

SCHEDULE A: Applications with Recommendation

20/0015

Item No: 05

Date of Committee: 25/02/2022

Appn Ref No:
20/0015

Applicant:
Loving Land Limited

Parish:
St Cuthbert Without

Agent:
Telford Planning
Associates

Ward:
Currock & Upperby

Location: Land off St Ninians Road and Cammock Crescent, Carlisle

Proposal: Residential Development (Outline)

Date of Receipt:
21/05/2021

Statutory Expiry Date
23/08/2021

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

- 1.1 It is recommended that this application is approved with planning conditions and subject to a legal agreement requiring an education contribution of £428,213 for secondary schools; a highway contribution of £5,500 to investigate an potentially install an amendment for the speed limit on St. Ninians Road; a financial contribution of £290,145 towards open space provision; provision of on-site affordable housing.

If the S106 legal agreement is not signed, authority be given to the Corporate Director of Economic Development to issue refusal.

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Scale, Design, Layout And Impact On The Character Of The Area
- 2.3 Whether The Proposal Would Adversely Affect The Amenity Of The Occupiers Of Neighbouring Properties
- 2.4 Highway And Parking Issues
- 2.5 Ground Contamination
- 2.6 Affordable Housing Provision
- 2.7 Ecological Impacts
- 2.8 Trees and Hedgerows

- 2.9 Noise Assessment
- 2.10 Open Space Provision
- 2.11 Education Contribution
- 2.12 Foul and Surface Water Drainage
- 2.13 Crime
- 2.14 Waste/ Recycling

3. Application Details

The Site

- 3.1 This application seeks Outline Planning Permission for the development of a 3.04 hectares site located within Upperby Ward. The land is unused and unkempt and is bounded by St Ninians Road to the north-west, industrial land occupied by Michael Thompson and Biffa to the north-east, former tipped land to the south-east and housing development at Brisco Meadows and Cammock Crescent to the south-west. Part of the site (approximately 30%) has been subject to previous tipping activity although not to the same degree as the adjoining land to the south-east.

Background

- 3.2 The proposed site relates to almost all of the land (3.30 hectares) originally allocated for housing development in the former Urban Area Local Plan, that allocation being retained within the current adopted Carlisle District Local Plan, and which (by virtue of the fact it possessed planning permission) is regarded as a “committed” housing site within the Carlisle District Local Plan 2001-2016 Revised Redeposit Draft.
- 3.3 The site was subject to a previous planning application for the development of 132 houses. The application was granted authority to issue approval by Members of the development Control Committee subject to the completion of a S106 agreement. Before the agreement could be completed however, the applicant ceased trading and as such, the application was never formally determined.
- 3.4 The St Ninians site was allocated for housing in the Carlisle District Local Plan 2001–2016 and was also allocated in the previous local plan. Despite a number of planning applications for housing being pursued on this site, these have never been concluded and development has never commenced.
- 3.5 When the Carlisle District Local Plan 2015–2030 was evolving, it was important that the city council had sufficient evidence to show that any housing allocations made within the plan were deliverable within the plan period. Therefore, when reviewing whether to carry forward the few remaining allocations from the previous plan, it was considered that this site was unlikely to be delivered, bearing in mind the lack of action on the site in the past two plan periods. Therefore it was not allocated for housing development. However, it has always been recognised that should circumstances change, and the site be promoted for development, that it

could be considered under Policy HO2 of the adopted local plan, which makes provision for windfall housing development.

- 3.6 Members will note from the planning history that outline planning permission was granted in 2017 to develop the site for housing.

The Proposal

- 3.7 This application is seeking outline permission for residential development with all other matters being reserved for subsequent approval. The indicative block plan shows the provision of 132 dwellings with the access into the site from St. Ninians Road serving a number of cul-de-sacs with the development comprising of apartments, detached and semi-detached/ mews houses. An area of open space would be created to the south-east boundary adjacent to the existing area of public open space. Egress from the site would be to Brisco Meadows and Cammock Crescent.

4. Summary of Representations

- 4.1 This application has been advertised by means of three site notices, a press notice and direct notification to the occupiers of 47 properties. In response, 25 representations and one objection have been received. The representations have been reproduced in full separately for Members, however, the main issues raised are summarised as follows:
1. this site was a former landfill area and must still contain potentially dangerous gasses if disturbed;
 2. the council must provide a guarantee that they accept all liability for any related consequences as a result of the current and proposed works to clear the land;
 3. wildlife is being affected following the removal of trees and habitat from the site;
 4. the loss of wildlife is contrary to the council's green infrastructure objectives;
 5. the proposed development is also going to lead to an increase in traffic volumes on roads/ infrastructure that is only just fit for purpose;
 6. Brisco Meadows is a quiet residential area, off street parking is difficult and the increase in traffic will make this worse, if people decide to park there;
 7. the additional traffic generated as a result of Newman School along with traffic lights that can result in queues sometimes from the railway bridge to Upperby road will make access to and from all areas extremely difficult;
 8. the bridge is prone to flooding underneath which will affect accessibility to the site;
 9. the additional pollution generated by the increase of potentially 2-300 vehicles must also be taken into account, how does this fit in with the council's environmental policies "Human activity is damaging the environment in which we live" "Council can influence, arrangements with partners, are in line with eliminating pollution" "Objective 3: Reducing emissions from transport by promoting sustainable transport, reducing car

- travel and traffic congestion and encouraging behaviour change";
10. the location/ route is not suitable for public transport to be an option;
 11. a copy of a Health Impact Assessment should be submitted;
 12. the Habitat Survey has missed the wildlife point raised by objectors and should be revisited to ensure all aspects and potential impacts have been fully investigated and addressed;
 13. the new houses shouldn't be too near existing houses and shouldn't be too tall with windows overlooking directly into existing homes;
 14. the previous development included a commitment ensuring the boundary to existing houses would be protected by quality fencing which should still be the case;
 15. based on the road layout, people will cut through from St Ninians and into Brisco Meadows to access the school to avoid the traffic lights thereby creating a rat run. This is unacceptable as the road is too narrow, it is used for parking and children feel free to play here. It is not suitable for extra traffic;
 16. there would be no objection of a route through the estate for cyclists and walkers;
 17. a different entrance to the site should be considered from the top of the new estate cutting out Brisco Meadows and Cammock Crescent all together? This would give an opportunity to make sure residents are safe and easier access for all trade vehicles and buses this was done on the new Ridings Estate not so long ago and works really well;
 18. traffic generation from St. Cuthbert's Garden Village and the road system in the area around the crossroads will face gridlock and significant traffic signals violation;
 19. there would also be issues over security of our properties and the unsocial behaviour from the increased population in the area;
 20. residents' garden fences adjacent to the park already offer little protection. It is felt that the developer and/or council should install additional railings along the perimeter of the park where it adjoins gardens, to stop the risk of fences being climbed over;
 21. there should be adequate lighting installed along the footpaths that lead to the park. Residents walking their dogs use these paths and it is not safe;
 22. as a community, it is accepted that there is a need for affordable housing. However, we feel that the number of properties indicated on the plans is excessive, given the amount of traffic it will create;
 23. based on the amended travel plan allowing pedestrian, cycle and emergency vehicle an explanation should be provide as to how this will be controlled, how will vehicles be prevented from using this "restricted" access on a daily basis;
 24. why is a second access point required for emergency vehicles? this doesn't exist for Brisco Meadows now, or Cammock Crescent, or many other areas in the city, is the real reason due to the fact that a single entry point from St Ninians Road has already been decided as both unsuitable and more importantly unsafe due to its location;
 25. the comments from the consultants employed to create the amended travel plan mention various ideas to reduce the volumes of traffic, including car sharing and a car club, the council must realise that whilst they are both reasonably acceptable in theory and in larger cities, neither

- will ever work, unless you plan to implement a city wide system where car journeys with a single occupant are restricted, unfortunately the roads in and around the city are unsuitable for this anyway;
26. appreciation should be given to the Japanese Knotweed which has been identified on the site;
 27. the development could be transformed in to a place for wildlife to flourish and for people to walk. It would be a great area to have a footpath leading down to the river instead of another "cram in as many houses as we can" development;
 28. where are these people going to park? How is the traffic going to be managed on what is already a choke point at the best of times. A needless project considering 10,000 homes are being planned just down the road;
 29. the St Ninians entrance to the new estate would be next to the entrance to the industrial buildings and any vehicles coming out of these two junctions will have to deal with the traffic coming under the bridge at high speed;
 30. in previous applications for this development there was a requirement for the traffic lights at St Ninians/ Lamb St/ Brisco/ Upperby Roads. This was put in place as part of the Newman School development, but there are still issues here, mainly parked cars along St Ninians Road way too close to the crossings and often larger vehicles struggle to get through. The cars parked here do park on the pavement partially to ease this, but in turn this causes pavement access issues, more so with an increase in people from this new estate;
 31. the re-issue of this application contradicts the same developers application 21/0088 for 5 dwelling off St Ninians and the comments made publicly by the developer saying it would not be one way through to Cammock or Brisco Meadows. Can the developer update the plans to clarify the layout and traffic flow?

