build new houses in and I have never deviated from this view. No doubt this will be considered carefully for a balanced outcome.

Yours Faithfully.

P.S. THE MEETING WITH TREVOR ALLISON ON TUESDAY 12TH DE
2017 WITH RESIDENTS WAS FOR REASONS THAT ON TWO OCCASIONS
JUST PRIOR TO THIS, AGENTS / SURVEYORS GOT....? HAD
BEEN WORKING IN THE FIELD -
TOLD A NEIGHBOUR THAT THE FIELD DEVELOPMENT WAS
A (FAIT-ACCOMPLI) - FOR ROAD WIDENING & THE
BUILDING OF 5 x 5 BEDROOMED LUXURY HOUSES ON
THE TOP LEFT SIDE OF THE FIELD. THAT PLANNING
PERMISSION WAS A MERE FORMALITY. CAN YOU PLEASE
CLARIFY THE SITUATION?

Pennine View
Caldew Road
Cummersdale
Carlisle
CA2 6BN

24th January 2018

LAND AT CALDEW ROAD, CUMMERSDALE, Carlisle CA2 6BN TREE PRESERVATION ORDER 2018 NO: 292

Dear Mr Lambert

I write in support on the tree preservation order listed above.

These established trees are of value to our community and contribute to the character and setting of our village. This end of the village has a pleasant rural aspect and views. Such aspects of village life are becoming increasingly rare due to extensive housing development in the Dalston Road area and to a lesser extent building within the village itself.

These trees are an important part of the landscape and have been for a very long time. Their amenity value is enjoyed by a wide variety of walkers and people living nearby. A lot of people from the village, Dalston Road area and Morton Park, walk in this area regularly, many on a daily basis. In the summer months I have come across people visiting our area on holiday walking on to Dalston or returning to town via the river.

From an environmental point of view these mature trees retain a lot of water which helps when we have a lot of rain. They supply habitat and food to local wildlife. Having a habitat that helps to sustain many species of birds, and wildlife including bats is also important to the character of the village.

With the upcoming consultations and plans for the new Southern By-Pass Road it is even more important that we preserve our existing mature trees and landscape in the immediate area. These trees will offer character to the village and be of value to the community for many years to come.

Yours sincerely

Linda Dixon

LEGAL & DEMOCRATIC SERVICES	
FILE	
31 JAN 2018	
PASSED TO	
ANSWERED	
MAIL LOG	

Lea Bank
Caldew Road
Cummersdale
CARLISLE
Cumbria
CA2 6BN

29 January 2018

M D Lambert
Corporate Director of Governance & Regulatory Services
Carlisle City Council
Civic Centre
CARLISLE
CA3 8QG

Dear Sir/Madam

Re: Tree Preservation Order 2018 (292)
Four Mature Oak Trees alongside Caldew Road, Cummersdale

I write to support the Tree Preservation Order 2018 (292) which was dated 2 January 2018.

The four mature oak trees in the hedgerow alongside Caldew Road, Cummersdale bring much community value to the people of Cummersdale and to those who choose to visit the village.

In the Cumbria District Local Plan 2015-2030, the hedgerow and trees in question were identified as an important greenspace village amenity. The space and hedgerow are perceived as the edge of the village at this side. The removal of these mature trees will affect the visual character of the village and this could not be easily rectified.

With so much building development taking place around Cummersdale, such as Cloverfields, Amberfields, Morton Master Plan, a development near the junction of Cummersdale Road and Dalston Road and a small development next to Cummersdale Church, it is important that as much as possible is done to preserve the original character and setting of our village. This aspect of the village is the only road of the village which leads directly down to the River Caldew and is a area which is enjoyed by many, as seen by the number of walkers who come here.

Yours faithfully

Dr E M Edgar

LEGAL & DEMOCRATIC SERVICES	
FILE	
31 JAN 2018	
PASSED TO	
ANSWERED	
MAIL LOG	

Pennine View
Caldew Road
Cummersdale
Carlisle
CA2 6BN

24th January 2018

LAND AT CALDEW ROAD, CUMMERSDALE, Carlisle CA2 6BN TREE PRESERVATION ORDER 2018 NO: 292

Dear Mr Lambert

I am writing to support the tree preservation order listed above

These established trees are of value to our community and contribute to the character and setting of our village. This end of the village has a pleasant rural aspect and views. Such aspects of village life are becoming increasingly rare due to extensive housing development in the Dalston Road area and to a lesser extent building within the village itself.

