

CARLISLE CITY COUNCIL

Report to:- **Development Control Committee**

Date of Meeting:- 7 March 2008

Agenda Item No:-

Public	Policy	Delegated: Yes
---------------	---------------	-----------------------

Accompanying Comments and Statements

	Required	Included
Environmental Impact Statement:	No	No
Corporate Management Team Comments:	No	No
Financial Comments:	No	No
Legal Comments:	No	No
Personnel Comments:	No	No

Title:- Maladministration in considering application 07/1241,
Burgh Road, Carlisle

Report of:- Director of Development Services

Report reference:- DS.30/08

Summary:-

This report provides background information and a summary of the current situation. Following an assessment of the situation it is concluded that there is not any grounds for the revocation of the permission granted under 07/1241 on the basis that the decision runs counter to the planning merits of the proposal. The maladministration caused by not including the petition is deeply regrettable for which the Case Officer apologises. Actions have been undertaken to ensure that this does not happen again.

Recommendation:-

Members note the contents of the report and agree with the recommendation not to make a Revocation Order.

Catherine Elliot
Director of Development Services

Contact Officer: Angus Hutchinson

Ext: 7173

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: None

1.0 Background

- 1.1 Members will recollect that during their meeting on the 25 January 2008 planning permission was given under application 07/1241 for the erection of 30 no. dwellings and associated roads and footpaths on land adjacent Burgh Road and Moor Park Avenue.
- 1.2 Following the issuing of the decision notice it became apparent that a petition with 45 signatories had not been included in the material presented to Members (Appendix 1). In addition, the relevant Ward Councillors had not been sent a copy of the petition.
- 1.3 On the 12 February 2008 there was a public meeting at Belle Vue School attended by the two Ward Councillors and the Case Officer. During the aforementioned meeting queries were made with regard to the provision of affordable housing and the extent to which the application was advertised. The two principle concerns raised, however, appeared to relate to the proposed access to serve the development onto Burgh Road and the need for the immediate area to be served by a play area without the need to cross Moorhouse Road. As a result of the regrettable incident of maladministration by not making Members aware of the petition, and the strength of feeling that it would have shown, the option of presenting a report at the next meeting of the Development Control Committee was discussed. It was also agreed that the report should raise the issue of whether permission should be revoked as a consequence.

2.0 Current Situation

- 2.1 Following the public meeting on the 12 February 2008, the Council has received five letters with a total of 15 signatures seeking the revocation of the permission granted under 07/1241 (Appendix 2). An updated response has also been received from the Highway Authority (Appendix 3).
- 2.2 The reasons given by the residents for the revocation can be categorised under five main headings.
 - a) The opportunity for Third Parties to make representations
 - Failure to produce all the evidence of the objections therefore giving a false impression of the strength of feeling against the development.
 - Failure to consult a fully inform residents of Burgh Road by placing an A4 size notice on the gates of the site.
 - The selection of only 7 residents nearest to the site where such a development would have a substantial impact on all the residents and users of Burgh Road.

b) Access onto Burgh Road

- The objections to the proposed access onto Burgh Road were not given any credibility – the photographic evidence shown at the Committee Meeting did not reflect a true account of the traffic problems.
- The “amended” copy of the comments from the Highway Authority only confirms that not enough research has been done. The monitoring device was placed on Newtown Road, therefore only giving an indication of traffic leaving Burgh Road and not entering from Newtown Road, or indeed any traffic on Burgh Road, not going on to Newtown Road, using the Vallum House Hotel, or the Industrial Estate, nor does it have any indicators of vehicle type, or pollution caused by them. No comments from the Police Speed Officers. Plus the Area Engineer did not object to the access road being onto Moor Park Avenue as previously suggested.
- Query whether the Highway Authority has taken into consideration the increase in traffic on Burgh Road when the Relief Road is opened.
- Residents are blocked in their own drives when Vallum Hotel has functions.
- Traffic is non-stop going down to the industrial estate.

c) Provision of play area and need for affordable housing.

- Why can't the land be bought by the Council for the children that live on Moor Park Avenue, Burgh Road, Palmer Road or Grinsdale Avenue?
- It states in the Local Plan that the areas that have been identified as areas that require new playgrounds are Burgh Road and Palmer Road. Why has this never been done? In a local survey there is 1135 children aged 0-14 living in the Belle Vue area, how has the Council provided for these?
- Has a survey been carried out to demonstrate the need for more housing in this area as a recent newspaper report stated that 900 Cumbrian homes are currently being repossessed.

d) Security

- Worried about youths gathering around the entrance to the development on Moorpark Avenue.
- The objections on security were dismissed, despite the comments of the Crime Prevention Officer.

e) Human Rights

- Article 8 of the Act states that everyone has a right to privacy i.e. a "Right to Respect for private and family life". This will be lost because the development is going to be closely overlooking neighbouring property.
- The proposed access would compromise the right to privacy under Article 8.
- Article 6 bestows the "Right to a Fair Trial".

3.0 Assessment

- 3.1 If a planning permission has been issued in error or as the result of some malpractice, it is open to a local authority or the Secretary of State to revoke that permission using powers under Sections 97-100 of the Town and Country Planning Act 1990. The procedure involves the making of a Revocation Order, which if initiated by a local authority has to be confirmed by the Secretary of State unless there is an objection. In the latter circumstances the Secretary of State determines the matter by inquiry in much the same manner as a planning appeal. Compensation is payable under Section 107 of the 1990 Act in respect of expenditure rendered abortive by the Order, and for any loss or damage directly attributable to the revocation.
- 3.2 In the light of the liability to pay compensation revocation procedures are only used in exceptional circumstances where a decision is judged to be grossly wrong and damage to the wider public interest would be likely.
- 3.3 When assessing the current situation it is considered that issues b) to e) were addressed in the written and verbal reports to Members during the meeting on the 25 January 2008. This is in the context where the site was identified for residential use under the 1963 Town Map. In the Carlisle Urban Area Local Plan (1992) the site was designated as a Primary Residential Area. Under the Carlisle District Local Plan (1997) and Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft) the site is allocated for residential purposes. The site was previously subject of planning permission for residential development in 1990.
- 3.4 In specific regard to the proposed access onto Burgh Road the Highway Authority have explained that the junction provides visibility splays in excess of those required for a 30 restricted area. The Highway Authority have also highlighted that whilst they would not have objected to the estate being accessed off Moor Park Road, Burgh Road is to be preferred.