4.2 A representation has also been received from the County Councillor for this ward and the issues raised are summarised as follows:

1. six years after the previous application, which lapsed in 2020, there have of course been many changes, the most significant of which is the emergence of the St Cuthbert's Garden Village proposals which will see 10,000 new homes being built in the vicinity of the St Ninian's Road site, as well as the Carlisle Southern Link Road which will be routed to the south of the site;
2. it's totally inappropriate to potentially allow 132 new homes as a windfall development when there is to be such significant development over the next few years so close to this site;
3. the building of the replacement for Newman Secondary School on a site close by has now been completed. One of the section 106 requirements placed on the Diocese was to fund four sets of traffic lights and crossings at the staggered junction where St Ninian's Road and Lamb Street meet Upperby Road and Brisco Road. The traffic assessment leading to the recommendation for controls at the junction took no account of additional traffic which would be generated by 132 new dwellings. It is contended that development on this scale will generate unacceptable traffic

- increases in this residential area;
4. the site has historically been used as a landfill site where mixed waste was tipped from the 1960's onwards and more recently, on a separate part of the site, inert waste in the 1990's. Given the scale of new housing which will be developed on the St Cuthbert's Garden Village site, it isn't considered necessary to allow this number of houses to be built on a former landfill site. If permission was to be given it should be on the basis that the proposed development is a means by which the full site can be remediated but this doesn't appear to be the intention with this application. The key is that a suitable and sufficient site investigation is carried out with appropriate remediation plans to be implemented which protect the existing and new properties and the environment from issues such as contaminants in the soil, landfill gas and leachate. It's questioned whether this is the case given that the last assessment was carried out six years ago, and much of the investigations were carried out over 16 years ago;
 5. if the development goes ahead, it is agreed with the Highways Authority that the only vehicular access onto the site should be via St Ninian's Road with an EVA (with locked bollards) on Cammock Crescent, and a pedestrian/ cycling link via Brisco Meadows. Such a link in fact already exists via the park on the estate and could potentially be utilised, although that would require further investigation.

4.3 In addition, one representation has been received which supports the application and raises the following issues:

1. people have to live somewhere and the 'not in my backyard' attitude of the objectors is not welcomed;
2. why should the ladder of homeownership be pulled up because other people are lucky enough to own their own home?

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following response has been received:

Education Response

The Local Education Authority have no further comments subject to the 23 June 2021 response [for Members' benefit this reads as follows:

Education Response

This is an outline application at Land off St Ninian's Road/Cammock Crescent [previous application 2015/1003]. The proposal is for 132 houses for which the dwelling mix is not known. Therefore, a population-led model has been applied as outlined in the County Council's Planning Obligation Policy (2013) and it is estimated that there will be a yield of 46 children: 27 primary and 19 secondary pupils for the schools. The catchment schools for this development is Upperby Primary (0.6 miles measured from the centre of the development site) and the Secondary catchment school is Central Academy (2.13 miles). The next nearest primary school is Petteril Bank (0.7 miles) and

for secondary St John Henry Newman Catholic (0.8 miles) which is nearer to the development but is a RC school which as a faith school has no specific catchment area, so they take children from a larger undefined area.

The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are six other permitted developments affecting the primary schools used for this assessment and twenty-six permitted developments for secondary schools.

Primary

There are sufficient places available in the catchment school of Upperby to accommodate the primary pupil yield from this development, there are also nine primary schools are within the threshold of 2 miles which also have available places. Therefore, a contribution is not be sought for primary education.

Secondary

When considering the effect on pupil numbers from known levels of housing development across Carlisle, it is considered that there will be only 2 places available of the required 19 to accommodate the secondary pupil yield from this development therefore an education contribution of £428,213 (17 x £25,189) or possible transport costs would be required. The £25,189 is the £18,188 multiplier set out in the County Council's Planning Obligation Policy (2013) index linked to present day costs.

School Transport

In relation to primary school transport no contribution for school transport will be sought as there are sufficient safe walking routes in the vicinity of the site. In relation to secondary school transport subject to the contribution outlined above no contribution for school transport will be sought as there are sufficient safe walking routes in the vicinity of the site.]

Highways Authority Response

The principal of development at this site and of an access onto St Ninians Road was agreed as part of the outline planning approval 15/1003 for 132 dwellings. It is noted that the outline planning approval 15/1003 lapsed in January 2020.

Junction Capacity of St Ninians Road / Upperby Road / Lamb Street

Within the previous response to this planning application it was requested that the applicant undertake an updated Transport Assessment (TA) to take into consideration the changes in the highways network since the planning approval 15/1003. Following on from these comments the applicant has submitted a revised TA for comment.

The TA has calculated that the weekday AM peak hour vehicle movements created as part of this development are 74, with the weekday PM peak hour at 82 vehicle movements. The TA has assessed the anticipated impacts on

the adopted highways network of the increase in vehicular movements post development identified above. The TA states that the development will have a minimal impact on the St Ninians Road / Upperby Road / Lamb Street signalised junction which will operate within capacity in 2030. It is noted within the TA that the queue length will increase at this junction post development; however the applicant determines that this impact is minimal and no mitigation measures are required. The Highways Authority have assessed the impacts of the development on the local highways network and conclude that the increase in vehicular traffic will not decrease highway safety in the vicinity of the development. As such no mitigation measures are required at the St Ninians Road / Upperby Road / Lamb Street signalised junction.

Accessibility

The Transport Assessment (TA) submitted assesses the location of the proposed outline development in terms of accessibility by walking, cycling and public transport. The TA concludes that the site has a good level of accessibility by foot or bike to a local facilities and is a short walk to a regular bus service. The Highways Authority have assessed this conclusion and are satisfied that the site is accessible as the development site is located approximately 360m away on Brisco Road with regular services on the 67, 91A and 104 bus routes. Therefore the bus services are within walking distance of the site and promote the usage of public transport in the area. The site is also served well by footpath links to the north along St Ninians Road towards London Road and to the South towards Brisco Road.

Highways Safety

The TA has identified that following an interrogation of Crashmap that 7 accidents have occurred within the vicinity of the development site for the 3 years prior to COVID-19 (to reflect true traffic conditions). The TA concludes that the accident record does not demonstrate any existing road safety issues on the surrounding network. The Highways Authority have assessed the accident history and agree with the conclusions of the report. It is also noted that four of the accidents were at the St Ninians Road / Upperby Road / Lamb Street junction prior to signalisation which will have resulted in a safety improvement and all of the accidents noted were minor.

Access Points

As stated in the previous application, the Highways Authority recommend that the access onto St Ninians Road be the only vehicular access onto the site. The accesses as shown on the indicative plan should be an EVA onto Cammock Cressent and a pedestrian / cycling link onto Brisco Meadows. This should improve the existing pedestrian / cycling connectivity to local attractors and ensure the site is permeable to non-motorised users as well as ensuring an alternative access point for emergency vehicle in the event that the access off St Ninians Road is unavailable. The Highways Authority are minded to require that the applicant enter into a suitably worded legal agreement to enable the Local Highway Authority to consult on and potentially install a 20mph speed limit on St Ninians Road. The cost of this

would be in the region of £5,500. Therefore to conclude, the Highways Authority have no objections with regards to the approval of planning permission subject to conditions, stated when the LLFA concerns have been resolved, being applied to any consent granted.

