

AGENDA

Development Control Committee

Friday, 09 October 2020 AT 10:00

This meeting will be a virtual meeting and therefore will not take place in a physical location.

Virtual Meeting - Link to View

This meeting will be a virtual meeting using Microsoft Teams and therefore will not take place at a physical location following guidelines set out in Section 78 of the Coronavirus Act 2020.

This meeting will be held in two sessions, please see overleaf details of the items that will be considered in each session.

Session 1 will convene at 10:00am

[To view the meeting online click this link](#)

Session 2 will convene at 2:00pm

[To view the meeting online click this link](#)

Session 1

Register of Attendance and Declarations of Interest

A roll call of persons in attendance will be taken and Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Apologies for Absence

To receive apologies for absence and notification of substitutions

Public and Press

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

Minutes of Previous Meetings

5 - 8

To approve the minutes of the meetings held on 11 September and 7 October 2020 (site visits).

PART A

To be considered when the Public and Press are present

A.1 CONTROL OF DEVELOPMENT AND ADVERTISING

To consider applications for:

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

Explanatory Notes

9 - 14

Item 01 - 19/0905 - Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle

**15 -
74**

Item 02 - 20/0445 - 18 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR

**75 -
94**

Item 03 - 20/0537 - 2 Lyne Close, Carlisle, CA3 0EB

**95 -
106**

Session 2

**Item 04 - 20/0433 - Land adjacent Geltsdale Avenue, Durranhill, Carlisle,
CA1 2RL**

**107 -
126**

PART B

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

-NIL-

Members of the Development Control Committee

Conservative – Christian, Collier, Meller, Morton, Nedved, Shepherd, Mrs Bowman (sub), Mrs Finlayson (sub), Tarbitt (sub)

Labour – Birks, Brown, Mrs Glendinning (Vice Chair), Rodgerson, Miss Whalen, Alcroft (sub), Patrick (sub), Dr Tickner (sub)

Independent - Tinnion (Chair), Paton (sub)

Enquiries, requests for reports, background papers etc to:

Jacqui Issatt, Committee Clerk - jacqui.issatt@carlisle.gov.uk

To register a Right to Speak at the committee contact DCRTS@carlisle.gov.uk

DEVELOPMENT CONTROL COMMITTEE

FRIDAY 11 SEPTEMBER 2020 AT 10.00 AM

PRESENT: Councillor Tinnion (Chair), Birks, Christian, Collier, Meller, Morton, Nedved, Shepherd and Dr Tickner (as substitute for Councillor Brown).

OFFICERS: Development Manager
Legal Services Manager
Principal Planning Officer
Planning / Landscapes Compliance and Enforcement Officer
Mr Allan – Flood Development Officer, Cumbria County Council

DC.075/20 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Brown, Glendinning, Rodgerson, Whalen, and the Corporate Director of Economic Development.

DC.076/20 DECLARATIONS OF INTEREST

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

Councillor Morton declared an interest in respect of application 20/0452 – Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL. The interest related to a relative of his living in a nearby property.

Councillor Meller declared an interest in respect of application 20/0452 – Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL. The interest related to objectors being known to him.

Councillor Tinnion declared an interest in respect of application 20/0452 – Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL. The interest related to an objector being known to him.

DC.077/20 PUBLIC AND PRESS

RESOLVED – That the Agenda be agreed as circulated.

DC.078/20 MINUTES OF PREVIOUS MEETINGS

RESOLVED – 1) That it be noted that Council, at its meeting of 8 September 2020, received and adopted the minutes of the Development Control Committee meetings held on 17 June (site visits), 19 June and 17 July 2020.

2) That the minutes of the meetings held on 14 August and 9 September 2020 (site visits) be approved.

DC.079/20 PUBLIC REPRESENTATIONS IN RESPECT OF PLANNING APPLICATIONS

The Legal Services Manager set out the process for those Members of the public who had registered a Right to Speak at the Committee.

DC.080/20 CONTROL OF DEVELOPMENT AND ADVERTISING

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

1. Erection of 1no. Dwelling (Outline), Land at Capon Tree Lodge, Capon Tree Road, Brampton, CA8 1QL (Application 20/0452).

Councillor Morton, having declared an interest in the item of business, took no part in the discussion nor determination of the application.

The Principal Planning Officer submitted the report on the application which had been subject of a virtual site visit by the Committee on 9 September 2020.

Slides were displayed on screen showing: location plan; schematic showing the application site boundary, previously refused applications and protected trees; indicative site plan; as proposed site plan visibility splays, and photographs of the site, an explanation of which was provided for the benefit of Members.

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

Mr Young (Objector) spoke against the proposal in the following terms: the lane adjacent to the application site was only 2.5m wide and was used by a variety of vehicles including agricultural machinery and those associated with the nearby electricity substation; the existing users of the lane, both pedestrian and vehicles were often required to move onto the verge to allow safe passage; the proposed entrance was at the straightest and fastest part of the lane; the proposed access point would lead to noise, fumes and light pollution affecting the property opposite the application site; it would impact the privacy of existing properties in the area; the proposal was a random house in a random area which would result in overlooking of existing properties and the loss of a number of trees; the proposal was not in accordance with Carlisle District Local Plan policy H0 3 – Housing in Residential Gardens, as it would result in an unacceptable loss of living conditions to residents in neighbouring dwellings.