- 3.5 When considering the issue of play area provision residents have made reference to paragraph 7.11 of the Carlisle District Local Plan (1997) which states that:

“The National Playing Fields Association gives detailed recommendations relating to play areas and these are reached in many parts of the urban area. Areas identified where new playgrounds are required are Millriggs, Burgh Road/Palmer Road, Caldewgate/Wigton Road, Longsowerby, Harraby, Durranhill, Stanwix, Kingstown, and Green Lane. Provision has recently been made at Longtown, Brampton, Houghton and Morton West.”

- 3.6 In response, it is evident that the strategy that existed in 1997 is under review. The Green Spaces Manager has explained that: the City Council is now trying to identify strategic play space provision; it is acknowledged that Moor Park Avenue is “hemmed in” but the number of children is unlikely to make it sustainable to provide a separate play area on the site; and, the Council do not have the resources to buy the site and equip it. On this basis the Green Spaces Manager explained that the approach is to improve the existing provision at Beaver Road and Acredale as well as recognising that access across Burgh Road and the informal play along Engine Lonning is possible. The Green Spaces Manager also highlighted the need for guardians to supervise children when visiting play facilities.
- 3.7 Under Policy L9 of the Carlisle District Local Plan (1997) and Policy LC4 of the Carlisle District Local Plan 2001-2016 (Revised Redeposit Draft), the proposal approved under 07/1241 does not meet the threshold for the direct provision of children’s play and recreation areas.
- 3.8 In overall terms the development approved under 07/1241 is considered to be consistent with the policies of the Development Plan. As such there is not considered to be any grounds for the revocation of the permission granted under 07/1241 on the basis of that the decision runs counter to the planning merits of the proposal.
- 3.9 The maladministration caused by not including the petition is deeply regrettable for which the Case Officer apologises. This aside, it is considered that the petition would not have changed the recommendation.
- 3.10 In order to ensure that this situation does not occur again procedures have been agreed under which the scanning of responses from consultees and interested parties has been made a priority over the scanning of other documents and a new member of staff has also been fully briefed and issued with a set of procedure notes.

- 3.11 Should the residents still wish to pursue the matter of maladministration, this can be pursued through the Corporate Complaints procedure.

4.0 Conclusion

- 4.1 There is not considered to be any grounds for the revocation of the permission granted under 07/1241 on the basis that the decision runs counter to the planning merits of the proposal.
- 4.2 The maladministration caused by not including the petition is deeply regrettable for which the Case Officer apologises. Actions have been undertaken to ensure that this does not happen again.

5.0 Recommendation

- 5.1 Members note the contents of the report and agree with the recommendation not to make a Revocation Order.

Catherine Elliot
Director of Development Services

Contact Officer: Angus Hutchinson

Ext: 7173

**Petition
including 44 Signatures**

PLANNING & HOUSING SERVICES	
REF	07/1241
15 JAN 2008 29	
RECEIVED	
SCANNED	
ACTION	

We are Protesting against Story Homes building on land adjacent to Moorpark Ave, Moorhouse Road & Burgh Road. We want this land to be used for the children of Belle Vue as either a much needed play area, conservation area, to see nature and wildlife carry on as it is now ie birds, hedgehogs, rabbits etc. Please sign our petition and help us stop Story Homes building on yet another piece of green land.

Name	Address	Signature
John	1 MOORPARK AVE	
W. Brown	4	
James Wood	1 Moorpark Ave	
D Heaton	18 Moorpark Ave	
P. Heaton	" "	
M. Skelton	3. Moor Park Ave	
S. Cilver	3. Moor Park Ave	
E. Skelton	3. Moor Park Ave	
S Wilson	7 Moor Park Ave	
J Bland	26 Coledale meadows	
R. Wilson	7, Moor Park Ave	
A. Wilson	7 Moor Park Ave	
A. Wilson	7 Moor Park Ave	

15 JAN 2008

Name	Address	Signature
KINGGARR	14 Moor Park Ave	
D. McGinn	" " " "	
Jessica McFar	1
Lewis Young	12 Moorpark Ave	
Liam Young	12 Moorpark Ave	
Hannah Holiday	16 Moor Park	
LISA BENSON	46 Moorpark Ave	
Richard Benson	46 Moorpark Ave	
Margaret Watling	31 Moorpark Ave	
John Watling	" " "	
Julie Hare	37 Moor Park	
CILLIAN CURVE	66 Palm Road	
W. Hays	13 Palm Rd.	
S. McCune	12 Palmer Road	
Linda Potts	14 Palmer Road	
J BROWN	6 Palmer Road	
R. GRAHAM	22 PALMER ROAD	
B. Fisher	88 Moor Park Avenue	
J Charlton	28 GRINSDALE AVE	
J. O'Leary	Rt O'Leary	
D. Armstrong	3 GRINSDALE AVE	

Name	Address	Signature
JOANNE KENT	7 GRINDALE AVE, GARNISIE	
A. WADSWORTH	4 GRINDALE CARRISIE	
Leah Humes	28 Moorpark Ave CA2 7LZ	
Gillian Humes	28 Moorpark Ave CA2 7LZ	
J Graggs	15 Moorpark Ave	
IRENE HOLLIDAY	16 MOOR PARK	
RACHEL YOUNG	12 MOOR PARK	
Vivie Edmondson	10 Moorpark	
J Edmondson	
Reinis EDGAR	7 Pound Row,	
LESLAY STARR	..	

Appendix 2

**Five Letters
inculding 15 Signatures**

PLANNING & HOUSING SERVICES	
REF	07/1241
25 FEB 2008 12	
RECORDED	KL
SCANNED	
PASSED TO	ARH
ACTION	

16 Moorpark Ave
 Belle Vue
 Carlisle
 CA2 7LZ

21st February 2008

F.A.O Angus Hutchinson
 Your Ref : ARH/DC/07/1241

Ref : Erection of 30 no. Dwellings and Associated Roads and Footpaths on Land Adjacent to Moorpark Ave and Burgh Road.

With reference to the above we would like you to accept this letter as a complaint and for this planning approval to be revoked.