Lead Local Flood Authority (LLFA) response

The applicant has submitted a revised Transport Assessment following on from the previous response to this application dated 23 July 2021. The Transport Assessment does not provide any further details regarding the drainage elements of the application requested by the LLFA. As such the LLFA have no further comments subject to the 23 July 2021 response.

Summary

In terms of Education this application will attract a requirement for an education contribution of £428,213. A further highways contribution of £5,500 is required for the speed limit amendment of St Ninians Road.

Although planning permission for the site has been granted previously, it is considered that there is a lack of information to fully assess the site in terms of the requirement of the Cumbria Development Design Guide for flood and drainage aspects. Therefore inadequate information has been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of:

- Flood Risk Assessment including assessment of existing surface water flow routes
- Site investigation / percolation tests, assessment of the drainage hierarchy
- Greenfield runoff rate
- Outline drainage details
- Outline drainage calculations including details of climate change and urban creep allowances
- Outline surface water treatment details
- Details of who will maintain the drainage system
- Details of exceedance routes
- Proposed remediation measures surrounding the installation and operation of the drainage systems due to the contamination of the site;

Local Environment - Environmental Protection: - no response received; however, for Members' benefit, the response to the previous outline planning application reads as follows:

"Contamination

A validation report must be submitted showing that all work has been done according to the remediation reports and the work undertaken verified.

A cut off trench/barrier is to be provided to separate the development site from the adjacent contaminated site. The design and specification of the trench / barrier must be submitted and agreed in writing by the Planning Authority before construction begins. Once the barrier has been constructed

a validation report must be submitted, verifying the work undertaken.

No pile foundations shall be used unless a foundation design for the properties has been submitted and agreed in writing by the Planning Authority. This is to ensure that no contamination is given a preferential pathway to the aquifer.

No properties on the development shall be occupied until the site validation report has been accepted and agreed in writing by the Planning Authority.

Gas monitoring in at least 2 locations shall be carried out at least once every 6 months for 10 years once the development has been completed. The monitoring locations, the frequency, the method of monitoring and the details of the company carrying out the monitoring shall be submitted and agreed in writing by the Planning Authority. The results from the monitoring shall be forwarded to the Planning Authority each year and should results indicate a gassing problem, the Planning Authority shall be notified immediately.

If contamination not previously identified is found during the development (i.e during construction works), no further development shall be carried out (unless otherwise agreed in writing by the Planning Authority) until the developer has submitted and obtained written approval from the Planning Authority. The Written application shall detail how this unsuspected contamination shall be dealt with (in complying with this condition, the words 'contamination not previously identified' shall mean, substances present in soil or groundwater).

Once remediation measures have been completed a validation report verifying the remediation shall be submitted to the Planning authority.

Noise

Where habitable rooms are oriented towards the dominant noise source, and monitoring/modelling indicates that WHO guidelines are likely to be exceeded, then details of glazing and or acoustic ventilation are required to demonstrate that guidelines will be met.

A condition should be placed to ensure that further noise monitoring and assessment takes place from within bedrooms, living rooms and gardens of the completed structures, prior to occupation, to verify the effectiveness of the noise mitigation measures. This information should be reported in writing to the Planning Authority;"

Northern Gas Networks: - no objection, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, the promoter of these works should contact Northern Gas Networks to contact us directly to discuss our requirements in detail. Should diversionary works be required these will be fully chargeable.

Network Rail: - no response received;

Local Environment, Waste Services: - a detailed road layout is awaited at Reserved Matters stage. The applicant is advised to ensure adequate space

for waste collection vehicles to turn; minimise reversing of these vehicles and provide bin collection points where the road is not made up to an adoptable standard;

Cumbria Constabulary - North Area Community Safety Unit: - the Design and Access Statement refers to an accompanying Planning Statement, but this does not appear to have been published. Accordingly, it is difficult to establish if the applicant makes any reference to crime prevention or provides further detail on any security measures that shall be incorporated into this development.

In the event of this application being successful and progressing to Reserved Matters, I seek information relating to the following matters, demonstrating compliance with Policy CM4 of the Local Plan and reflecting guidance published in the SPD's "Achieving Well Designed Housing" and "Designing out Crime":

- optimising surveillance opportunities across public realm and all access routes
- definition and obvious demarcation of public and semi-private spaces utilising physical treatments
- effective lighting schemes (street and dwelling exterior)
- landscaping scheme
- measures as outlined AWDH 4.33
- measures for physical security (doors and windows) - DOC 2.15 and 6.39
- car parking - DOC 6.14 (particularly relating to the parking courts of the apartment blocks);

Cumbria County Council - (Archaeological Services): - no objection;

United Utilities: - in accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way and recommend the imposition of drainage conditions.

Two 450mm diameter public sewers cross this site and building over them may not be permitted. An access strip width of 7 metres, 3.5 metres will be required either side of the centre line of each sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement.

Several other public sewers and a rising main cross this site and building may not be permitted over them. United Utilities will require an access strip width of six metres, three metres either side of the centre line of each sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement.

A wastewater pumping station is located inside the site. United Utilities has a right to access the station on 24/7 basis for maintenance and replacement. In addition, the minimum distance between the pumping station and any habitable building should be at least 15 metres.

Therefore a modification of the site layout may be necessary;

St Cuthberts Without Parish Council: - no comment;

Cumbria Fire & Rescue Service: - no response received;

Environment Agency: - no objection subject to the imposition of conditions in respect of contamination, remediation and protection of ground waters;

Economic Development - Housing Development Officer: - the following response has been received:

The application site falls within Affordable Housing Zone B, which requires a 20% onsite affordable housing contribution. Local Plan Policy HO 4: *Affordable Housing* stipulates that the affordable housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low Cost Housing Register or shared ownership through a Housing Association).

The previous Outline application was for 132 units so assuming a site came forward for the same number of dwellings at Reserved Matters, this would equate to 26 affordable units (being 20% rounded down the nearest whole unit) – 13 no. (50%) for Social and Affordable Rent and 13 no. (50%) for intermediate housing. This is currently usually on a discounted sale basis at 70% of market value through the Council's low cost housing scheme; however, the Government's *First Homes* scheme is due to be introduced at the end of June 2021, which would require 25% of the affordable housing requirement (being half of the intermediate housing) to be provided as *First Homes*, so it is anticipated this would be a requirement by the time the Reserved Matters application is submitted. The unit types should reflect the requirement identified in the SHMA, outlined above, and include an element of bungalows, or other unit types suitable for older persons, as detailed in the following section.

Older Persons' Accommodation

The Council's *Affordable and Specialist Housing Supplementary Planning Document (SPD)* recommends that on sites of over 100 units 10% of the dwellings provided are bungalows or other accommodation suitable for older persons (section 11.2) which applies to both the open market and affordable sectors.

This reflects the housing need identified in the SHMA due to the ageing population, which is supported by Projecting Older People Population Information Systems (POPPI) data, which projects a 33.5% increase in the population aged 65 or over in Carlisle between 2020 and 2040 (including a 68.8% increase in people aged 85 and over).

Section 11.3 *Bungalows and Viability* of the Affordable and Specialist

Housing SPD sets out how this can be viably incorporated within a larger scheme based on increased sales revenue of approximately 25% per m2 on bungalows and smaller garden requirements. The applicant should also refer to Section 13 'Residential Design Standards for Older Persons and Specialist Accommodation' of the SPD.

As an example, based on the no. of units in the previous Outline application: 132 units x 10% would equate to 13 bungalows or other adaptable unit types suitable for older persons - if this was apportioned across the market and affordable sectors, this would equate to approximately 10 no. market and 3 no. affordable bungalows (or other adaptable unit types) although the exact mix can be agreed at Reserved Matters as there is always a high demand for Social Rented bungalows.

Location of the Affordable Units

Local Plan policy HO 4 (paragraph 5.30) stipulates that: "The siting of affordable housing within a development also needs careful thought to ensure that it is not concentrated within one are of the site but is integrated throughout the development. This approach will ensure greater opportunities for community cohesion." It is important that the Reserved Matters housing layout reflects these mixed sustainable communities principles, in respect of the location of the affordable homes within the wider development.