Mr Young displayed slides on screen showing a range of vehicles and pedestrians travelling on Quarry Lane and actions needed to negotiate passage around each other.

Mr Clark (Objector) spoke against the application in the following terms: the lane which would provide access to the proposed dwelling was single width with a steep bank on the north side and deep ditch to the south side; the lane was used by a variety of large and heavy vehicles and the current proposal would have a negative impact on the safety of the lane; the Highway Authority had previously conducted a survey of the lane, however, Mr Clarke was not certain that the survey had been conducted in the right area and he suggested that the Committee consider requesting a further survey of the lane.

Mr Clark displayed slides on screen showing views of the application site from an adjacent property.

Mr Caldwell (Objector) spoke against the application in the following terms: the proposed dwelling would cause a significant loss of privacy to his own property due to overlooking; the proposed 8ft height of the hedge would not be easy to maintain; the application site was on unstable ground as evidenced by a number of fallen trees; the adjacent land which would be used for vehicular access was already unsafe; the dwelling would impact all existing properties on the lane, except that of the applicant; the proposed access arrangement were very steep and would result in a sudden emergence on to the lane; there was no existing drainage in the lane, and the proposed access would cause flooding to occur; Brampton Parish Council and twelve local residents had objected to the proposal. Mr Caldwell asked why the applicant had not chosen to site the proposed dwelling adjacent to their existing dwelling.

Mr & Mrs Heslop (Applicants) responded in the following terms: a site visit had been carried out by the Officer which indicated that the proposed dwelling would only view the rooftops of properties on Quarry Bank; surface water drainage would be managed and contained within the site; the proposal required the removal of one tree, there was no intention to remove any hedge; the sub soil at the site was primarily sand; the width of the adjacent lane was greater than 3 metres and the ditch was some distance away so would not be affected by the proposal; consideration was given to siting the proposed dwelling adjacent to the applicant's property but was rejected on the grounds of steeper access for vehicles to/from a busier road and greater visual impact on the adjacent property.

The Committee then gave consideration to the application.

In response to questions from Members, Officers confirmed:

- Condition 19 related to the management of construction traffic, it required the provision of the access, vehicle turning and parking areas prior to the construction of the dwelling, thus vehicles would not park on the adjacent lane. The Highway Authority was satisfied that the condition provided sufficient mitigation;
- Once the construction phase was complete, the increase of traffic using the lane would be minimal;
- Access to the site from Capon Tree Road had been rejected due to the steepness of the site and the requirement to remove a number of Tree Preservation Order protected trees;
- Surface Water Drainage - Condition 16 required a drain be provided at the access to prevent run-off on to the lane. A soakaway within the application site would manage surface water therein, Cumbria County Council as Lead Local Flood Authority would assess the systems to ensure that they were adequate;
- There was no streetlighting in the adjacent lane;
- The current application sought permission for the scale of the proposed dwelling. The submitted Indicative Plan showed a dormer bungalow at the site being 16.3m long and 10m wide, were the application to be approved, the constructed dwelling would need to comply with those dimensions. Appearance was a matter to be considered as part of any future Reserved Matters application;
- Condition 2 required the submission of landscaping details for approval by the Local Planning Authority. The Principal Planning Officer was aware of the importance of hedges and trees being retained, and new planting provided to minimise visual impact, provide screening for adjacent properties and retaining the existing visual character of the area;
- A small area of hedge would be removed to provide access for parking and vehicles during the construction phase of development;
- In addition to any planning permission being granted, the proposed dwelling would be required to comply with Building Regulations. Officers in the Council's Building Control

team would consider issues such as foundations, the slope of the site etc and would ensure that the constructed dwelling adhered to the relevant standards.

A Member expressed concern that further development may take place at the site in future, he requested that an additional condition be imposed limiting the development to one dwelling.

The Principal Planning Officer advised that the condition would only apply to the application site and would not apply to the wider plot owned by the applicant. He undertook to include it in any permission granted.

A Member moved the Officer's recommendation. The Member seconding the proposal requested that a condition be added limiting development at the site to a single dwelling. The Committee indicated its agreement, and following voting it was:

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

DC.81/20 PUBLIC AND PRESS

RESOLVED – That in accordance with Section 100A(4) of the Local Government Act 1972 the Public and Press were excluded from the meeting during consideration of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the paragraph number (as indicated in brackets against the minute) of Part 1 of Schedule 12A of the 1972 Local Government Act.

DC.082/20 QUARTERLY REPORT ON PLANNING ENFORCEMENT

The Planning/Landscapes Compliance and Enforcement Officer submitted report ED.33/20 – Quarterly Report on Planning Enforcement which set out details of a number of enforcement case being dealt with by the Council and analysis of quarterly and annual figures. She provided a verbal update on progress regarding several of the cases therein.

The Committee gave consideration to a number of enforcement cases set out in the report.

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

RESOLVED – That the report be noted.

[The meeting closed at 11:06am]

Development Control Committee Main Schedule

Schedule of Applications for Planning Permission

09th October 2020

The Schedule of Applications

This schedule is set out in five parts:

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

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

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

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

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

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

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

Services section of the Economic Development Directorate.

This Schedule of Applications contains reports produced by the Department up to the 24/09/2020 and related supporting information or representations received up to the Schedule's printing and compilation prior to despatch to the Members of the Development Control Committee on the 09/10/2020.