1. Our petition with 44 signatures was not taken into consideration and you yourself as case officer failed to provide this relevant information.
2. The Central Government Guidance states that the provision of play areas is a basic need on all estates and no child should have to cross a busy main road, this land is the only green piece in the area that is left. Why should the children on Moorpark Ave, Burgh Road, Grinsdale Ave and Palmer Road have to do without???? A local survey tells us that there are 1135 children aged 0-14 in the Belle Vue area at the last count.
3. Have the highways taken into consideration the increase of traffic on Burgh Road which will be a lot worse when the new Ring Road is opened.
4. With regard to affordable housing has a survey been carried out to demonstrate the need for more housing in this area as a recent newspaper report stated that 900 Cumbrian homes are

currently being repossessed.

5. What about our **HUMAN RIGHTS** it states in the **Human Rights Act 1998, Article 8** "Right to respect for private and family life". Our properties will be very closely overlooked by these new builds leaving us with no privacy, where has our privacy gone??

We feel these are very important issues that need to be addressed properly by the Planning Department.

When this matter is raised at the next Planning Committee on the 7th March we wish to use our right to speak.

Yours Faithfully

Mr & Mrs Holliday

A handwritten signature in black ink, appearing to be a stylized 'J' or 'H'.

PLANNING & HOUSING SERVICES	
REF	07/1241
25 FEB 2008 10	
RECORDED	KL
SCANNED	
PASSED TO	AKH
ACTION	

Miss Rachel Holliday
 12 Moorpark Ave
 Belle Vue
 Carlisle
 CA2 7LZ
 21st February 2008

F.A.O Angus Hutchinson

Your Ref : 07/1241 Land adjacent to Moorpark Ave and Burgh Road.

With reference to the above planning application that has been approved I would like to submit this complaint and the decision to be **revoked.**

We held a public meeting in the local school which was attended by 20 to 30 local residents who objected to the planning, I would like to ask a few questions and hopefully you will be able to give me some answers!

1. I have 2 young children aged 8 and 5, in the Carlisle and District Local Plan it states that there should be some playspace within approximately 0.5km from each house in the area located so that young children **DO NOT** have to cross a busy main road. The nearest playspace to our house is across 2 busy main roads!!! Why can't the land be bought by the council for the children that live on either Moorpark Ave, Burgh Road, Palmer Road or Grinsdale Ave have a place they can play safely?? At the moment my children and many other children in the area have only the road and pavement to play on causing hazards to pedestrians and road users! It also states in

the Local Plan that the areas that have been identified as areas that require new playgrounds are Burgh Road and Palmer Road this has never been done, WHY??? In a local survey it tells me that there is 1135 children aged 0-14 living in the Belle Vue area, how has the council provided for these????

2. Why did the planning department fail to produce our petition of 44 names to the committee against this development??
3. Is it correct that some of the residents living on Moorhouse Road have been offered money to sell there gardens to Story Homes??
4. I am worried living on my own with 2 young children the gathering of youths round the entrance to the development on Moorpark Ave, what about the security it states in the Police Report that this was a concern! Has this been properly looked at???
5. What is going to happen to the £45,000 that supposedly Fred Story has given to the council for a "play area"??? Why did he have to pay this?????
6. Previously planning applications have been rejected on this site I wondered what has changed in the planning laws that this has now been accepted???
7. What about my children and my own privacy whats happened to our human rights?? It states in the **HUMAN RIGHTS ACT 1998. Article 8 that everyone has a right to privacy "Right to Respect for private and family life"** we are going to loose this as the development is going to be very closely overlooking our property!

I wish to use my right to speak at the next planning committee meeting on the 7th of March.

Yours Faithfully
Miss Rachel Holliday

68. Burgh Road
Carlisle
CA2 7NB

21/02/08

Mr Angus Hutchinson
Development Services
Civic Centre
Carlisle
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	07/1241
25 FEB 2008	
RECORDED	KL
SCANNED	
PASSED TO	ARH
ACTION	

Ref: 07/1241 Land adjacent Burgh Road/ Moor Park Avenue

Dear Mr Hutchinson,

With reference to the above application, that was approved at the Planning Committee Meeting, 25/01/08, we are submitting this complaint, for this decision to be revoked.

The planning department was seriously flawed in this procedure, and you admitted there was a breach.

Our reasoning is that the Planning Department;

- 1) Failed to produce, all evidence of the objections, a petition of 44 names, to the Committee, therefore giving a false impression of the strength of feeling, against this development.
- 2) Failed to consult and, fully inform residents of Burgh Road, by placing an A4 size notice on the gates, of the site, which was not clearly visible to residents passing, either on foot or vehicle.
- 3) The selection of only 7 residents, nearest to the site; where such a development of this size, would have a substantial impact on all the residents, and users of Burgh Road.
- 4) The objections to the access road, on the Burgh Road side, were not given any credibility, the photographic evidence shown at the Committee meeting, did not reflect a true account of the traffic problems, experienced by the residents, and users of this road. The possibility of 30 plus, vehicles entering and leaving at his point is highly dangerous, then add on the volume expected to be generated by the imminent Northern Development Road, would result in a catastrophe.

A recently received an "amended" copy of the Highways, traffic report, it only confirms that not enough research has been done. The monitoring device was placed on Newtown Road, therefore only giving an indication of traffic leaving Burgh Road, and not entering from Newtown Road, or indeed any traffic on Burgh Road, not going onto Newtown Road, using the Vallum House Hotel, or the Industrial Estate, nor does it have any indicators of vehicle type, or pollution caused by them. No comments from

(2)

the Police speed officers. Plus the area engineer **did not object** to the access road being onto Moor Park Avenue, as you suggested, at the meeting you attended in Belle Vue School.

- 5) The permission of such an access would compromise our right to privacy, "Right to respect for private and family life" **HUMAN RIGHTS ACT 1998**. Article 8.
- 6) **HUMAN RIGHTS ACT 1998**, 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**. We have been compromised!
- 7) The objections raised on security, were dismissed, although Crime Prevention stated "the proposed link to Moor Park Avenue with a footpath will not assist residents to distinguish between neighbours and visitors, which shall undermine the overall security of the development. Although it may be argued that residents will require access to the adjacent amenities, this feature will lead to an increase in incidents of criminal or anti-social activity. Consequently it is considered that the incorporation of the footpath does not comply with SPG;

This is a very serious, and important issue, to which the Planning Department must be accountable.