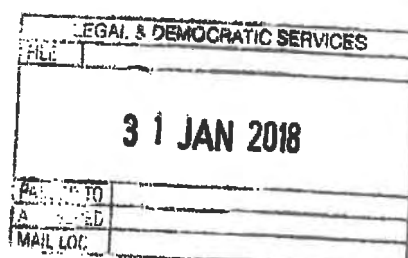
These trees are an important part of the landscape and have been for a very long time. Their amenity value is enjoyed by a wide variety of walkers and people living nearby. I walk my dogs every day and enjoy the pleasant environment. I meet a lot of people walking through the village, from Dalston Road area and Morton Park who walk in this area regularly.

From an environmental point of view these mature trees retain a lot of water which helps when we have a lot of rain. They supply habitat and food to local wildlife. Having a habitat that helps to sustain many species of birds, which include finches and owls and wildlife including bats is important and allows passers-by to enjoy seeing them.

With the upcoming consultations and plans for the new Southern By-Pass Road it is even more important that we preserve our existing mature trees and landscape in the immediate area. These trees will offer character to the village and be of value to the community for many years to come.

Yours sincerely

Robert Dixon



Appendix C - Letter of Objection

30th January 2018

M D Lambert

Corporate Director of Governance and Regulatory Services

Carlisle City Council

Civic Centre

Carlisle

CA3 8QG

Objection to tree preservation Order No. 2018 (No.292)

Land at Caldew Road, Cummersdale, Carlisle, CA2 6BN

Dear Sirs

With reference to the Tree Preservation Order that has been placed on my land at Cummersdale, please take this letter as response to the serving of such.

Within the Tree Preservation Order and its adjoining letter there appears to be some confusion with regard to the final date for objection, it mentions both the 30th January and the 2nd February. (We are conforming with the later date)

It also mentions that the trees are all Oak, there is actually only one Oak T1 the rest T2, T3, and T4 are Sycamore.

With regard to the Order I would like the Council to consider the following:

It is my opinion that Public visibility is not a sufficient ground to warrant an Order.

The trees are not historically or culturally valuable, they do not have a relationship to anything historic and they are in such a position that they do not interact with the wider village and its setting.

The position of the trees means that the road down to the Steads complex is very narrow at this point, in order to provide a safe route into the field for agricultural vehicles and also enhance the road, it was considered that it would be in the interests of public safety to remove the trees and enhance the field access.

I would be happy to be plant new trees along a new line which provides a much better road width and enhances public safety. This would provide a lot of benefit to the local community and allow better access to the wider Cummersdale to Dalston path.

I hope that the City Council will appreciate the above Objections and will revoke the Tree Preservation Order

Yours sincerely,

D J Arter

Skiprigg, Raughtonhead, Carlisle.

Letter from Councillor Trevor Allison

17 Gilbert Road
Cummersdale
Carlisle
CA2 6BJ

Mr D Lambert
Corporate Director of Governance
Carlisle City Council
Rickergate
Carlisle

17/01/18

Dear Mr Lambert

**Tree Preservation Order
2018 No. 292**

I write in response to your letter dated 2nd January in respect of the above provisional preservation order (TPO) granted for 4 trees along Caldew Road at Cummersdale. I am a Dalston ward councillor, and a resident of Cummersdale. The views I express here do not necessarily reflect those of the Parish Council of which I am also a member. I assume that the Parish Council will also be consultees?

As their ward councillor, I was asked to meet with a number of the residents who live on Caldew Road. They were concerned to see activity at the top of the field along which the four trees stand. They assumed almost certainly correctly, it was being surveyed as a potential site for a housing development. My enquiries have confirmed that this is the case. The residents at present have an unfettered view across the Caldew valley to the Pennines. Indeed one of the houses is called Pennine View. The status of the trees and development of the site are inexorably linked since any such development would involve the widening of the road..

The enforcement officer has imposed a temporary TPO on the four trees. I am not an expert but I am told that they comprise one oak and three sycamores. Without disrespect to the officer, I suggest that the council seek expert independent opinion on the condition of the trees and whether they merit a TPO.

My understanding of this issue is as follows;

When the Strategic Housing Land Availability Assessment (SHLAA) public consultation was carried out for the Carlisle & District Local Plan (CDLP) 2015-2030, three sites were submitted for Cummersdale. From the residents' responses to the consultation, the preferred option was the field of the LHS at the entry to the village and the second was Caldew Bank field in which the trees stand. The third location was on land behind The Common and The Oval. This was widely rejected. The concern was that it would set a precedent and ultimately extend Cummersdale to Dalston Road. This is already becoming an extension of urban Carlisle. There was a

strong feeling in the community that we should retain the separate identity of the village. This third option was rejected and was not adopted in the CDLP.