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

Applications Entered on Development Control Committee Schedule

Item No.	Application Number/ Schedule	Location	Case Officer
1.	19/0905 A	Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle	SD
2.	20/0445 A	18 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR	RJM
3.	20/0537 A	2 Lyne Close, Carlisle, CA3 0EB	SO
4.	20/0433 A	Land adjacent Geltsdale Avenue, Durranshill, Carlisle, CA1 2RL	RJM

SCHEDULE A

Applications to be
determined by the
City Council.

SCHEDULE A

SCHEDULE A: Applications with Recommendation

19/0905

Item No: 01

Date of Committee: 09/10/2020

Appn Ref No:
19/0905

Applicant:
Gleeson Homes

Parish:
Carlisle

Agent:
PFK Land and
Development

Ward:
Belah & Kingmoor

Location: Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle

Proposal: Erection Of 80no. Dwellings

Date of Receipt:
27/11/2019 16:01:18

Statutory Expiry Date
02/03/2020

26 Week Determination
05/10/2020

REPORT

Case Officer: Stephen Daniel

1. Recommendation

1.1 It is recommended that this application is approved with conditions, subject to the completion of a S106 agreement to secure:

- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
- c) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
- d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- f) the maintenance of the informal open space within the site by the developer;
- g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places);

If the Legal Agreement is not completed, delegated authority should be given to the Corporate Director of Economic Development to refuse the application.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal Of The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Provision Of Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Open Space Provision
- 2.8 Public Rights Of Way/ Footpaths
- 2.9 Education
- 2.10 Biodiversity
- 2.11 Impact On Trees/ Hedges
- 2.12 Crime Prevention
- 2.13 Archaeology
- 2.14 Noise Issues
- 2.15 Contamination
- 2.16 Other Matters

3. Application Details

The Site

- 3.1 The application site, which covers 3.51 hectares, is currently undeveloped and contains a number of trees, shrubs and plants. The site slopes downhill from south-east to north-west, with a total fall across the site of approximately 5m.
- 3.2 The northern part of the site was occupied by Deer Park House, but this was demolished a number of years ago. There are a number of trees on the site, a number of which are protected, including an avenue of lime trees, two groups of trees adjacent to Kingmoor Road and a group of trees that lie to the west of the lime trees.
- 3.3 A Public Right of Way currently crosses the site and this links Kingmoor Road with Kingmoor Sidings Nature Reserve. There are a number of other informal paths that cross the site, with two of these also providing access to the nature reserve. A permissive path runs along the northern site boundary and this also links Kingmoor Road with the nature reserve.
- 3.4 Kingmoor Road adjoins the site east and this contains a number of dwellings that face the site. Dwellings on Gleneagles Drive and Saint Pierre Avenue lie to the south of the site and these are separated from the site by a belt of trees. Kingmoor Industrial Estate lies to the north of the site and is separated from it by a strip of land that is in City Council ownership, which contains the permissive path. Kingmoor Sidings Nature Reserve adjoins the

site to the west beyond which lies the railway line.

- 3.5 The eastern site boundary, adjacent to Kingmoor Road, is predominantly hedgerows although there are sections of metal palisade fence and a section of stone wall. The northern, southern and eastern site boundaries consist of post and wire fencing.

Background

- 3.6 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16). The site was allocated for mixed use development in the Carlisle District Local Plan 2001-2016 which was adopted in September 2008. This would have allowed the site to be developed for either housing or commercial use.

The Proposal

- 3.7 The proposal is seeking to erect 80 dwellings on the site. The development would contain seventeen different house types and these would include 13 two-bedroom semi-detached starter homes, 26 three-bedroom semi-detached properties, 21 three-bedroom detached properties and 20 four-bedroom detached properties.
- 3.8 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 3.9 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of; brick sills and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.
- 3.10 Vehicular access to the site would be from a priority controlled junction with Kingmoor Road. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 77 of the dwellings via two shared surface roads and three private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.
- 3.11 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained. This would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained,

together with some protected trees that adjoin Kingmoor Road to the south of the avenue of lime trees.

- 3.12 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchids that currently exist on the site would be relocated to this area. Some of the orchids would be relocated to a landscaped area that adjoins the site to the north and which would lie adjacent to the footpath that runs along the northern site boundary.

4. Summary of Representations

- 4.1 This application has been advertised by means of three site notices and notification letters sent to 75 neighbouring properties. An online Zoom meeting also took place on Monday 10th August which was attended by the applicant, agent, case officer, local councillor and a number of local residents. In response 72 letters of objection and one letter of support were received to the application, with a further 78 letters of objections being received following a re-consultation following the submission of amended plans. A letter of objection has also been received from Councillor Helen Davison who is the city councillor for Belah and Kingmoor ward.