Yours sincerely,

8) P.S. A very important point to be submitted along with the above complaints, is that Buryh Road is, and always has been a "Residential area", which we, the residents strongly wish to keep it that way.

No 70 Buryh Road

No 72 Buryh Road

No 74 Buryh Road

CHRISTINE BARTON
SHARON HAUGHAM
W. NICHOLSON
S.C. NICHOLSON
L. MURRAY

PLANNING & HOUSING SERVICES	
REF	07/1241
	2
RECORDED	KL
SCANNED	
PASSED TO	ARH
ACTION	

Mr & Mrs G Archibald
 82 Burgh Road
 Carlisle
 CA2 7NB
 01228 524526
 21/02/08

Mr Angus Hutchinson
 Development Services
 Civic Centre
 Carlisle
 CA3 8QG

Ref: 07/1241 Land adjacent Burgh Road/ Moor Park Avenue

Dear Mr Hutchinson,

With reference to the above application, that was approved at the Planning Committee Meeting, 25/01/08, we are submitting this complaint, for this decision to be **revoked**.

The planning department was seriously flawed in this procedure, and you admitted there was a breach.

Our reasoning is that the Planning Department;

- 1) Failed to produce, all evidence of the objections, a petition of 44 names, to the Committee, therefore giving a false impression of the strength of feeling, against this development.
- 2) Failed to consult and, fully inform residents of Burgh Road, by placing an A4 size notice on the gates, of the site, which was not clearly visible to residents passing, either on foot or vehicle.
- 3) The selection of only 7 residents, nearest to the site; where such a development of this size, would have a substantial impact on all the residents, and users of Burgh Road.
- 4) The objections to the access road, on the Burgh Road side, were not given any credibility, the photographic evidence shown at the Committee meeting, did not reflect a true account of the traffic problems, experienced by the residents, and users of this road. The possibility of 30 plus, vehicles entering and leaving at his point is highly dangerous, then add on the volume expected to be generated by the imminent Northern Development Road, would result in a catastrophe.

I recently received an "amended" copy of the Highways, traffic report, it only confirms that not enough research has been done. The monitoring device was placed on Newtown Road, therefore only giving an indication of traffic leaving Burgh Road, and not entering from Newtown Road, or indeed any traffic on Burgh Road, not going onto Newtown Road, using the Vallum House Hotel, or the Industrial Estate, nor does it have any indicators of vehicle type, or pollution caused by them. No comments from

(2)

the Police speed officers. Plus the area engineer did not object to the access road being onto Moor Park Avenue, as you suggested, at the meeting you attended in Belle Vue School.

- 5) The permission of such an access would compromise our right to privacy, "Right to respect for private and family life" **HUMAN RIGHTS ACT 1998**. Article 8.
- 6) **HUMAN RIGHTS ACT 1998**, 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**. We have been compromised!
- 7) The objections raised on security, were dismissed, although Crime Prevention stated "the proposed link to Moor Park Avenue with a footpath will not assist residents to distinguish between neighbours and visitors, which shall undermine the overall security of the development. Although it may be argued that residents will require access to the adjacent amenities, this feature will lead to an increase in incidents of criminal or anti-social activity. Consequently it is considered that the incorporation of the footpath does not comply with SPG;.

This is a very serious, and important issue, to which the Planning Department must be accountable.

It is to be noted that when this matter is raised at the next Planning Committee Meeting, we wish to use our right to speak.

Yours sincerely,

(right to speak)

80 Burren Rd

84 Burren Rd

84, Burren Rd

PLANNING & HOUSING SERVICES	
REF	07/1241
25 FEB 2008	
RECORDED	KL
SCANNED	
PASSED TO	AKH
ACTION	

76 Burgh Road
 Carlisle
 Cumbria
 CA2 7NB

Dear Mr Hutchinson,

REF: PROPOSAL FOR 30 HOUSES OFF BURGH ROAD

In the light of lack of communication given to Burgh Road residents, this proposal should be revoked.

On February 11th 2008 we attended a meeting in Belle Vue School. We only attended the meeting because a neighbour asked if we would be there, this was the first we had heard about it. At the meeting I asked how many houses on Burgh Road had actually received a letter and I was told 6 or 7. This dreadful proposal affects the whole of Burgh Road as we are the main road.

A notice A4 size was put on gates and we were told these gates are about 4mtrs from the pavement, which was not clear enough for passing residents to see.

It is a very busy road and the speeding is horrific, we have already written to counsellors on previous occasions regarding the speeding.

OUR MAIN OBJECTIVES ARE TRAFFIC

- 1/ Traffic censor needs to be done
- 2/ Residents on Burgh Road should be consulted [all of us]
- 3/ Parking on the road. We are blocked in our own drives when Vallum Hotel has functions, parked traffic on both sides make it difficult to leave our drive without assistance [as per photos given to you]
- 4/ Traffic is non- stop going down to the industrial estate along with all of the heavy plant vehicles.

With the news of Storeys buying Border Construction, which includes a field on Burgh Road, will this also be passed for more houses and more traffic?
 Does nobody think of the residents who have to live with this day and night?
 What about our human rights and privacy!

Yours Sincerely

M.KEOGH

(MRS)

Highways Updated Response

15 February 2008
Your Ref: ARH/DC/07/1241
Our Ref: 07/1241/TRH/LJH
Postbox No:

Mr A Hutchinson
Carlisle City Council
Department of Environment & Development
Planning Services Division
Civic Centre
CARLISLE
CA3 8QG

PLANNING & HOUSING SERVICES	
REF	
15 FEB 2008	
RECORDED	
SCANNED	
PASSED TO	
ACTION	

Dear Angus

**ERECTION OF 30 DWELLINGS
LAND ADJACENT TO BURGH ROAD/MOOR PARK AVENUE, CARLISLE**

I understand from Pieter, in light of a Petition you have received from local residents, you wish us to comment further on the higher level traffic implications of this development. Certainly, the density of housing has increased (I understand largely as a result of your Council's own requirements concerning affordable housing etc) but 34 houses are not a major traffic generator and well below the threshold for a TIA.