Affordable Housing Space Standards

The Council's expected space standards for affordable homes are set out in section 9.2 of the Affordable and Specialist Housing SPD. The affordable units should comply with these standards.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies SP1, SP2, SP3, SP6, SP8, SP9, HO1, HO2, HO4, IP2, IP3, IP4, IP5, IP6, IP8, CC5, CM2, CM4, CM5, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 and the Council's Supplementary Planning Documents (SPD) on "Achieving Well Design Housing", "Trees and Development" and "Designing Out Crime" are also material planning considerations. The proposal raises the following planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.3 The NPPF seeks to promote sustainable development and in rural areas,

housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 11 of the NPPF continues to support sustainable development stating that:

“Plans and decisions should apply a presumption in favour of sustainable development.”

- 6.4 This is reinforced in paragraph 11(c) which states that:

“approving development proposals that accord with an up-to-date development plan without delay”

- 6.5 Although not continued as an allocation for housing development in the local plan, the NPPF allows the consideration of the principle of such sites. The application site is located in a sustainable location on the edge of Carlisle where there are a range of services and the proposal would create an opportunity to support these facilities. The site is well related and bounded by residential dwellings to the west.

- 6.6 Whilst land is allocated within local plan for housing and sites have been identified in the local plan as preferred options for residential development, this does not prejudice the consideration of applications for housing on windfall sites. As this site is no longer allocated, it is considered to be a windfall site.

- 6.7 Policy SP3 of the local plan specifically seeks to protect the allocation to the south of the city which is now known as St. Cuthbert's Garden Village (SCGV) and states:

“The potential for the future development of a southern relief road linking Junction 42 of the M6 with the southern end of the A689 will be an integral part of the masterplan.

To enable a comprehensive and coordinated development approach, piecemeal or unplanned development proposals within the area which are likely to prejudice its delivery including the infrastructure required for the area will not be permitted.

To ensure that Carlisle South is deliverable when required, work on masterplanning the area will commence in the early years of the plan period.”

- 6.8 The application site is approximately 2.4 kilometres (1.5 miles) north of SCGV and wouldn't prejudice any future delivery of this site. The development doesn't prejudice the overall plan strategy of the local plan and in such circumstances the principle of additional housing in this location is deemed acceptable.

2. Scale, Design, Layout And Impact On The Character Of The Area

- 6.9 Paragraphs 126 to 136 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system

and development process should achieve. The Framework has a clear expectation for high quality design which is sympathetic to local character and distinctiveness as the starting point for the design process. Paragraph 130 outlines that:

“Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

- 6.10 It is further appropriate to be mindful of the requirements in paragraph 134 of the NPPF which states:

“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

- 6.11 Policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. Developments should therefore harmonise with the surrounding buildings respecting their form in relation to height, scale and massing and making use of appropriate materials and detailing.

- 6.12 This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings

respecting their form in relation to height, scale and massing and make use of appropriate materials and detailing. Development of this site will have an impact on the character of the area.

- 6.13 The application seeks consent for the principle of development only with the access, appearance, landscaping, layout and scale being reserved for subsequent approval. The proposed housing development of 132 units, at a density of approximately 44 dwellings per hectare, is provided in the form of predominantly two-storey development although also includes 33 apartments within 3 storey blocks. Although no detailed material specification has been submitted, but is to be left as a condition of planning approval should it be forthcoming, the detailed drawings indicate the development will be faced in brickwork with tiled pitched roofs.
- 6.14 The scheme layout provides the proposed accommodation in a combination of detached houses, pairs of semi-detached houses, terraces of semi's and/or mews houses and 4 three storey apartment blocks with courtyard parking (Blocks A, B, C and D on the layout plan). This overall mix of building forms, heights and design details will add visual interest as well as providing a socially well-distributed mix of accommodation.
- 6.15 The proposal could achieve adequate amenity space and off-street parking although this would be subject to subsequent approval. The character and appearance of the development would not be obtrusive within the street scene and there is no conflict with planning policies.

3. Whether The Proposal Would Adversely Affect The Amenity Of The Occupiers Of Neighbouring Properties

- 6.16 Development should be appropriate in terms of quality to that of the surrounding area and should not have an adverse impact on the living conditions of the occupiers of adjacent residential properties. The SPD provides guidance as to minimum distances between primary windows in order to respect privacy and avoid overlooking. Any subsequent scheme would have to be mindful and have regard to the distances outlined in the SPD i. e. 12 metres between primary windows and blank gables and 21 metres between primary windows.
- 6.17 The City Council's Supplementary Planning Document "Achieving Well Designed Housing", on the matter of privacy, states that:

"Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (para. 5. 44) While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances." (para. 5. 45)

- 6.18 The layout and scale are matters reserved for subsequent approval and an assessment of the distances would be made at the time of the considerations such an application. On the basis of the current application, given the orientation of the application site with adjacent properties, it is not considered that the living conditions of the occupiers would suffer from loss of privacy or unacceptable levels of noise or disturbance. The development would not result in an overall loss of daylight or sunlight due to the distances involved between the application site and the residential properties.

4. Highway And Parking Issues

- 6.19 Planning policies require that development proposals are served by an appropriate access and provide adequate parking facilities. The land has 3 options in terms of access, these consisting of a short road frontage onto St Ninians Road and short sections of spur roads off the existing residential road system within the Brisco Meadows and Cammock Crescent housing estates. Following discussions with the Highway Authority, the previous planning application showed that all 3 were to be used such that St Ninians Road provides an “entry only” access, the spur on Cammock Crescent is to be an “exit only” with Brisco Meadows affording two-way vehicular movements. In respect of the current proposal, the Highway Authority has confirmed that the access to the site should be onto the classified road (St Ninian’s Road) therefore not accessing from either of the estate roads. The accesses onto the neighbouring estates should be in the form of an emergency and pedestrian/ cycling access but still be wide enough to accommodate potential future traffic calmed links.
- 6.20 Coupled with the nature of the road system, a one-way entry route from St Ninians Road with a road layout incorporating a geometric layout and use of traffic calming measures to minimise vehicle speeds through the estate and which is designed to dissipate traffic from the development through the two exit routes. The scheme also indicates an area for a bus stop to allow the development to be serviced by public transport.
- 6.21 An indicative Phasing Plan has been received which shows the development progressing across the site from west to east starting adjacent to St. Ninians Road towards Cammock Crescent. Although the current application has raised objections from residents of Brisco Meadows, who do not want the existing road system in that development used to provide access, the fact of the matter is that the road layout to Brisco Meadows was designed to afford future access to the application site.
- 6.22 Cumbria County Council as the Highway Authority has considered the application in light of the Interim Transport Assessment and the Addendum to the Transport Assessment and has raised no objection subject to the completion of a S106 agreement requiring the submission of a Travel Plan and the imposition of relevant planning conditions. On this basis, therefore, it is not considered that the proposal raises any highway safety issues.

5. Ground Contamination

- 6.23 The application is accompanied by a Ground Investigation and Contamination Report. The Non-Technical summary states:

“The site and surrounding area have been occupied by a mill and later a laundry and dyeing works. More recently part of the site was used for the disposal of inert wastes from the construction and demolition industries under licence from the predecessors to the Environment Agency.

The land to the south was also a landfill but it was operated for commercial and industrial wastes. A perimeter barrier and vent trench were installed around three sides of the southern landfill site to minimise pollution of the groundwater and protect the nearby residential properties from hazardous gases.

The barrier was not constructed between the southern landfill and the proposed residential development site.

There is no development layout at present but it is anticipated that the development will comprise a combination of detached and semi detached properties and apartments with associated infrastructure, roads, services and a large area of recreational open space. The redevelopment of the site is subject to planning permission being granted by Carlisle City Council.

The site has previously had planning permission subject to a section 106 Agreement which was never ratified.

Numerous investigations have been carried out at the site. The investigations include excavation of trial holes and sinking boreholes through the made ground and waste deposits as well as into the natural strata beneath and around the site. The investigations include extensive laboratory testing and environmental monitoring.