- 4.2 The letters of objection raise the following issues:

Principle of Development

- the land should never have been zoned for housing;
- the site is an area of historical and natural interest and should be protected;
- hard to see why this site needs to be developed given the number of other sites in the city that have been given planning permission;
- there has been a recent build of 7 houses behind the Redfern pub which are still unsold after 4 months;
- site is unsuitable for a housing development due to its proximity to existing nature reserves;
- the land should be used to extend Kingmoor Sidings Nature Reserve to create a valuable community asset and improve accessibility for recreation;
- the site has over the years become part of the nature reserve and is used for many social and recreational activities;
- the site is enjoyed by many people including dog walkers and families with young children;
- site is a very popular green space for local walkers;
- the few remaining green spaces in Kingmoor are precious and should not be sacrificed for development;

- area is a vital open space in an extensively built up area;
- there are few greenfield spaces in Carlisle but there are several brownfield sites and empty properties that could be redeveloped, preserving greenfield areas;
- other options exist for new housing e.g. garden village south of Carlisle;
- buildings should be completed on existing sites before agreeing to new ones;
- the land is boggy and water will be displaced on the nature reserve if the site is built on;
- the land between the recycling place and the railway bridge on Kingmoor Road has been granted planning permission for housing - does Kingmoor Road need a second housing development that increases the pressure on infrastructure and doubles the concerns of residents?;
- the Belah school site is still empty and would be better used for some of these houses;

Wildlife/ Biodiversity

- the site contains a variety of flora and fauna and is an important habitat for a diverse range of wildlife;
- the field contains a level of biodiversity not found in housing developments or on agricultural land;
- the area should be conserved;
- the site joins Kingmoor Woods and Kingmoor Sidings and should be kept for recreation;
- do not see any plans to preserve, relocate and protect the habitat of Deer Park;
- the land is used for grazing by deer (there are 4 living on the land) and foxes use the field;
- the open grassland is home to insects, butterflies, birds and small mammals that provide food for larger animals, bats, owls, buzzards and many other species that live in this area;
- honey bees have had a hive for a number of years within the trees at Deer Park;
- the land is a paradise for all kinds of animals and other wildlife that have lived undisturbed for many years;
- site supports an abundance of wildlife and is starting to regenerate naturally with the appearance of many small trees;
- there are many bats in the area - they fly over the field to the avenue of lime trees;
- would lose easy access to the nature reserve to the rear of the site;

- there needs to be a buffer between the housing and the wood to protect the area that is full of orchids and wild flowers;
- two species of wild orchid are on quite a large area of the site;
- once the orchids have died back it would be impossible to find them to dig them up and re-locate them;
- the site has Japanese Knotweed all along the boundary and well into the wood;
- the avenue of 24 lime trees which formed a driveway to Deer Park House are a very important feature - this is the most likely entrance to the site which could mean the trees are felled to gain access;
- concerned a number of the protected lime trees will be removed - losing these trees would have a detrimental effect on the area - they provide a lovely aspect from all directions, reduce noise and pollution and provide a shelter for birds, insects and animals;
- there are more protected trees in a spinney including a rare specimen European Cut Leaf Beech which should be protected - there are also other specimen trees including a copper beech;
- how can foundations for houses be dug without affecting the roots of the protected trees;
- the established trees will suffer greatly from the site being drained - which may cause them to fall;
- the older oak trees have re-seeded themselves and there are several young oak trees dotted around the field which will be destroyed by the development;
- building on this land will affect the wildlife in the nature reserve;
- the impact of draining the field and the siting of the SUDS pond have not been considered - will affect the water table in the nearby wet woodland;
- impact on great crested newts has been underestimated - removing another substantial wet area could reasonably be expected to affect the population;
- site is a vital link between 2 nature reserves (Kingmoor Woods and Kingmoor Sidings);
- nature needs linking corridors of green areas in order to thrive;
- there aren't enough buffer zones between the houses and trees;
- there should be one or two ponds in the area next to the woods to take the drainage and provide a buffer;

- having extra housing closer to the nature reserve will have environmental impacts for nature through noise and light pollution and groundwater flooding;

Highway Issues

- Kingmoor Road is already extremely busy with cars - additional traffic will endanger existing road users and residents;
- Kingmoor Road is already a rat run for local schools with queuing traffic creating unacceptable levels of emissions;
- Kingmoor Road is inadequate for current levels of traffic at peak times - the railway bridge creates a bottle-neck and frequently floods;
- Kingmoor Road is too narrow, difficult to cross and vehicles exiting the development will be held up by vehicles on Kingmoor Road;
- vehicles parked on one side of Kingmoor Road make the road single lane most of the time;
- traffic going to and from the bypass speeds along Kingmoor Road;
- there have been numerous accidents, both serious and minor, on Kingmoor Road;
- the current traffic survey that was done on 1st October and submitted with the application is not a true reflection of the traffic on a daily basis - that day the bridge leading to the bypass was flooded and a car was stranded in it and people were advised to avoid the area;
- visibility from the opposite side of the road adjacent to the proposed new access is already limited due to the gradual bend on Kingmoor Road;
- adding 2 new road entrances will increase the risk of accidents;
- given the speed of traffic on Kingmoor Road the visibility splays will be inadequate;
- on-street parking is only possible opposite the new access;
- there is only one pavement on Kingmoor Road which is quite narrow;
- all pedestrian footfall is on the same side of Kingmoor Road as there is no footpath from Gleneagles Drive until V Athletics;
- don't see any plans to include a footpath, traffic lights at any junction, a pedestrian crossing, speed reduction measures or road widening options for Kingmoor Road in light of the increased traffic;
- Kingmoor Road is already single lane for buses and larger vehicles at peak times;
- the traffic is worse than before the northern bypass was built;
- parking in the area is already difficult;
- there are no pedestrian crossings in the area - have concerns for the safety of children and others trying to cross the main roads;