Burgh Road is a 'C classified' local distributor road, Moorhouse Road is similar though 'B classified'. I append traffic count figures for Moorhouse Road based on the automatic counter which is east of the confluence of both roads. You will note this shows a 3.5% reduction in total volume between 2005 and 2006. Also appended are AM and PM peak hour flows at various points on Moorhouse Road/Burgh Road. From these it can be seen both have large surplus capacity available. Obviously in the near future both roads will have changed traffic flows due to the close proximity of the CNDR roundabouts which it is believed will increase traffic on both roads, with reductions as Newtown Road/Port Road get nearer central Carlisle, due to traffic flow reversals though the modelled flows produce a 'worst case' scenario. The current split of traffic is circa 73% Newtown Road, 27% Burgh Road. Comparing these with say the flows on Dalston Road it is clear Burgh Road and Moorhouse Road are well within capacity. Hence, I would conclude there would not be grounds that would support a Planning Refusal on increased traffic grounds, even with traffic level predictions to 2025 with CNDR.

In respect of the proposed estate road layout this has been the subject of lengthy negotiations and I confirm we are satisfied with it, as set out in our formal response of 3 December. The proposed junction off Burgh Road provides visibility splays in excess of those required for a 30 restricted area. Whilst we would not have objected to the estate being accessed off Moor Park Road, Burgh Road is to be preferred, particularly given its is 6.3m wide against 5m.

As the site is zoned for residential use in the Local Plan, this Council regards it as a 'minor Application.

Yours sincerely


T B Hayward
Area Engineer (Carlisle)

Date: 3 December 2007
Your reference: ARH/DC/07/1241
Our reference: 07/1241/PGB

Carlisle City Council
Planning and Housing Services
Civic Centre
CARLISLE
Cumbria
CA3 8QG

Dear Sir or Madam

CONSULTATIONS WITH PLANNING AUTHORITIES

Proposal: Erection of 30no. Dwellings and Associated Roads and Footpaths

Address: Land Adjacent Burgh Road/Moor Park Avenue, Carlisle

I refer to the above consultation dated 26 November 2007.

The applicant has been in discussions with this Authority from the outset and these discussions have been very constructive. The current layout is as agreed. The improvement to connectivity between Moorpark Avenue and Burgh Road is noted and the provision of a footpath next to Moorpark Avenue commended.

I can therefore confirm that I have no objection to this application but would recommend that the following conditions are included in any consent you may grant:

The carriageway, footways, footpaths, cycleways etc shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the Local Planning Authority for approval before work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is complete.

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

Ramps shall be provided on each side of the junction with Burgh Road, to enable wheelchairs, pushchairs etc. to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety.

To support Local Transport Plan Policies: LD5, LD7, LD8 and Structure Plan Policy L5

No dwellings shall be occupied until the estate road including footways and cycleways to serve such dwellings has been constructed in all respects to base course level and street lighting where it is to form part of the estate road has been provided and brought into full operational use.

Reason: In the interests of highway safety

To support Local Transport Plan Policies: LD5, LD7, LD8

The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

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

To support Local Transport Policies: LD8

The applicant is to enter into the appropriate legal agreement with this Authority (or obtain the appropriate licence from this Authority) to enable the works within the current highway and the adoption of the newly created highway.

Yours faithfully



Pieter Barnard
Development Control Engineer
Carlisle

Thresholds based on size or scale of land use (continued)						
	Land use	Use/description of development	Size	No assessment	TS	TA/TP
8	B2 General industrial	General industry (other than classified as in B1), The former 'special industrial' use classes, B3 – B7, are now all encompassed in the B2 use class	GFA	<2500 sq. m	>2500 <4000 sq. m	>4000 sq. m
9	B8 Storage or distribution	Storage or distribution centres – wholesale warehouses, distribution centres and repositories.	GFA	<3000 sq. m	>3000 <5000 sq. m	>5000 sq. m
10	C1 Hotels	Hotels, boarding houses and guest houses, development falls within this class if 'no significant element of care is provided'.	Bedroom	<75 bedrooms	>75 <100 bedrooms	>100 bedrooms
11	C2 Residential institutions - hospitals, nursing homes	Used for the provision of residential accommodation and care to people in need of care.	Beds	<30 beds	>30 <50 beds	>50 beds
12	C2 Residential institutions – residential education	Boarding schools and training centres.	Student	<50 students	>50 <150 students	>150 students
13	C2 Residential institutions – institutional hostels	Homeless shelters, accommodation for people with learning difficulties and people on probation.	Resident	<250 residents	>250 <400 residents	>400 residents
14	C3 Dwelling houses	Dwellings for individuals, families or not more than six people living together as a single household. Not more than six people living together includes – students or young people sharing a dwelling and small group homes for disabled or handicapped people living together in the community.	Dwelling unit	<50 units	>50 <80 units	>80 units
15	D1 Non-residential institutions	Medical and health services – clinics and health centres, crèches, day nurseries, day centres and consulting rooms (not attached to the consultant's or doctor's house), museums, public libraries, art galleries, exhibition halls, non-residential education and training centres, places of worship, religious instruction and church halls.	GFA	<500 sq. m	>500 <1000 sq. m	>1000 sq. m
16	D2 Assembly and leisure	Cinemas, dance and concert halls, sports halls, swimming baths, skating rinks, gymnasiums, bingo halls and casinos. other indoor and outdoor sports and leisure uses not involving motorised vehicles or firearms.	GFA	<500 sq. m	>500 <1500 sq. m	>1500 sq. m
17	Others	For example: stadium, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, taxi businesses, car/vehicle hire businesses and the selling and displaying of motor vehicles, nightclubs, theatres, hostels, builders' yards, garden centres, POs, travel and ticket agencies, hairdressers, funeral directors, hire shops, dry cleaners.	TBD	Discuss with appropriate highway authority	Discuss with appropriate highway authority	Discuss with appropriate highway authority

Lake District

Site	Location	2005 AADT	2006 AADT	Growth	2006 %±5.2m
50005/6	A591 Waterhead	12600	14000	+11.1	9.0
50007/8	A591 Rydal	7500	6000	-20.0	6.2
50009/10	A593 Clappersgate	7300	7100	-2.7	5.9
20007/8	B5289 Borrowdale	3100	2700	-12.9	7.7
50043/4	A5074 Sampool Bridge	1400	1500	+7.1	9.5

2.2 Cordons and Screenlines

2.2.1 It is intended to replace the representative sites with a series of three cordons and four screenlines. These will, by eliminating double counting where one route has more than one site, give a more accurate idea of the growth in traffic. In this report, for the first time, counts have been grouped into a series of cordons and screenlines, as shown in Figure 2.1. Grouping sites into cordons and screenlines allows the overall level of growth to be calculated, together with any routing of trips.