As it currently stands, Cummersdale has been allocated the first preferred site for housing development. I believe that there are site issues which may impact on its development but this is still the allocation in the CDLP. There is no provision for a second development of a similar size. My understanding is that only if the first site is withdrawn, then the housing allocation for Cummersdale village would go to the second preferred option and not to the rejected option behind The Common. The trees on Caldew Bank field would then become a more important consideration should a permanent TPO. be granted

Yours sincerely

.
.



Carlisle City Council

Trees at High Cummersdale, Carlisle. QTRA assessment and report.

Quality Management

Job Number	CS/9094736		
Project	Carlisle City Council QTRA assessment of trees at High Cummersdale, Carlisle.		
Location	High Cummersdale, Carlisle.		
Document Title	Trees at High Cummersdale, Carlisle. QTRA assessment and report.		
Document BIM Ref		Revision / Status	
File Reference	T:\Trees\Project Management\Live projects\CS094736 Carlisle City Cummersdale		
Version Date	15 January 2018		
Prepared By	Charles Bennett	Signature	
Checked By	Rob Sim	Signature	
Authorised By	Rob Sim	Signature	

Revision Status / History

Rev	Date	Status/ Purpose	Prepared	Checked	Authorised

This report has been prepared by Capita Property and Infrastructure Limited (Capita) in favour of the Client and is for the sole use and benefit of the Client in accordance with the agreement between the Client and Capita under which Capita's services were performed. Capita accepts no liability to any other party in respect of the contents of this report. This report is confidential and may not be disclosed by the Client or relied on by any other party without the express prior written consent of Capita.

Whilst care has been taken in the construction of this report, the conclusions and recommendations which it contains are based upon information provided by third parties ("Third Party Information"). Capita has for the purposes of this report relied upon and assumed that the Third Party Information is accurate and complete and has not independently verified such information for the purposes of this report. Capita makes no representation, warranty or undertaking (express or implied) in the context of the Third Party Information and no responsibility is taken or accepted by Capita for the adequacy, completeness or accuracy of the report in the context of the Third Party Information on which it is based.

Capita understands and acknowledges the Authority's legal obligations and responsibilities under the Freedom of Information Act 2000 (the "Act") and fully appreciates that the Authority may be required under the terms of the Act to disclose any information which it holds. Capita maintains that the report contains commercially sensitive information that could be prejudicial to the commercial interests of the parties. On this basis Capita believes that the report should attract exemption from disclosure, at least in the first instance, under Sections 41 and/or 43 of the Act. Capita accepts that the damage which it would suffer in the event of disclosure of certain of the confidential information would, to some extent, reduce with the passage of time and therefore proposes that any disclosure (pursuant to the Act) of the confidential information contained in the report should be restricted until after the expiry of 24 months from the date of the report.

Contents

1.	Introduction	4
1.1.	Brief.....	4
1.2.	Scope of the report	4
1.3.	Limitations of the report	4
1.4.	Qualifications	5
2.	Data Collection.....	6
2.1.	Site visit.....	6
2.2.	Site description	6
2.3.	Data collection	7
3.	Arboricultural appraisal	8
3.1.	Arboricultural appraisal	8
4.	Conclusions	10
4.1.	Conclusions.....	10
4.2.	Management recommendations	10
5.	Bibliography and experience	11
5.1.	Bibliography.....	11
5.2.	Qualifications and experience	11
6.	Tree data schedule	12
6.1.	Explanatory notes.....	12
7.	QUANTIFIED TREE RISK ASSESSMENT (QTRA)	14
8.	Tabulated tree data schedule	16
	Appendix 1. Tree Preservation Order 292 Plan	17
	Appendix 2 Photographs	18
	Table 1. Matrix describing the actions to be taken at the relevant thresholds of risk.....	15

1. Introduction

1.1. Brief

- 1.1.1. This report has been commissioned by Christopher Hardman, Development Manager, Carlisle City Council, by email on the 8 January 2018.
- 1.1.2. Capita have been instructed to provide a tree hazard survey for four trees, one oak and three sycamores, growing adjacent Caldew Road, High Cummersdale, Carlisle, using the Quantified Tree Risk Assessment (QTRA) methodology.
- 1.1.3. To provide a report on the trees giving an indication of the foreseeable risk of harm, and where the risk of harm is unacceptable, provide recommendations for the management of the trees to ensure the risk of harm is reduced to As Low As Reasonably Practical (ALARP).