- a crossing is desperately needed near the shop on Kingmoor Road and speed cameras at the nature reserve end;
- a crossing is needed on Kingmoor Road and traffic calming measures are needed;
- the new houses potentially put another 160 cars in the immediate area on roads which are comparatively narrow and unlikely to be able to handle the increased traffic;
- the road to the bypass under the bridge floods regularly;
- there are no bus services or pavements down to the further development next to the recycling centre;
- since the development of the bypass Hartley Avenue through to Briar Bank and Kingmoor Road have become heavily congested - extra housing will exacerbate this and increase the risk of accidents;
- pulling out of Hartley Avenue is difficult as visibility is restricted by bends in the road;
- proposal may adversely affect road safety for all traffic but especially cyclists;
- lack of parking is a concern and there isn't enough parking for each house - this will add to the parking problem in the area and lead to more accidents;
- only 6 visitor parking spaces are proposed;
- construction phase will lead to a significant increase in traffic in the area;
- there is no evidence of footway provision along Kingmoor Road on the revised plans as required by County Highways;
- proposed pedestrian crossing would be situated at the northern end of the site - this is a blind corner heading out to the bypass - need full visibility and traffic calming measures;
- the proposed crossing is to be at the worst possible place - at the northern end of the site near Vibratlife - this is a very dangerous place to cross due to the blind corner near Hartley Avenue;
- the main access to the site is unfit for purpose;
- unbelievably several houses have their driveway access onto Kingmoor Road;
- the estate should have 2 means of open vehicle access to help reduce traffic congestion - the emergency access has bollards;
- the emergency access will be used as overflow parking which could impede the safety of residents in the development if it is obstructed;
- children from the development would have to cross Kingmoor Road to get to schools in the area;

Schools

- development will impact on Kingmoor School which already struggles with high pupil numbers;

- schools north of the river are at a premium and yet housing developments continue to emerge none of which have adequately addressed the need for additional school places;
- both Stanwix and Kingmoor schools are about full to capacity;
- we need a new school now;
- seek assurance that school catchment areas do not change;
- the issue of a lack of school places north of the river, following the closure of Belah School, has still not been resolved although a number of new dwellings (675) have been given permission;
- the approval of new development requiring additional school places continues to aggravate the growing crisis;
- no new developments should be approved until the issues of school places has been resolved;
- using Gleeson's admission that at Greymoorhill 25% of homes would be occupied by children, 21/22 primary aged children could occupy this development;
- the out dated formula for children the development will yield is still being used
- only 29 children from 86 dwellings with 247 bedrooms - one child for every 3 houses - is too low;
- the County Council should already be in receipt of £1.6m towards education needs with a further £337,536 due - it has owned land for a school since 2017 - the progression of a new school should start immediately;
- the infrastructure must be in place before permission is given for more dwellings;
- it will take an estimated 3 to 4 years to build a new school by which time we will be beyond breaking point;
- Story Homes were going to build a school and this didn't happen;
- overcrowding in current schools will have a negative impact on children;
- need a new primary school and a new secondary school;
- the land is perfect for a school;

Footpaths/ Rights of Way

- there are several footpaths on the site leading to 3 entrances to the nature reserve and these should be protected;
- what will happen to the Public Right of Way that crosses the site?;
- it is unclear where the footpaths will go and if they will still exist;

- the Right of Way through the site appears to have been removed;
- people wanting to enter the woods from the south of the site will have to walk further;
- the loss of the entry points to the wood will make access to the woods harder;
- people will be forced to enter the woods via a long and narrow path;
- 2 access points into Kingmoor Sidings have been removed - this only leaves one access at the northern end down what is a very narrow path;
- you cannot disrupt footpaths without going through lengthy proceedings;
- the Public Right of Way across the site would need to be kept as it is now or with an appropriate diversion to allow pedestrians to walk across to the nature reserve as at present;

Scale/ Design

- the proposed number of dwellings is too many for the site;
- all new developments in Carlisle are exactly the same - where are the self builds, bungalows and truly affordable homes?;
- development should bring a mixture of styles and some good design;
- Policy HO1 requires the provision of housing for the elderly, including bungalows - no bungalows have been provided in the housing developments (761 dwellings) approved north of the river in the last 2 years;
- the application makes no provision for the elderly which is a clear objective in the Local Plan;
- Carlisle needs more houses but it doesn't need more small boxes that are poorly and quickly thrown up - it needs affordable good sized forever homes;
- so many of the new housing estates in Carlisle are not well designed and the same issues appear in these plans;
- the site is too small to support the drainage and utilities for 86 decent sized dwellings;
- need to build some bungalows and low cost housing for young couples;
- if housing must be built on this site, reduce the number of dwellings, make changes to the parking and save more of the green space;
- appreciate the need for starter homes but these should be included in all developments;

- proposal will lead to overlooking of existing dwellings and loss of privacy and light;
- the lime avenue should be the main footpath into the woods - this could be a stunning feature if done sympathetically;