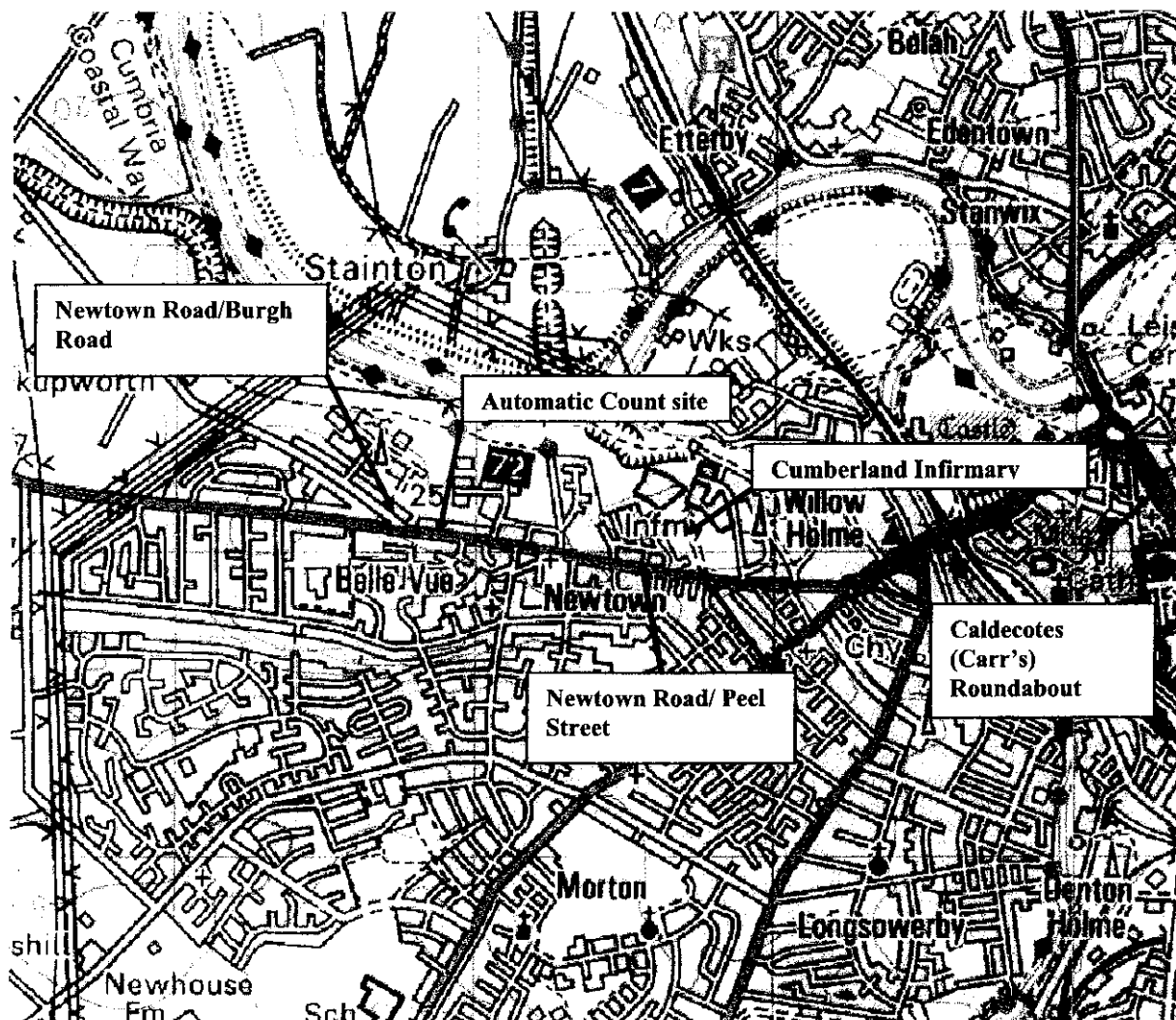
2.2.2 There are three cordons surrounding the urban areas of Carlisle, Kendal and Barrow. Two of the screenline measure flows travelling north-to-south across the county; one in the south and one in the middle of the county. The other two measure flows travelling east-to-west; one close to the M6 from Morecambe Bay to the Solway Firth and the other to the east of the West Cumbria towns of Workington and Whitehaven.

2.2.3 The AADT at each site on the cordon or screenline is shown, together with the AADT in 2005. Where a flow in neither year is shown, this is a new site to be created during 2007 to complete the cordons and screenlines. Figures in brackets are not included in the totals.

2.2.4 CARLISLE Cordon

Site	Location	2005 AADT	2006 AADT	Growth	2006 %±5.2m
10021/2	A7 Scotland Road	26200	25000	-4.5	9.3
	A7 Scotland Road	11000	11000	-	-
10015/6	A595 Garden Village	12700	13000	+2.3	14.1
10027/28	B5299 Dalston Road	17000	17100	+0.6	6.4
	Durdar Road	n/a	n/a	n/a	n/a
10011/2	A6 Carleton	n/a	(9300)	n/a	17.2
10031/2	A69 Warwick Road	21700	22300	+2.8	11.4
	B6264 Brampton Road	n/a	n/a	n/a	n/a
	Total Flow	88900	89300	+0.4	

Auto counter near Peel St.