1.2. Scope of the report

- 1.2.1. The report address's the following points of reference;
 - **Target Appraisal** – assess the main target areas in relation to the trees being assessed.
 - **QTRA Assessment** – Undertake a QTRA assessment of the trees using Visual Tree Assessment (VTA) methodology.
 - **Record of trees assessed** – Records the tree assessed and gives the risk of harm to site users.
 - 1.2.2. The trees have been protected by Tree Preservation Order 292 Land at Caldew Road, Cummersdale, Carlisle, CA2 6BN (the TPO). For ease of reference the tree numbers used in the TPO have been used in this report. The TPO plan is attached to this report at Appendix 1.
 - 1.2.3. The trees on the site were surveyed from ground level using the Visual Tree Assessment methodology (Mattheck et al., 2003)
- ### 1.3. Limitations of the report
- 1.3.1. I have relied on the accuracy of the supplied plan for the locations of the trees.
 - 1.3.2. No invasive decay testing equipment was used in this survey.

- 1.3.3. None of the trees were climbed as part of this survey.
- 1.3.4. Trees are living organisms and changes to the environment can have a significant impact on the structural and physiological conditions of the tree. Where changes to the environmental conditions have occurred, and after extreme weather events the safety of the tree should be reassessed.
- 1.3.5. This report is valid for a period of twelve months assuming that there are no changes to the trees environment, or extreme weather events which could affect the safety of the tree.

1.4. Qualifications

- 1.4.1. I have based this report on my site observations and the information provided and I have come to my conclusions in the light of my experience and qualifications. I am a Chartered Arboriculturist, and a professional member of the Arboricultural Association. My qualifications include the Level 6 Professional Diploma in Arboriculture, and I am a QTRA registered user. In addition, I have over 40 years' experience in the arboriculture industry and maintain an active continuing professional development programme. A detailed list of my qualifications has been included in section 5.

2. Data Collection

2.1. Site visit

- 2.1.1. I carried out a site visit on the 9 December 2018.
- 2.1.2. During the site visit the weather was dry, sunny, clear and calm. The trees are growing on private land adjacent Caldew Road. Access to the trees was limited to viewing them from Caldew Road. Due to the lack of access some measurements had to be estimated. However, this was restricted to measurement of the stem diameter. Where measurements have been estimated this is indicated by a # in the tabulated tree data schedule in section 8 of this report.
- 2.1.3. Carlisle City Council supplied the TPO plan. This plan was used to identify and number the trees and is attached at Appendix 1 of this report.
- 2.1.4. At the site visited I noted that T1 is an oak, and T2 – T4 are sycamores. The TPO plan identifies the trees as all being oaks. For the avoidance of doubt, I have specified T1 and an oak, and T2 – T4 as sycamores in the tabulated tree data schedule.

2.2. Site description

- 2.2.1. The site is an agricultural field east of Caldew Road opposite Highfield, Caldew Road, Cummersdale, Carlisle, which is currently rough grazing.
- 2.2.2. The trees are located in the north-west corner of the field within the hedgerow adjacent Caldew Road which marks the western boundary of the field. Tree 1 is the most northerly tree, and tree 4 the most southerly.
- 2.2.3. Trees T2 – T4 have recently had the branches from their eastern sides, over the field, lopped off, giving them a visually 'unbalanced' form.
- 2.2.4. Trees T2 – T4 have ivy growing over their stems and lower sections of the main branches which may hide defects.
- 2.2.5. Caldew Road is a narrow country road. However, due to it being the access to Stead McAlpin, and riverside walks, there is frequent vehicular and pedestrian access.

2.3. Data collection

2.3.1. I collected the data collected and recorded on paper sheets. The detailed results can be found in the tabulated survey schedule in Section 8. The recorded data categories have been summarised in the list below:

- Tree number. Individual trees are prefixed with the letter T.
- Species.
- Life stage.
- Height.
- Stem diameter
- Vitality.
- Risk assessment of... This is the part of the tree most likely to fail, and the target likely to be harmed.
- QTRA target range.
- QTRA size of part range.
- QTRA probability of failure range.
- Reduced mass
- QTRA risk of harm.
- Comments on notable conditions, problems, or peculiarities to do with the tree.