Key technical staff from the City Council's Environmental Health Department and the Environment Agency have contributed to the method and scope of the works undertaken and approved an earlier version of the risk assessment report.

TACCL [The Arley Consulting Company Limited] has carried out detailed risk assessments in accordance with appropriate, Government backed, technical guidance, in support of the development proposals.

The assessments consider potential hazards associated with the site, particularly those related to historic waste disposal activities, and the risks to the proposed residential development as well as risks to the wider environment, including neighbouring land and property and controlled waters (groundwater and the River Petteril).

The assessments demonstrate that the made ground/waste material contains levels of contamination and hazardous gases which represent a potential risk to proposed residential development and the environment if left untreated.

However TACCL considers that the identified risks to the residential development can be addressed by straightforward remediation and mitigation measures.

There is a potential risk to the development from hazardous gases generated from the biodegradation of organic matter within the waste at the site and at the adjacent southern landfill. Gas concentrations and flow rates are generally low although there are localised areas where significant concentrations of methane have been identified. Gas risks can be addressed by installation of barriers and ventilation.

Contamination identified in the shallow soils and made ground at the site are generally insoluble although there is evidence of low levels of shallow groundwater contamination below the previously deposited wastes at the site.

If left undeveloped or unrestored there is a long term risk of groundwater and surface water pollution from the site. This risk can be significantly reduced by reducing rainwater infiltration. Higher levels of contamination in the southern landfill may also impact on groundwater quality at the development site and in the underlying aquifers. This risk can be reduced by providing additional lateral containment between the southern landfill and the proposed residential development site. Risks could be further reduced by reducing rainwater infiltration although this land is not owned or controlled by the developer.

A remediation strategy has been developed on the basis of the site investigation and risk assessments. This strategy addresses the risks to the development as well as those to the wider environment."

- 6.24 The application details are unchanged from the previous outline application and the Officer's response for that application is reproduced Section 5 'Summary of Consultation Responses' of this report. The details of the application together with the assessment in the Ground Investigation and Contamination Report have previously been found to be acceptable by the Council's Environmental Health Officers subject to the imposition of relevant planning conditions. These include the submission of a validation report must be submitted showing that all work has been done according to the remediation reports and the work undertaken verified; details of the separation trench/ barrier to separate the development site from the adjacent contaminated site; no pile foundations shall be used unless a foundation design for the properties has been submitted and agreed in writing by the planning authority to ensure that no contamination is given a preferential pathway to the aquifer; no properties on the development shall be occupied until the site validation report has been accepted and agreed in writing by the planning authority and gas monitoring in at least 2 locations shall be carried out at least once every 6 months for 10 years once the development has been completed.
- 6.25 Based on the Ground Investigation and Contamination Report and the imposition of appropriate conditions historically suggested by the Environmental Health Officer and imposed on the previous planning permission, it is not considered that the development could be considered

contrary to planning policies and is therefore acceptable.

6. Affordable Housing Provision

- 6.26 Policy HO4 of the local plan requires that on this site, 30% of the dwellings should be affordable. The council's Housing Development Officer has provided an assessment of the proposal commenting on issues of affordable housing need; planning policy/ affordable housing provision; older persons' accommodation; location of affordable housing units; and affordable housing space standards.
- 6.27 The detailed response provides guidance on all issues but as the application seeks outline planning permission only, these requirements will have to be incorporated within the S106 agreement to secure their provision. Subject to the completion of this agreement, the proposal doesn't raise any issues in respect of affordable housing which could adequately be provided on site in accordance with the policy requirements.

7. Ecological Impacts

- 6.28 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must 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. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.29 The application is accompanied by a Phase 1 Habitat Survey and a Preliminary Ecological Appraisal, the latter of which concludes that:

“Twelve phase 1 habitat parcels were recorded within the survey area and the immediate surroundings. It is likely that all habitat on site will be removed to accommodate the proposed development. This habitat is of low conservation value and the loss of this habitat constitutes a low ecological impact.

Recommendations have been made for further surveys for bats and reptiles and for timings of works to mitigate impacts on breeding birds.

The further surveys and recommendations will help to ensure the development proceeds in a legal manner in relation to protected species.”

- 6.30 Subject to the imposition of conditions, the development would not harm a protected species or their habitat; however, it would be appropriate to impose

a condition restricting works during the bird breeding season. In addition, an Informative should be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

8. Trees and Hedgerows

- 6.31 There are number of trees and hedgerows within the site. As the application seeks outline planning permission only, the full extent of any proposed tree removal is not known.
- 6.32 The application is accompanied by a Tree and Hedge Survey Report which accepts that the proposed development may require the removal of a number of trees; however, it advises that where possible the development should retain existing trees. A series of measures are included including the requirement for the provision of root protection areas around trees that are to be retained together with the submission of a landscaping plan to compensate any loss and take advantage of the opportunity to enhance biodiversity by planting native trees and shrubs. Subject to the imposition of appropriate conditions, the proposal is acceptable in this respect.

9. Noise Assessment

- 6.33 The site is closely related to St. Ninians Road, the railway line and industrial premises. The accompanying Noise Assessment provides an analysis of the following individual components.

Suitability for Residential End Use

- 6.34 Analysis of the subjective field notes completed during the monitoring survey concluded that traffic movements on the surrounding road network, and train passes are the dominant noise sources of the area.

External Living Spaces

- 6.35 Based on the measured noise level data, it is evident that the site would be amenable to the development of external living spaces. Any external living spaces backing directly on to the train line however may require further consideration, and would benefit from the consideration of perimeter fences/ walls or layout considerations. This element could be controlled through a suitably worded condition attached to the planning permission to be addressed during the detailed design process.

Residential Noise Assessment – Internal Noise Climate

- 6.36 Any sound insulation proposed within the design of the dwellings should ensure that internal noise levels are brought down to meet these limits for both the daytime and overnight periods. In order to achieve the proposed BS 8233 design criteria during the daytime and overnight periods, glazing specifications would be required.

- 6.37 As a result of the level of attenuation necessary within the development there would be a requirement for some dwellings/façades to be provided with alternative forms of ventilation to prevent the need to open windows for this purpose, (which would significantly reduce the attenuation afforded by the façade). Opening windows would still be specified but the alternative ventilation provision would provide a choice for the occupiers.
- 6.38 As a result of the level of attenuation required to be achieved by certain façades around the periphery of the development, alternative means of ventilation may be required in order that the windows do not need to be opened for this purpose. This could be by means of one of localised acoustic trickle ventilation (type acoustic ventilator as specified in the Noise Insulation Regulations) or a whole building system via internal duct work venting onto a quieter façade/ the roof of the building.

General Conclusions

- 6.39 It is specifically noted that whilst industrial uses are present on land to the east of the site, noise generated by these activities was in no way considered to be intrusive or dominant at the site and was masked to a degree by the prevailing noise climate.
- 6.40 Overall it is considered that there are no significant issues relating to noise impacts associated with the proposed residential development of the St Ninians Road site that would preclude the development from being granted planning permission on grounds of noise subject to the implementation of appropriate planning conditions to ensure noise is suitably considered at all stages of the development.

10. Open Space Provision

- 6.41 Whilst Policy LC4 of the Local Plan encourages the provision of formal and informal areas of public open space within new family housing development of more than 40 units there are instances where the Council has agreed that it would be acceptable for developers to provide a financial contribution towards the provision/improvement of existing facilities off-site.
- 6.42 In respect of this proposal the indicative layout plan shows an area of open space would be incorporated adjacent to south-west boundary. The Council's Neighbourhoods and Green Spaces Manager has previously confirmed that a financial contribution of £290,145 would be required towards improving the existing space adjacent to the site and to make the new public open space useable

11. Education Contribution

- 6.43 In respect of the capacity within local schools and whether an education contribution would be required as a result of this development, Cumbria County Council has advised that in respect of primary schools, based on projections and taking into consideration other developments, there will be sufficient spaces available for the 27 children from this development;

therefore no primary education contribution will be sought.

- 6.44 Taking into account the secondary school situation, the advice is that whilst it is considered the development of this site will further contribute to the pressure on secondary school places, further work will be undertaken to identify a strategic solution to the issue. Therefore at this stage, no contribution is being sought for secondary school places.