Drainage

- the site is often boggy in wet weather;
- where will the surface water from the site go?;
- the site is at risk from ground water flooding below ground level - there is potential for groundwater flooding to basements and below ground infrastructure;
- there is no watercourse nearby and infiltration is not feasible so the applicant will rely for surface water on the existing public surface water sewer crossing the site to the west for surface runoff;
- pollutants will pool, runoff driveways enter the surface water sewer and contaminate ground to the west;
- surface water flood maps show highly significant risk of flooding at Balmoral Court and Kingmoor Sidings adjacent to the site - sewage and drainage systems and surface watercourses may be entirely overwhelmed and at times of groundwater flooding this would include on-site mitigation and the detention pool proposed;
- there are likely to be changes in extreme rainfall events - the applicant has used 40% allowance for climate change - it is unclear if the model takes into account rarer rainfall events with up to 10% more rainfall over and above the effect of climate change - this is recommended by Environment Agency's advice;
- drainage exceedance during flash flooding will have an adverse impact on Kingmoor Sidings Nature Reserve/ County Wildlife site - risks are associated with overland flow from dirty water, pollutants, pathogens and sediments in suspension or solution with overland flow or drain water;

Other

- there is a covenant on the site that forbids building anywhere other than on the site of the original dwelling;
- too many builds north of the river;
- a potential 80 extra families will put a strain on local schools and services;
- there are not enough doctors or dentists in the area;

- climate emergency should be a priority for the Council - allowing a development that will increase pollution and lead to a loss of trees is not environmentally considerate;
- the proposal will lead to the further deterioration of the environment north of the river due to increased traffic and pollution;
- traffic pollution on Kingmoor Road is already bad;
- the rail depot to the west of Kingmoor Park causes a lot of noise and diesel fumes which drift across Deer Park and may affect the housing;
- the archaeological potential of the land identified previously has been dismissed by planning;
- has the archaeological site survey been completed? This was requested before any development;
- the field was damaged by heavy plant last month;
- building work will cause noise and disruption;
- having green areas nearby is important for physical and mental health;
- the great value of Deer Park has been realised even more due to the pandemic;
- the site allegedly contains hazardous material (asbestos) which might pop up in people's gardens;
- lack of current jobs and businesses;
- affordable homes are not affordable for many local people on low wages;

4.3 The letter of objection from Cllr Helen Davison raises the following concerns:

- prior to writing this to get residents views I held a drop-in session with residents to understand their issues and also hosted an online meeting with residents and the developer and planning officer where issues were raised by residents. I have also canvassed views of other residents, some of whom were unaware the development was proposed and have been upset and horrified to hear that the field is likely to be lost to housing development. From my discussions with residents I have learnt just what a precious community amenity this field has been over the years for them and just how much they value it. I got a real feel for their passion and desire to protect the field from development and their real sadness that anyone would even consider building houses upon it;
- Highway safety, traffic and parking issues - residents have raised major issues about road safety on Kingmoor Road where this development is planned and have significant concerns about the introduction of a new road

junction onto a road which already has several junctions and driveways coming onto it;

- traffic is regularly observed exceeding the speed limit. In the time since the planning application was submitted at the end of last year I am aware of two vehicle collisions in that area (one into the barriers just by the entrance to Etterby Road and one into the garden wall of a house Kingmoor Road, close to the position the new entrance to the estate is planned). I have also had a resident have a near miss with a vehicle when trying to get four children across the road near the Redfern pub.

- given plans to remove a significant amount of the hedges on the development side I have it on good authority from a county council officer that this will reduce the sense of narrowness of the road and that there is a risk that people will speed more;

- some residents on Kingmoor Road do not have driveways so park on the roadside - if they fully park on the road this leads to there being only room for one vehicle to go along the road in certain sections. It also adds to the poor visibility to see vehicles coming when pulling out of driveways, which is a particular issue due to the speed that traffic travels along the road;

- the pavement width is such that when any vehicle parks partly on the pavement the pavement itself can be blocked to wheelchair and pushchair users requiring them to get onto the busy road;

- drivers drive like the road is a straight road but there are slight bends on it, which result in people having difficulty seeing cars in time when pulling out of junctions, especially when those cars are speeding. Residents have raised concerns about coming out of driveways, coming out of Hartley Avenue and also coming out from the Kingmoor Park Nature Reserve;

- there are currently no pedestrian crossings over Kingmoor Road and residents currently have to risk the speeding traffic to cross the road. Although one of the conditions of the development requested by highways that the developer fund a crossing over the road, as yet there is no exact location identified for this. It is being suggested at the north end of Kingmoor Road towards Kingmoor South Nature Reserve. Residents are concerned, depending upon its location, what the visibility will be like coming up to it, given the slight but significant bends in the road.

- if the pedestrian crossing is not appropriately positioned people will continue to cross the road in places which are not so safe for crossing. Although a crossing at the northern end will work for children going to Kingmoor schools and would link to the cycle route from Lowry Hill it is less likely to be a route of choice for people who are going to the shop / post office, pub and take away from St Ann's estate and for parents who wanted to take their children to the large playing field off Belah Road from Etterby Road, Gleneagles Drive or the proposed development areas. Furthermore, given the pressure on the school places at Kingmoor Infant and Junior school how are children going to safely walk or cycle to a school being proposed at Windsor Way?;

- Conservation, wildlife and biodiversity - the strong message coming from

residents is what on earth are we doing allowing building upon a field which has such an array of plant and wildlife, quite unique in its area and right next to our local nature reserve?;