3. Arboricultural appraisal

3.1. Arboricultural appraisal

- 3.1.1. The four trees are approximately 18m tall with radial crown spreads of 8m, except to the east where the branches have been lopped off. At the time of the site visit all the trees appeared to have good vitality. Whilst some dead wood was present in the crowns of all the trees, this was no more than would be typically expected for trees of the age and species. There was no evidence of low vitality, decline, or fungal infection, albeit the trees could only be viewed from the roadside rather than in their entirety.
- 3.1.2. All the trees were assessed using the QTRA methodology. T1 was assessed in respect of whole tree failure, and loss of dead wood falling onto the road. T2 – T4 were assessed in respect of whole tree failure due to becoming physically unbalanced by the lopping, and branch loss due to increased exposure to winds onto the road. The road was considered the highest value 'target' due to its level of use.
- 3.1.3. T1 is an oak tree of typical form and of a moderate size. It has not been lopped as have T2 – T4 so retains a normal well-balanced crown. There is some dead wood within the crown which is typical for the age and species. The tree was given a probability of failure score of 7 as it is a typical tree of its age and species, shows no evidence of decline, and had no significant structural defects. Trees which score 7 always have a risk of failure of <1,000,000. The dead wood is small in size, and is decaying gradually reducing its mass, typically for oaks retained on the tree. Therefore, the degree of harm that would arise if it were to fail would be small.
- 3.1.4. Trees T2 – T4 have had their branches which overhang the field to the east lopped off. The extent of the branch removal is relatively small in terms of weight that has been removed. The forces imparted into the trees during storms and windy weather will be significantly greater than the forces imparted into the trees due to the weight of the branches alone. The trees will have grown to accommodate the high loadings which occur during stormy weather, and in my opinion, will not be structurally unbalanced by the small change in loading arising from the removal of the branches. Therefore, I do not consider the removal of the branches has structurally unbalanced the trees such that they are likely to topple over.
- 3.1.5. The remaining branches on trees T2 – T4 will be more exposed to winds from the east increasing their risk of failure from high winds from this direction. However, the branches are relatively compact, and the limbs quite small, and thick. Furthermore, the prevailing wind direction is south-westerly. The remaining branches are already adapted to winds from this direction, being on the western side of the trees and exposed to these winds. The removal of the eastern branches will not therefore increase the likelihood of the remaining branches failing due to the prevailing south-westerly winds. Whilst there is a small increased risk of failure due to increased exposure of the remaining branches to easterly winds I do not consider that the removal of the branches on the eastern side of the trees has significantly increased the overall risk of failure of the remaining branches.
- 3.1.6. The removal of the branches has created numerous wounds of various sizes on the trees. The loss of branches. These wounds are entry points for decay organisms. Over the coming years it is likely that the trees will start to decay from these areas, and could, in due course, result in significant defects arising which could lead to the failure of the trees.

- 3.1.7. The loss of branches will also result in a loss of leaf area. This will reduce the trees ability to provide sufficient carbohydrates to support its life process's. Excessive lopping such as this can lead to the decline and premature death of the tree particularly if the tree already has reduced vitality. However, as noted above the trees appeared to have good vitality. I would therefore expect them to survive the loss of branches, albeit the trees may decline giving rise to increased dead wood within the crowns which will itself become a hazard. The trees could respond to the lopping by growing numerous epicormic shoots to replace the lost leaf area. These shoots usually grow around the wounds created by the branch removal, and are weakly attached to the tree. As already mentioned the wood exposed by the wounds is likely to decay. As the weakly attached epicormic branches growing in the area of the decaying wood become heavier there becomes an increased likelihood that they will fail in years to come.
- 3.1.8. Images from Goole Street View show moderately large trees which have a visually well-balanced crown, and are prominent in the landscape. The lopping of the branches on T2 – T4 has resulted in trees with reduced visual amenity value. Some pruning might be considered worthwhile to try and redress the reduction in visual amenity. However, any pruning work should be phased to allow the trees to recover from the harm caused due to the lopping.

4. Conclusions

4.1. Conclusions

- 4.1.1. The risk of harm arising from the trees has been assessed to be less than 1/1,000,000 for all eventualities that were assessed. This level of risk of harm is considered to be broadly acceptable as it is already ALARP. No work needs to be undertaken to reduce the risk of harm.
- 4.1.2. The trees are structurally adapted to high loadings, particularly arising from high winds. The small amount of weight that has been removed due to the lopping has not resulted in the trees becoming physically unbalanced and likely to topple over.
- 4.1.3. The lopping has increased the exposure of the remaining branches to easterly winds. However, the prevailing winds are south westerly, and the branches are sturdy and free of significant defects. Consequently, there is no significant increase in risk from branch failure due to increased exposure.
- 4.1.4. The loss of leaf area, and the creation of large wounds could lead to decay and the decline of the trees in years to come.
- 4.1.5. The lopping has created visually unbalanced trees. Phased pruning could be undertaken to improve the form of the trees.