12. Whether The Method of Disposal of Foul And Surface Water Are Appropriate

- 6.45 In accordance with the NPPF and the NPPG, the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy which should be considered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

- 6.46 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. The application form states that the surface water would be disposed of to an existing watercourse whilst the means of foul drainage is unknown. In the absence of any further details, it would be appropriate to require the submission of further details should be secured by means of a planning condition.

- 6.47 Cumbria County Council as the Lead Local Flood Authority raised no issues in respect of the surface water drainage responding to the previous application other than comments regarding the development within the Flood Zone. Members will note the detailed response submitted by Cumbria County Council as the Lead Local Flood Authority and the depth of additional information required which they state should be provide prior to determination to that a further assessment can be made.

- 6.48 Paragraph: 001 Reference ID: 21a-001-20140306 Revision date: 06 03 2014 of the NPPG states:

“Why are conditions imposed on a planning permission?”

When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects. The objectives of planning are best served when the power to attach conditions to a planning permission is exercised in a way that is clearly seen to be fair, reasonable and practicable. It is important to ensure that conditions are tailored to tackle specific problems, rather than standardised or used to impose broad unnecessary controls.”

- 6.49 Therefore, a condition could be imposed requiring the submission of this further information as part of a drainage strategy that would still meet the relevant conditions required by all conditions as it is necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects.
- 6.50 Therefore, provided that the condition is imposed and subsequently discharged through the submission of an appropriate scheme, which would be subject to consultation with the LLFA, the scheme would be acceptable in terms of the drainage issues.

13. Crime

- 6.51 Section 17 of the Crime and Disorder Act together with Policy CM4 of the local plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention and minimising the opportunity for crime. At this stage, it is difficult to assess the proposal due to the lack of detail that would be provided as part of any subsequent application. Cumbria Constabulary has advised that the dwellings appear to be laid out to overlook each other, without compromising privacy.
- 6.52 Any subsequent application would have to take account of the natural surveillance of properties and the public open spaces and creating distinction between public and semi-public space is clearly defined, both of which will act as a deterrent to potential offenders and reduce the likelihood of crime occurring. In this respect, there is no objection to the principle of development whilst noting these issues for consideration at a later stage.

14. Waste/ Recycling

- 6.53 With regard to residential developments, Waste Services has previously advised that developers are expected to provide and where appropriate pay for waste containers. The applicant is aware of this requirement and the proposal doesn't raise any issues in this respect.

Conclusion

- 6.54 The current application site can be viewed as being in a sustainable location, well related to existing residential areas of the city and a site which has previously been part of the council's housing allocation. A planning application has also been considered by the council and only to the fact that the S106 was not completed permission was not granted.
- 6.55 The concerns of residents relating to the highway issues are acknowledged; however, Cumbria County Council as the Highway Authority is satisfied from the information provided that there is nothing to sustain a refusal on highways/traffic grounds for this development. As a result, the Highway Authority has not raised any objections subject to the imposition of relevant conditions.

- 6.56 In the case of affordable housing, the applicant has agreed to provide on-site affordable provision, and utilise the formula adopted by the city council with regard establishing the relevant contribution. The applicant has also agreed to make a contribution of £290,145.79 towards both on-site and off-site public open space provision generated by the proposal.
- 6.57 In relation to the living conditions of the neighbouring residents any impacts are not considered in themselves sufficient to merit the refusal of permission. These matters can be addressed further at the Reserved Matters stage. Concerns relating to construction noise and the hours of construction can be addressed through the imposition of relevant conditions. Those matters relating to contamination and the potential concerns regarding surface water/foul drainage and ecology can also be addressed through the imposition of relevant conditions.
- 6.58 On balance, the recommendation is for authority to issue an approval subject to the completion of an appropriate Section 106 Agreement requiring an education contribution of £428,213 for secondary schools; a highway contribution of £5,500 to investigate an potentially install an amendment for the speed limit on St. Ninians Road; a financial contribution of £290,145 towards open space provision; provision of on-site affordable housing based on the council's formula. If the legal agreement is not signed, authority to issue refusal of the application should be given to the Corporate Director of Economic Development.

7. Planning History

- 7.1 This site has extensive planning history;
- 7.2 In 1989, an application determined by Cumbria County Council resulted in the grant of planning permission for "excavation and tipping works, land to be restored for use in part for residential development and in part for agricultural purposes";
- 7.3 Outline planning permission for residential development was refused in 1990;
- 7.4 Later in 1990, outline planning permission was granted for residential development;
- 7.5 In 1990, an application was approved to vary a condition attached to the 1989 approval issued by Cumbria County Council;
- 7.6 In 1992 an approval was given by Cumbria County Council for the formation of a temporary access road from St Ninians Road;
- 7.7 An application, submitted in 1995, to erect 76 dwellings was withdrawn without determination in 1997. A revised application for outline permission for residential development was approved in 1999. An application for a related application described as "Excavation of old land contamination in waste area

1 and relocation to redundant waste tip area 2. Inert fill to waste area 1 in preparation for housing development and capping, venting and landscaping to waste area 2" was obtained in July 1997;

- 7.8 An application to renew the planning approval for the site reclamation/ remediation in advance of development for housing was refused by Cumbria County Council in 2002;
- 7.9 In 2002, outline planning permission for the residential development of the site i.e the March 1999 consent was renewed;
- 7.10 In 2007, an application was submitted for the erection Of 132 No Dwellings Consisting of 81 No 2 Storey Dwellings in Detached, Semi-Detached and Linked House Form, 51 No. 1 Bed and 2 Bed Apartments in 2/3 Storey Form Together With Associated Open Space and Provision of Vehicular Accesses From St Ninians Road, Brisco Meadows and Cammock Crescent". That application was withdrawn in May 2007 to enable the applicants to undertake further investigation in relation to the issue of potential contamination present on the site and their proposals to address that;
- 7.11 An application was submitted in 2007 for outline planning permission for the erection of 132 houses. Authority to Issue approval was granted subject to the completion of a legal agreement; however, the applicant was unable to complete the agreement and the permission was never therefore issued.
- 7.12 Outline planning permission was granted for residential development in 2017.

8. Recommendation: Grant Permission

- 1. Any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years from 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 works are 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. The development shall be undertaken in strict accordance with the details approved in response to this condition.

Reason: To accord with the provisions of Part 3 of the Town and

Country Planning (Development Management Procedure) (England) Order 2015, because this is outline permission only and these matters have been reserved for the subsequent approval of the local planning authority

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

1. the Planning Application Form received 14th January 2020;
2. the Location Plan received 14th January 2020;
3. the Planning Layout received 14th January 2020;
4. the Design and Access Statement received 14th January 2020;
5. the Ground Investigation Assessment received 14th January 2020;
6. the Noise Impact Assessment received 14th January 2020;
7. the Phase 1 Habitat Survey received 14th January 2020;
8. the Tree and Hedgerow Survey received 14th January 2020;
9. the Noise Report received 14th January 2020;
10. the Interim Travel Plan received 15th January 2021;
11. the Traffic Assessment received 15th January 2021;
12. the Tree and Hedgerow Report received 24th May 2021;
13. the Preliminary Ecological Assessment received 24th May 2021;
14. the Notice of Decision;
15. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

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

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

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Flood Risk and Foul Drainage Assessment produced by WYG dated November 2015 and the Drainage Method Statement produced by Elluc Projects Ltd proposing surface water discharging to River Petteril.

The development shall be completed, 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. This condition

is imposed in light of policies within the NPPF and NPPG and in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

5. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before development commences. The development shall be undertaken in strict accordance with the details approved in response to this condition.

Reason: In order that the approved development responds to planning issues associated with the topography of the area and amenity of neighbouring residents in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

6. Prior to the commencement of the development hereby approved, a detailed Construction Environment Management Plan for the construction phase of the development and a Construction Code of Practice shall be submitted to and approved in writing by the local planning authority.

The Construction Environment Management Plan shall provide details of measures proposed for the storage of all plant, machinery and materials to be used in connection with the construction of the development and for controlling any escape of noise and/ or fumes during the works. The development shall be carried out in accordance with the Construction Environment Management Plan.