- the orchids for example may not be the rare types that can be protected by legislation, but I don't know anywhere else in our local vicinity that you can see over 80 orchids over summer in a field so close to many residents who can access them. Where else locally can residents look out of their windows and watch the deer in a field?;

- many of the trees are protected, including the avenue of trees lining the old driveway to the house on Deer Park, but what will happen to them once surrounded by houses. How will their roots be affected? What damage will happen to the trees with TPOs during building? How many of them will become damaged and will have to be chopped down?;

- other species on the site include goldfinches, badgers, bats, two or three species of orchid including northern marsh orchids, butterflies, fruit trees and bushes including blackberries, raspberries, apples, pears and sloes;

- how is the field used by the various species that inhabit it? Is the field part of a wildlife corridor that links wildlife here into Kingmoor Nature Reserve on the other side? Where will the creatures go that live there? This is a very different habitat from the adjacent nature reserve;

- what will happen to the honey bees nest that has been in the tree at the entrance to the field that has been there for several years and where if you look carefully you can see the honeycomb?;

- our knowledge and understanding have dramatically changed since the Local Plan was written back in 2015 and the land re-allocated for housing. We are facing the extinction of wildlife on an unprecedented scale and a huge loss of insect life, the pollinators that maintain our food crops, down to human activity and the loss of habitats as a result of human development - would like to see the council consider every development with this consideration. Of all the fields to pick for this development this more than so many others around Carlisle is hugely biodiverse;

- how is this development going to properly implement the net gain principle in the National Planning Policy Framework (Feb 2019) with regards to this development? Para 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment;

- although this may not be a "valued landscape", this is absolutely a valued landscape for the local residents and those from further afield who have used that field over the years to get outdoors for exercise and recreation;

- the benefits to residents of this field (their local natural capital) are immeasurable in terms of the impact on their health and wellbeing - what this field gives that the nature reserves don't is open space and open skies;

- the developer mentioned moving some orchids to near the path to the north of the field - that land is dry and marsh orchids would not survive there - also how are the orchids going to be transplanted? Are the scale of the orchids

mentioned within the reports on the field so that it can be seen where they are in order to a) protect them and b) safely move them?;

- Carlisle Local Plan (2015 – 2030) Policy GI3 is also relevant. “Biodiversity assets across the district will be protected and where possible enhanced”;

- a conservation expert at Friends of the Lake District considers that the obvious option would be for the field to the north to be enhanced for biodiversity (and protected from future development) to make a physical link between the two areas of the nature reserve. However, it already has planning approval for 71 houses;

- whatever green space is available in this new development is not going to compensate for the loss of the habitat as it is. Would question how net biodiversity gain, as required, can be achieved on the site itself or close enough to the area to mitigate for the impact of losing this field;

- if the development is to go ahead the maximum amount of conditions that can be imposed should be imposed to ensure that there are homes and habitats for bats, hedgehogs and other creatures that currently inhabit the field;

- Amenity - this field would seem to me to fulfil the definition of amenity as taken from the planning portal - the loss of this field to housing will destroy a valuable local amenity for the neighbourhood;

- this field is closest to the areas of Belah and Kingmoor ward which have the worst statistics for health and social factors. Also Belah was identified in the Carlisle Green Infrastructure Strategy (The Big Green City: The Green Infrastructure Strategy for Carlisle City and District, 2011) as being number six on the list of the 10 wards in the city with the least green infrastructure cover;

- this is a gem of a field that is within very easy walking distance for the residents in that area, where it is possible to get a sense of tranquillity and being “away from it all” even though you are close to houses;

- the site offers open space, trees and hedgerows and the opportunity to engage with nature and wildlife, see the stars and planets away from so much light pollution and educate children about nature. Building houses on this field will take away an irreplaceable community asset;

- the developer talks about the development enhancing the area and creating a desirable place to live, but the very development will take away one of the key assets that makes the area a desirable place to live in the first place;

- would ask that all involved in making the decision for this field read all the objections that have been submitted - reading a summary of the report highlighting key issues raised is unlikely to capture the depth of feeling and the desire of the community to protect this field both for themselves and future generations;

- Impact on and availability of local services - where is it intended that children will go to school from this and the nearby approved development north of the industrial estate? Kingmoor Infants and Junior schools are currently

oversubscribed and Stanwix School hasn't got the capacity to expand;

- when this development is built and if families move in straight away, where will their children be expected to attend school? Will they have to go to the not yet built but talked about school at Windsor Way? And if so how will they travel to school?;

- if the children from here attend Kingmoor schools, what areas in the ward will then have to send their children to the Windsor Way school and if so how will they get to that school?;

- what measures are going to be put in place to ensure that the option of walking and cycling to school is a safe and preferable option rather than parents needing to drive their children to school adding to congestion and pollution? This will require safe routes for children across Scotland Road both on foot and bicycle;

- also particularly important to consider are the routes for children coming from this estate to the secondary schools in the centre of Carlisle, Trinity and Richard Rose Academy. What provision is going to be put in place to enable a safe cycle route on the direct route that children will want to take, along Etterby Scaur and along Cavendish Terrace or the path below to Eden Bridge?;

- the developer is being required by highways to put a walking and cycling path in along the front of the estate which is great. But how do children and teenagers then safely get from there to Eden Bridge without needing to cycle on Kingmoor Road from Gleneagles Drive, the Etterby Scaur road and the bottom of Etterby Street? There is a potential route that could be developed about which I have spoken to County Council officers but there would need to be funding to enable that;