4.2. Management recommendations

- 4.2.1. A phased crown reduction of T2 – T4 to improve the visual amenity of the trees.
- 4.2.2. Thinning and reduction of epicormic shoots as they grow, to reduce the risk of failure, and to recreate a good form.
- 4.2.3. Re-inspect and assess the safety of the trees after changes to the trees environment, high winds, and at least once every two years.

5. Bibliography and experience

5.1. Bibliography

- *BS3998:2010 Recommendations for tree work*. London: BSI Publications.
- Mynors, C. (2002) *The Law of Trees, Forests and Hedgerows*. London. Sweet and Maxwell
- Mattheck, C., Breloer, H., Lonsdale, D. and Strouts, R. (2003). *The body language of trees*. London: The Stationery Office
- Lonsdale, D. (1999) *Principles of Tree Hazard Assessment and Management*. London: HMSO
- Ellison, M. (2012) *Quantified Tree Risk Assessment User Manual Version 5*

5.2. Qualifications and experience

I am a Chartered Arboriculturist having 40 years' experience working with trees as a contractor, local authority tree officer and a consultant. My qualifications include the Level 6 Professional Diploma in Arboriculture. I am a professional member of the Institute of Chartered Foresters (MICFor) and a professional member of the Arboricultural Association (M. Arbor. A) I have developed an in-depth knowledge of trees in planning and currently provide a wide range of consultancy advice to developers in supporting planning applications, and to local authorities in respect of their functions for trees, and hedges. I am a registered QTRA user and I maintain an active CPD programme and recent CPD includes:

QTRA Training – October 2017

North West Forest Forum – June 2017

Cumbria Woodlands. Bats and trees awareness – December 2016

Ancient Tree Forum Meeting at Lowther, Penrith – September 2016

Arboricultural Association Annual Amenity Conference – September 2016

Assessment of Tree Forks. Junctions in trees: Assessment of junctions for risk management – October 2016

Ancient Tree Forum Meeting at Geltsdale, Carlisle – June 2016

Arboricultural Association Annual Amenity Conference – September 2015

Woodland Countryside Stewardship, (Forestry Commission) – June 2015

Cumbria Planning Training Scheme Seminar. Vertical infrastructure and its impacts on landscape character – October 2014

Arboricultural Association Annual Amenity Conference – September 2014

6. Tree data schedule

6.1. Explanatory notes

6.1.1. Explanatory notes for tree data schedule

- Tree locations have been plotted manually using local landmarks to an accuracy of +/-5m.
- Tree species is given in the common name.
- Tree height is measured using a sunto clinometer to an accuracy of +/- 2m.
- Life stage is defined as follows;

Y – Young. Newly planted and establishing trees. Usually fast growing in height, much less so in spread, and only having a limited impact upon the landscape.

EM - Early Mature. Established young trees. Growing in height and the crown is starting to spread. The tree should be having some impact upon the landscape.

M – Mature. Trees which have reached, or nearly reached, their maximum expected height and spread taking into account the species and local conditions.

PM - Post Mature. Fully mature tree with declining vitality and likely to have some features that could be regarded as defects, such as large ponderous branches and old wounds. Likely also to have high visual and biodiversity value

V – Veteran; A tree bearing the 'scars' of age, although not necessarily old, including habitat features such as wounds or decay acquired as a consequence of its life or environment. These trees can have high conservation and biodiversity value.
- Vitality: Is an assessment of the overall physiological and biomechanical processes of the tree defined as follows;

Dead – dead

Moribund – At the point of death; in terminal decline.

Poor – low vitality, indicated by extensive dead twigs and branches within the outer crown, little twig extension growth, sparse and small foliage for a tree of the age and species.

Reduced – Reduced for the species and age

Normal – Within the normal range for the species and age.
- QTRA Target Range; based on either property value, vehicle movements, occupation of the site, or pedestrian use frequency.
- QTRA Size of Part Range; based on the size of the part of the tree most likely to fail.
- QTRA Probability of Failure Range; based on the probability of the part to fail within 12 months.
- QTRA Risk of Harm; a 'score' calculated from the Target Range, Size of part and Probability ranges to produce a risk of harm (e.g. 1/20,000).
- Comments; describes specific details and peculiarities with the tree.

- Reduced mass. This takes into account that the degradation of branches reduces their mass. Where appropriate the reduced mass is calculated into the risk assessment by multiplying the risk of harm by the reduced mass.
- Risk Assessment Of...; describes which part of the tree has been assessed as most likely to fail, and what the target is.