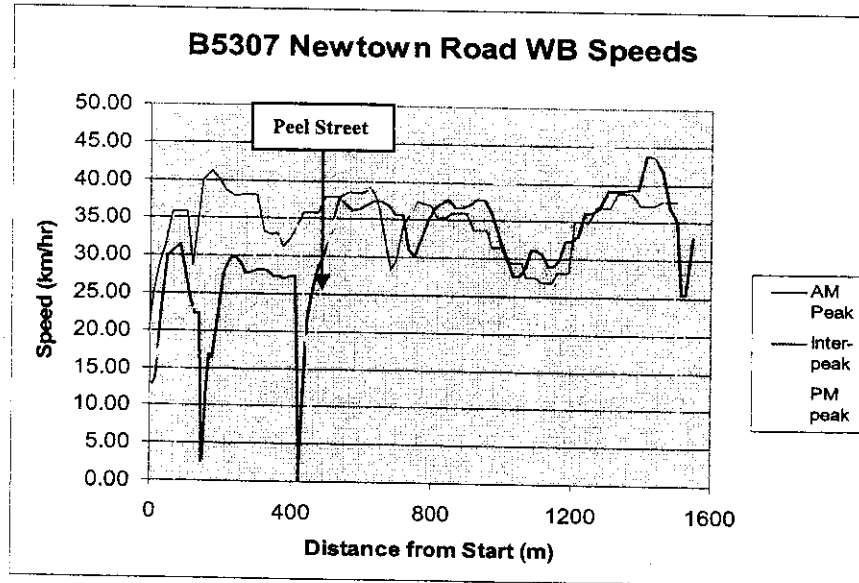
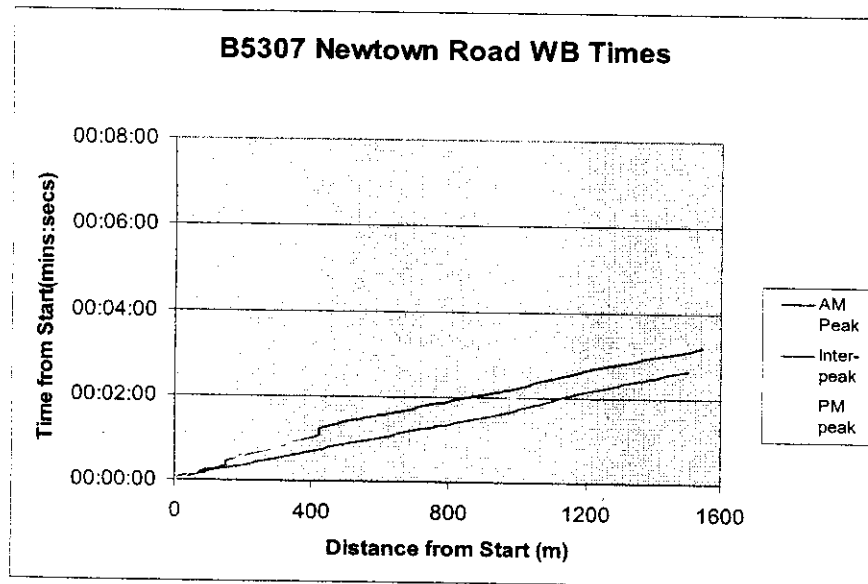
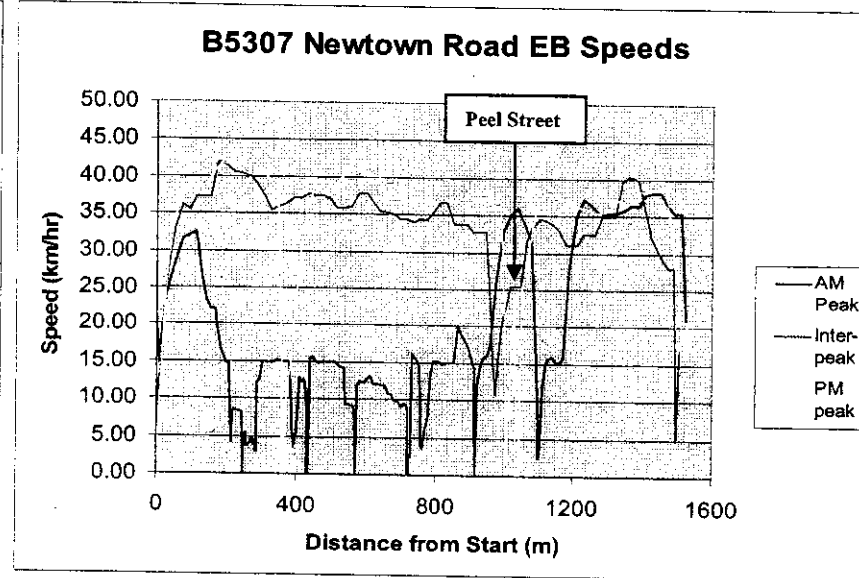
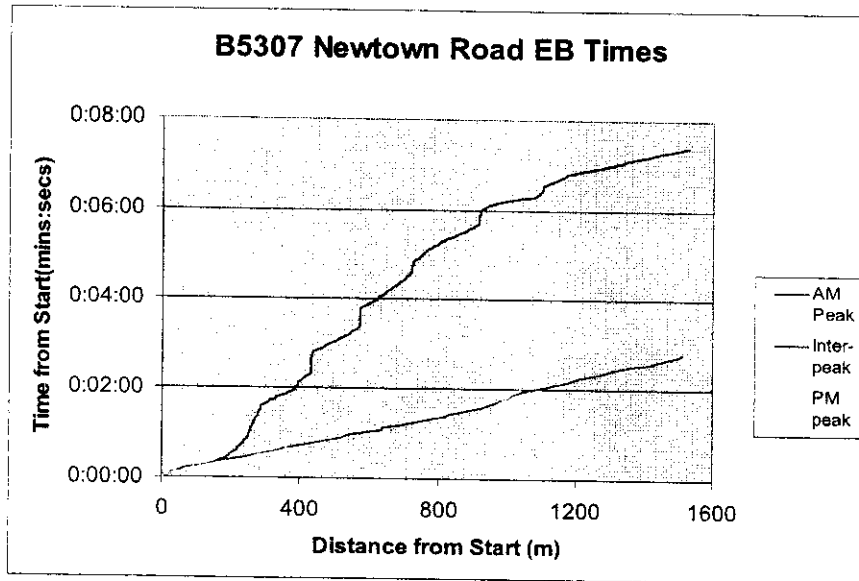
Carlisle B5307 Newtown Road

Route Description

This route covers an approximate distance of 1.5km from the junction of the B5307 Newtown Road with Burgh Road to the roundabout at Caldcotes (Carr's). The Cumberland Infirmary is on the route and the eastern section from Caldcotes is used by traffic from the rest of the city to access the hospital. It also links the Burgh Road Industrial Estate to the city and local regional and national road networks.