The scheme shall in particular include:-

- locations for the storage of all plant, machinery and materials including oils and chemicals to be used in connection with the construction of the development;
- details of all bunds, fences and other physical protective measures to be placed on the site in connection with such storage including the time periods for placing and retaining such bunds, fences and measures (as the case may be);
- provision for the on-going maintenance of any such bunds, fences and other measures;
- the control and removal of spoil and wastes;
- measures to prevent the pollution of surface and ground water arising from the storage of plant and materials.

The Code of Practice shall indicate: -

- a. the proposed hours of operation of construction activities;
- b. the frequency, duration and means of operation involving excavations, drilling, piling, and any concrete production;
- c. sound attenuation measures incorporated to reduce noise at source;
- d. details of measures to be taken to reduce the generation of dust;
- e. the routes of construction traffic to and from the site including any off site routes for the disposal of excavated material.

The Code of Practice shall be strictly adhered to during all stages of the

construction of the proposed development.

The development shall only be implemented in accordance with the Construction Environment Management Plan, provided that this may be amended in accordance with details expressly submitted to and approved in writing by the local planning authority for such purpose.

Reason: To ensure that the development does not adversely affect the environment or the living conditions of the occupiers of neighbouring properties in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan 2015-2030.

7. The development hereby permitted shall not commence until there have been submitted and approved in writing by the local planning authority a Construction Management Plan. The plan shall include details of construction vehicle movements, construction operation hours, construction vehicle access(es), wheel washing, and routes to and from the site, construction delivery hours, expected number of construction vehicles per day, car parking for contractors, specific measures to be adopted to mitigate construction impacts and a travel plan for contractors. The development shall be carried out strictly in accordance with the approved Construction Management Plan.

Reason: To ensure that the development does not adversely affect the environment or the living conditions of the occupiers of neighbouring properties in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

8. No development shall commence until detailed drawings showing the development and means of access thereto have been submitted to and approved in writing by the local planning authority. Any such approved means of access shall be completed in accordance with the approved details before the development is occupied.

Reason: To ensure a minimum standard of construction in the interests of highway safety in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

9. 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 in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

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

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

11. All matters relating to contamination shall be remediated in accordance with the measures outlined in the "Ground Investigation and Contamination Assessment received 14th January 2020, the full details of which shall be submitted to and agreed, in writing, by the local planning authority prior to development commencing on site. The remediation works shall be carried out in strict accordance with the approved details. A validation report must be submitted showing that all the work has been completed according to these agreements, and the work undertaken verified. No properties on the development shall be occupied until the site validation report has been submitted to and agreed, in writing, by the local planning authority.

Reason: To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

12. No development shall commence until details of the gas monitoring points have been submitted to and agreed, in writing, by the local planning authority.

Reason: To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

13. Gas monitoring in the locations agreed by Condition 12 shall be carried out at least once every 6 months for 10 years once the development has been completed. The monitoring locations, the frequency, the method of monitoring and the details of the company carrying out the monitoring shall be submitted to and agreed, in writing, by the local planning authority prior to development commencing on site. The results from the monitoring shall be forwarded to the local planning authority, each year, for 10 years, and should results indicate a gassing problem, the local planning authority shall be notified immediately.

Reason: To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

14. A cut off trench/ barrier shall be constructed to separate the development

site from the Romilly Waste Landfill site prior to the occupation of any dwelling hereby approved. The design and specification of the trench/ barrier must be submitted and agreed, in writing, by the local planning authority before construction begins. Once the barrier has been constructed and before any dwelling is occupied, a validation report verifying the work undertaken must be submitted to and approved, in writing, by the local planning authority.

Reason: To protect the environment and prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

15. Prior to their use as part of the development hereby approved, full details of all materials to be used on the exterior of the buildings, including roofs, walls, cladding, doors, windows, external frames and rainwater goods shall be submitted to and approved in writing by the local planning authority. The development shall then be undertaken in strict accordance with the approved details.

Reason: To ensure the development is acceptable visually and harmonises with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

16. Details shall be submitted of the proposed hard surface finishes to all public and private external areas within the proposed application site (including phasing/ delivery) and approved in writing by the local planning authority before their use as part of the development hereby approved. The approved development shall be carried out in strict accordance with the details approved in response to this condition.

Reason: To ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

17. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/ or boundary treatment to be erected have been submitted to and approved, in writing, by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the works are appropriate to the adjacent buildings and character and appearance of the area in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

18. A landscaping scheme shall be implemented in strict accordance with a detailed proposal that has first been submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling. The scheme shall include details of the following where relevant (this list is not exhaustive):

1. new areas of trees and shrubs to be planted including planting densities;
2. new groups and individual specimen trees and shrubs to be planted;
3. specification/age/heights of trees and shrubs to be planted;
4. existing trees and shrubs to be retained or removed;
5. any tree surgery/management works proposed in relation to retained trees and shrubs;
6. any remodelling of ground to facilitate the planting;
7. timing of the landscaping in terms of the phasing of the development;
8. protection, maintenance and aftercare measures.

Reason: To ensure that a satisfactory landscaping scheme is implemented, in the interests of public and environmental amenity, in accordance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

19. No pile foundations shall be used unless a foundation design for the properties has been submitted and agreed, in writing, by the local planning authority.

Reason: To ensure that no contamination is given a preferential pathway to the aquifer and to protect the environment/ prevent harm to human health in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

20. Details of acoustic screen fencing and associated earth bunding along the north eastern boundary of the site shall be submitted to and agreed in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details and shall be completed prior to the occupation of any dwelling.

Reason: In order to ensure that the living condition of the occupiers of the proposed dwellings are safeguarded in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

21. The plans and particulars for any application for Reserved Matters approval shall include:
- (a) a plan, to a scale and level of accuracy appropriate to the proposal, showing the position of every tree and hedge on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees and hedges are to be removed;
 - (b) and in relation to every tree and hedge identified a schedule listing:
 - i. any proposed pruning, felling or other work;
 - (c) and in relation to every existing tree and hedge identified to be retained on the plan referred to in (a) above, details of:
 - i. any potentially damaging activities proposed in the vicinity of the trees and hedges, such as, proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area (see paragraph 5.4.2 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations)

- ii. all appropriate tree and hedge protection measures required before and during the course of development (in accordance with in section 5.5 of British Standard BS5837 - Trees in relation to design, demolition and construction - Recommendations).

Reason: To ensure the retention of trees and hedges in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

22. Any subsequent application for Reserved Matters approval should be accompanied by the appropriate surveys and reports recommended in the Preliminary Ecological Appraisal received 24th May 2021.

Reason: In order to ensure adequate protection for ecological interests on the land in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), no gates, fences, walls or other means of enclosure shall be erected or constructed in front of the forwardmost part of the front of the dwellings other than those expressly authorised by this permission, without the permission in writing of the local planning authority.

Reason: To protect visual and residential amenity by ensuring that any form of enclosure to the front gardens of the properties is carried out in a co-ordinated manner, in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

24. Foul and surface water shall be drained on separate systems. No dwelling shall be occupied until its foul drainage system is connected to a public sewer.

Reason: To ensure that adequate drainage facilities are available and to ensure compliance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

25. 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 in accordance with Policies SP6, HO2 and IP2 of the Carlisle District Local Plan 2015-2030.

26. No development shall commence until an appropriate Environment Permit has been grant for the proposed discharge to the River Petteril.

Reason: To protect and enhance the natural environment surrounding the watercourse in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

27. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Site investigations should follow the guidance in BS10175.

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

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

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

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

29. Prior to the occupation of any dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.

Reason: In accordance with Policy IP5 of the Carlisle District Local Plan 2015-2030.

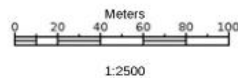
30. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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



Produced 27 Oct 2015 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.

The representation of a road, track or path is no evidence of a right of way.
The representation of features as lines is no evidence of a property boundary.