7. QUANTIFIED TREE RISK ASSESSMENT (QTRA)



Licensed User

The Quantified Tree Risk Assessment (QTRA) system applies established and accepted risk management principles to tree safety management. Firstly, the targets (people and property) upon which trees could fail are assessed and quantified, thus enabling tree managers to determine whether or not, and to what degree of rigour the tree survey or inspection, is required. Where necessary the tree, or branch, is then considered in terms of both impact potential (size) and probability of failure. Values derived from the assessment of these three components (target, impact potential and probability of failure) are combined to calculate the probability of significant harm occurring in a 12-month period.

The system moves the management of tree safety away from labelling trees as either *safe* or *unsafe*, thereby requiring definitive statements of tree safety from either tree surveyors or tree managers. Instead, QTRA quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree value and operate to a predetermined limit of reasonable or acceptable risk.

Example:

For a given tree: -

- ⇒ Target value = 3
- ⇒ Size of part = 3
- ⇒ Probability of failure = 2
- ⇒ Risk index = 50
- ⇒ Risk of significant harm = **1/50,000**

In the example above, the target value 3 is used, because the pedestrian frequency on the site is gauged between 2 and 7 per hour; whilst the size of part value 3 is used, because the part most likely to fail has a diameter between 100mm and 250mm. The probability of failure value 2 is used, because it is predicted that out of 100 trees in a similar condition, one tree is likely to suffer branch failure over the next 12 months.

The risk index is the calculated result, which is one thousandth of the risk of harm.

Example: risk index of 50 = 1/50,000 risk of harm.

QTRA is based on the premise that a risk of 1/10,000 for significant harm is a broadly acceptable or reasonable level of risk at which tree owners/managers may choose to manage their trees because of their value and many benefits (i.e. 'in the wider interest'). This level is based on work carried out by the British Medical Association, the Health and Safety Executive and others. The owner/manager may, of course, choose to operate at a lower or higher level of risk.

Table 1 below provides a matrix which sets out the actions to be taken at the relevant thresholds of risk.

Table 1. Matrix describing the actions to be taken at the relevant thresholds of risk.

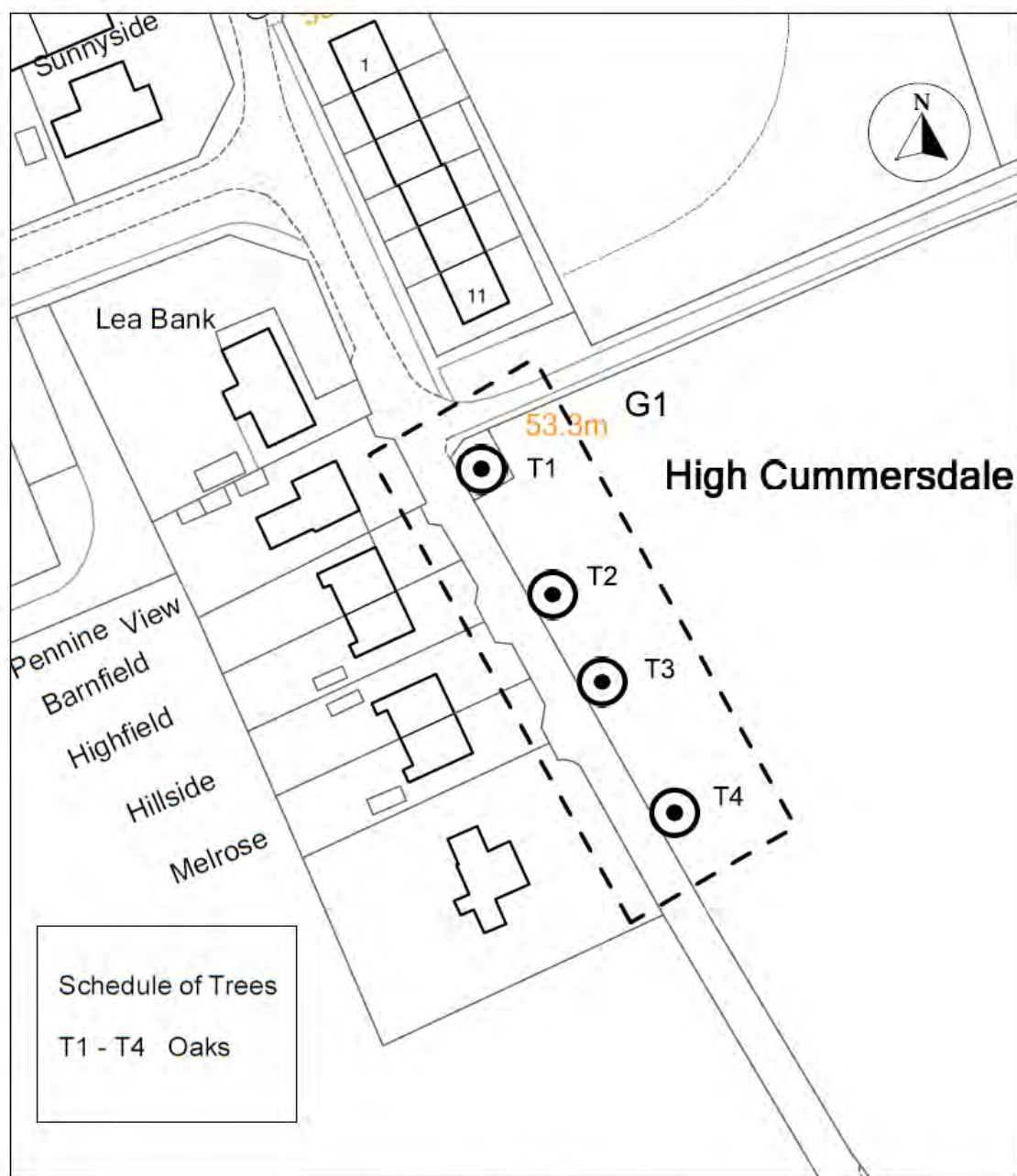
Threshold	Description	Action
>1/1000	UNACCEPTABLE Risks will not ordinarily be tolerated	<ul style="list-style-type: none"> Control the risk
1/1000 to 1/10 000	UNACCEPTABLE (where imposed upon others) Risks will not ordinarily be tolerated	<ul style="list-style-type: none"> Control the risk Review the risk
	TOLERABLE (by agreement) Risks may be tolerated if those exposed to the risk accept it, or the tree has exceptional value.	<ul style="list-style-type: none"> Control the risk unless there is broad stakeholder agreement to tolerate it, or the tree has exceptional value Review the risk
1/10 000 to 1/1 000 000	TOLERABLE (where imposed upon others) Risks are tolerable if ALARP	<ul style="list-style-type: none"> Assess costs and benefits of risk control Control the risk only where a significant benefit might be achieved at reasonable cost Review the risk
<1/1 000 000	BROADLY ACCEPTABLE Risk is already ALARP	<ul style="list-style-type: none"> No action currently required Review the risk