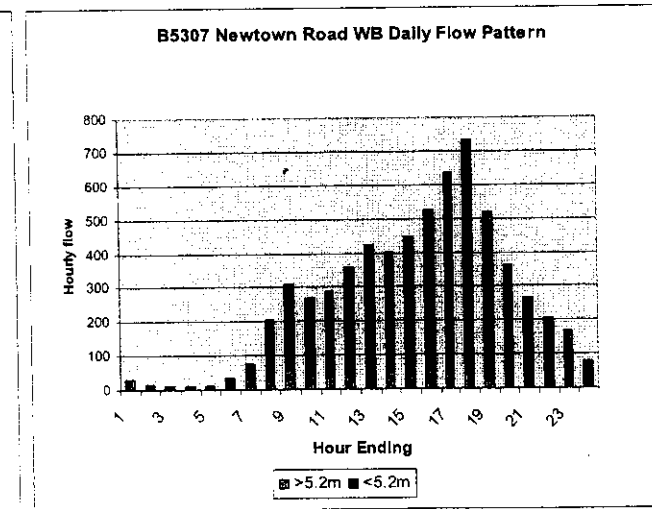
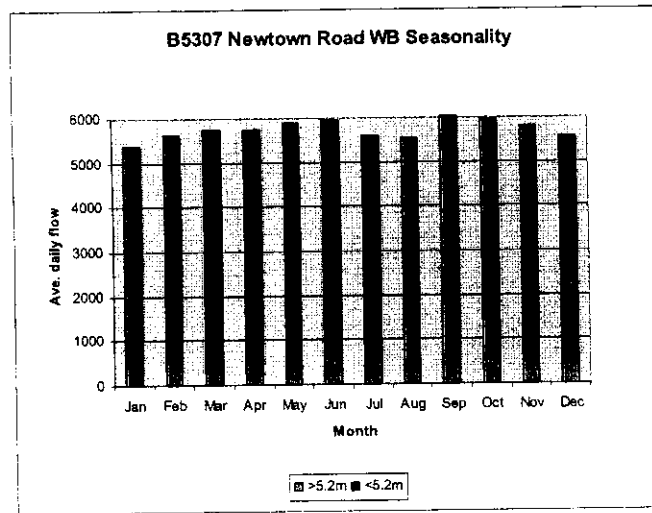
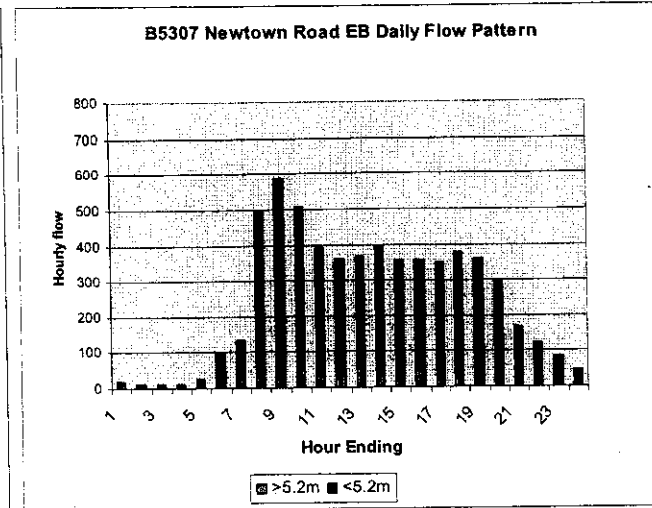
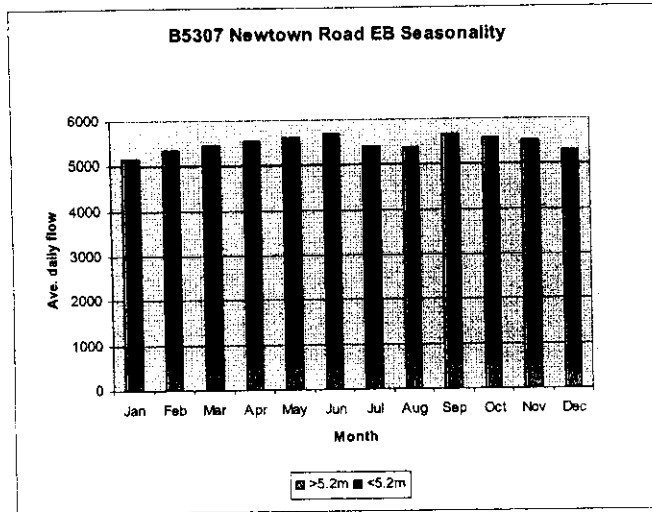
The route is used to access the all areas of the city by commuters and shoppers from the villages of Kirkbride, Anthorn and Burgh-by-Sands as well as a number of smaller settlements along the Solway Coast.

All of the route is urban in nature, with a small number of local shops at different locations along the route. There is one set of signals and three pedestrian crossings.



Journey Time Graphs

56



Traffic Flow Patterns

Proposals Map

Document Details
Illustrates the LDF site specific policies and proposals on an Ordnance Survey Base Conforms with all LDDs Whole Authority coverage with a number of Inset Maps for greater detail.
Timetable
Currently being prepared as part of the Carlisle District Local Plan (see above)
Production
External printing and publication costs being met by a specified Local Plan budget.

Statement of Community Involvement

Document Details
Setting out the standards and approach to involving the community and stakeholders in the production of the local development framework. Coverage relates to the whole authority area
Timetable
<ul style="list-style-type: none"> <li style="text-align: right;">Preparation of Draft - January – November 2006 ✓ <li style="text-align: right;">Public participation on draft - December 2006 – January 2007 ✓ <li style="text-align: right;">Preparation of submission statement - January 2007 – March 2008 <li style="text-align: right;">Submission to SoS - March 2008 <li style="text-align: right;">Pre-exam consider representations – March – April 2008 <li style="text-align: right;">Pre-exam meeting - June 2008 <li style="text-align: right;">Examination period - August 2008 <li style="text-align: right;">Inspector's report - October 2008 <li style="text-align: right;">Adoption and publication - January 2009
Production
Led by Planning Services in consultation with People, Policy and Performance Services (Carlisle City Council) Reported through Infrastructure Overview and Scrutiny Committee. Produced in-house Six-week consultation periods incorporating specific consultation with the Council's Citizen panel.
Update from previous LDS
Initial stages of consultation have been undertaken on the production of the SCI. The Council's Citizen's Panel was used in the Reg 25 consultation although results of this took longer to feed into the process and delayed consultation on the Reg 26 Draft SCI until November 2006 – January 2007. The responses to this have now been received although the team's resources are focussed on the Local Plan Public Local Inquiry. Subsequent stages of SCI production have therefore been rescheduled.