Land off St Ninians Rd, Carlisle

Supplied by: **Stanfords 27 Oct 2015**
Licence: © Crown copyright and database rights 2015 OS 100035409
Stanfords Order Reference: OI921973
Centre coordinates: 341434 553418

ST NINIANS ROAD, CANTELL

| TYPE | DESCRIPTION | SQFT | NO |
|--------|-------------------------------|------|----|
| CLA | CLARENCE | 720 | 5 |
| WHR | WARRICK | 853 | 17 |
| APL | APPLY | 972 | 9 |
| HAM | HAMPTON | 1050 | 5 |
| HEL | HELMLEY | 1076 | 10 |
| WIN | WINCHON | 1234 | 17 |
| KEN | KENNINGTON | 1316 | 5 |
| XEN | XENON | 900 | 3 |
| V | 2 BED CORNER APTS | 870 | 4 |
| AFYB | 4 BED AFFORDABLE HOUSE | 817 | 6 |
| AFYA | 4 BED AFFORDABLE HOUSE | 1084 | 6 |
| AFYLP | 1 BED AFFORDABLE FLOVER | 500 | 2 |
| AFYDF | 2 BED AFFORDABLE CORNER HOUSE | 870 | 4 |
| BLCKA | 2 BED APT, 3 STOREY | 800 | 3 |
| BLCKB | 2 BED APT, 3 STOREY | 707 | 6 |
| BLCKC | 2 BED APT, 3 STOREY | 802 | 3 |
| BLCKD | 2 BED APT, 3 STOREY | 805 | 3 |
| BLCKE | 2 BED APT, 3 STOREY | 806 | 3 |
| BLCKF | 2 BED APT, 3 STOREY | 807 | 3 |
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| BLCKH | 2 BED APT, 3 STOREY | 809 | 3 |
| BLCKI | 2 BED APT, 3 STOREY | 810 | 3 |
| BLCKJ | 2 BED APT, 3 STOREY | 811 | 3 |
| BLCKK | 2 BED APT, 3 STOREY | 812 | 3 |
| BLCKL | 2 BED APT, 3 STOREY | 813 | 3 |
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| BLCKS | 2 BED APT, 3 STOREY | 820 | 3 |
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| BLCKV | 2 BED APT, 3 STOREY | 823 | 3 |
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| BLCKGQ | 2 BED APT, 3 STOREY | 999 | 3 |
| BLCKGR | 2 BED APT, 3 STOREY | 1000 | 3 |

Gross Area: 7.51 Acres
 Landscape Buffer: 0.48 Acres
 F.O.S.: 0.39 Acres
 Net Area: 6.64 Acres
 Gross Density: 17.58 U.P.A.
 Gross Floor: 15,349 sq. ft.
 Gross Floor: 18.91 U.P.A.
 Net Density: 17.58 U.P.A.
 Net Floor: 17,366 sq. ft.

AFFORDABLE HOUSING:
 PLOTS 7-8 (incl. 35-36, 131-132)
 PLOTS 109-122 (RENTED)

KEY

- 1.8m High Screen Fence to separate detail
- 1.8m High Screen Wall (English Bond)
- Railings
- Proposed Bin Store positions
- Proposed Landscaping to later detail
- 'Basal' Raised Platform traffic calming to Highway Authority approval
- Tumbled Tegula Block Paved areas to L.P.A. approval
- Additional Window positions refer to house-type drawings

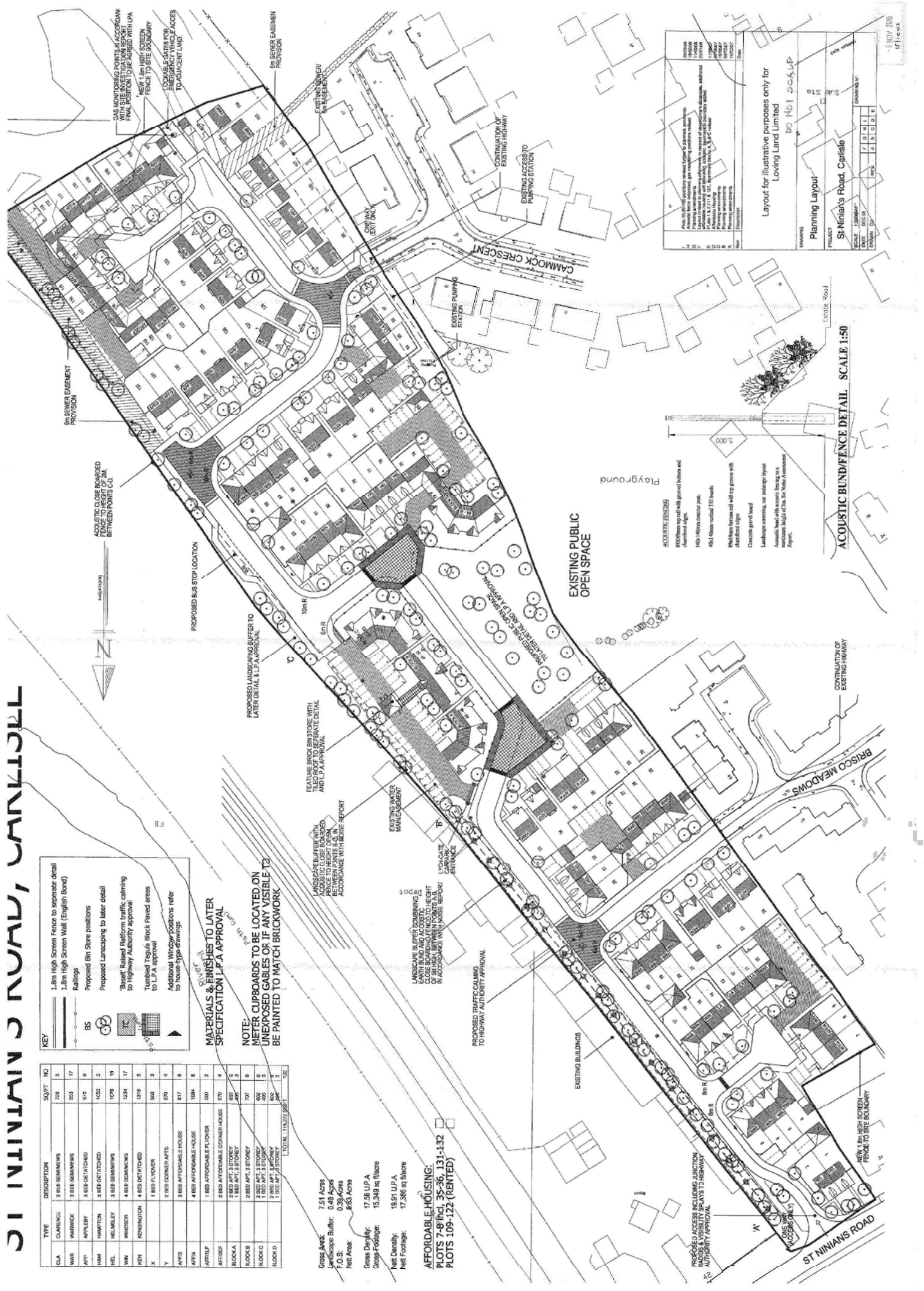
BS Proposed Bin Store positions

TC 'Basal' Raised Platform traffic calming to Highway Authority approval

TB Tumbled Tegula Block Paved areas to L.P.A. approval

MATERIALS & FINISHES TO LATER SPECIFICATION L.P.A. APPROVAL

NOTE:
 METER CUPBOARDS TO BE LOCATED ON UNEXPOSED GABLES OR IF ANY VISIBLE TO BE PAINTED TO MATCH BRICKWORK



Planning Layout

Layout for illustrative purposes only for Loving Land Limited

PROJECT: St Ninians Road, Carlisle

SCALE: 1:50

DATE: 01/01/2023

DRAWN: J. D. G.

CHECKED: J. D. G.

APPROVED: J. D. G.

15/11/2023

ACOUSTIC BUNDFENCE DETAIL SCALE 1:50

ACOUSTIC FENCING

- 800x100mm top rail with ground hollow and chamfered edges
- 140x100mm vertical posts
- 40x100mm vertical posts
- 140x100mm hollow end rail with top groove with chamfered edges
- Concrete gravel bed
- Landscaping screening, see subpage layout
- Acoustic board with screen facing the highway, minimum height of 1.8m, 50% permeability