Further details can be found at www.qtra.co.uk

8. Tabulated tree data schedule

TREE/GROUP NO.	TREE SPECIES	LIFE STAGE	TREE HEIGHT (M)	VITALITY	STEM DIAMETER (MM)	QTRA TARGET	QTRA SIZE OF PART	QTRA PROBABILITY OF FAILURE	REDUCED MASS	RISK OF HARM	RISK ASSESSMENT OF THE FOLLOWING:	COMMENTS
T1	Oak	M	17	N	#600	3	4	3	0.5	<1/1,000,000	Dead wood onto the road	Dead wood typical of age and species. Maximum size 100mm dia. And 1.5m long.
T2	Sycamore	M	17	N	#580	3	1	7		<1,000,000	Whole tree failure onto the road	Ivy obscuring trunk and lower parts of the main branches. Branches on the east side of the tree lopped off. Some increase in exposure to east winds. Some dead wood typical of age and species.
T3	Sycamore	M	16	N	#560	3	1	6		<1/1,000,000	Whole tree failure onto the road	Ivy obscuring trunk and lower parts of the main branches. Branches on the east side of the tree lopped off. Some increase in exposure to east winds. Some dead wood typical of age and species.
T4	Sycamore	M	18	N	#590	3	1	6		<1/1,000,000	Whole tree failure onto the road	Ivy obscuring trunk and lower parts of the main branches. Branches on the east side of the tree lopped off. Some increase in exposure to east winds. Some dead wood typical of age and species.
					#220	3	3	4		<1/1,000,000	Recently exposed branch onto road	

Appendix 1. Tree Preservation Order 292 Plan



Act 1990 Section 198(1)

Tree Preservation Order Number 292
Land at Caldew Road, Cummersdale,
Carlisle, CA2 6BN

Scale: 1:750

©crown copyright database rights 2014
 ordnance survey LA100024459

Date: December 2017

Economic Development, Civic Centre, Carlisle, CA3 8QG



Appendix 2 Photographs

T1 Oak



T1 – T4 Looking south from T1 showing lopped crowns on east side of trees



T2 – T4 Showing lopped crowns



Capita Real Estate and infrastructure
The Capita Building
Kingmoor Business Park
Carlisle
Cumbria CA6 4SJ