- if we are serious as a council about moving towards net zero as a city, which includes playing our part in facilitating a modal shift in how we travel I believe all these questions need to be answered and the infrastructure be ready to be set up and funded before we agree to this housing development going ahead;

- what is the impact of this development and the neighbouring planned estate on local health services? Is there the capacity within the system as it stands to deal with the additional pressure on services?;

- Housing need - given there is the development on the next field out to the north of the industrial estate, this more than covers the allocation of houses that were suggested for the Deer Park field;

- if the developers genuinely want to provide Carlisle residents with some truly affordable housing for the area and care about enhancing the opportunities for people to live in a pleasant environment how about creating some properly affordable low level blocks of flats on the site on the footprint of the old house - this would leave the neighbourhood with its valuable community amenity and provide the residents wanting to live there with the opportunity to live in a beautiful piece of estate land and the major threat to biodiversity and the loss of a wildlife corridor to Kingmoor Nature Reserve would be removed;

- At odds with the Carlisle Local Plan and other planning documents
- the Public Right Of Way provides a direct route through the field enabling residents coming from the south end of the site to access Kingmoor Sidings Nature Reserve and everything should be done to protect this right of way;
- Carlisle Local Plan Policy GI5 Public Rights of Way states: “New development will be expected to ensure that all public footpaths, bridleways, cycleways and other rights of way are retained. Development proposals that would affect existing rights of way will not be permitted unless an alternative route is made available, or can be made available, which is safe, attractive, is well integrated with the existing network and is not significantly longer than the original route.”;
- how long is significantly longer and how long is the diversion likely to be? The current footpath is 280 metres (according to the sign in the nature reserve as you enter it) Will the Kingmoor Sidings Nature Reserve still be accessible for those with mobility issues and limited in the distance they can walk, for example people coming from the Gleneagles Drive area, or in St Ann’s?;
- Para 10.24 of the Local Plan states: “Only if it can be demonstrated to be impossible or impractical should the rerouting of a right of way be considered. When an alternative route is proposed as part of an application for new development, the application will only be approved once it is clear that the route has been (or will be) established, and that the route is safe, convenient, of similar or better quality to the original, well integrated with the development and its setting and not significantly longer than the original route.”;
- what has the developer done to demonstrate that it is impossible or impractical to keep the existing route? Is it actually impossible for the developer to keep the path where it is? How will having a path through a housing development enhance the experience for users of that public footpath?;
- Carlisle Local Plan Policy GI3 states: “Biodiversity Assets across the District will be protected and, where possible, enhanced”. The nature reserve is a priority habitat. Given that the field to the north of the site, which would have been the area with the scope for the protection of and enhancement of the Kingmoor Siding Nature Reserve by linking it with Kingmoor South Nature Reserve, is now being built upon, how is this development really going to do this?;
- potential site contamination - could a condition be put on that should the developer start work and find something within the process that stops it from happening, and if it becomes apparent that the development becomes unviable that they will cover the cost of restoration of the field, given what a precious community resource it is?;
- there is high confidence from a first-hand witness, a former railway worker at Kingmoor Sidings, that there is asbestos along the route of the public right of way in the field - it would be a real shame if the developer starts work and digs up the field, only to find some level of contamination from this or other industrial materials which prevented houses being built there;
- lack of meaningful engagement in the Local Plan process - it seems wholly

unfair and wrong to me that, at the moment they learn that there is a planning application for houses and want to voice their objections, residents are told that they should have objected at the time of the local plan consultation;

- not one resident I have spoken was aware that the local plan process was either happening or that if they were, that it was advertised in such a way that they realised this was the time to object to the principle of building houses on this site. Had they known they would have actively objected then and would have raised awareness within their own community, as they are now currently doing;

- in the introduction to the Carlisle District Local Plan (p4) it states that "Active community involvement at each key stage of plan preparation has helped to mould the Plan to ensure stakeholders and the community are engaged in the process." - from all of my discussions with residents I can categorically say that the community who value this field and community amenity and desperately want to protect it were not actively involved in this local plan process;

- hope that this is heard by the council and that it will see the unfairness in a system that has meant residents objections to the principle of building houses on Deer Park did not get voiced in the way that the system dictates because they did not know they could;

- has the decision already been made? – the developer seems to think so - there seems to be an assumption by the developer that planning permission for this development has already been granted. Do they know something that I and residents do not? That would seem to make a mockery of the planning process if it is all already agreed. They are already advertising this site on their website.

4.4 One letter of support has been received which makes the following points:

- this new development is exactly what this area needs and will be fantastic;

- will allow new families to buy homes and input into the local community;

- Carlisle needs to grow and improve and this development looks like it will be a brilliant addition.

5. Summary of Consultation Responses

Northern Gas Networks: - no objections;

Cumbria County Council - (Highway Authority - Footpaths): - a PROW runs across the site and would need to be diverted - requested some funding for upgrading of nearby public footpaths;

The Ramblers: - no comments received;

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking of footways

and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval; submission and approval of surface water drainage scheme and Construction Surface Water Management Plan);

Local Environment, Waste Services: - no objection in principle - would like to see waste container collection points for all the areas with private shared driveways;

Local Environment - Environmental Protection: - should limit the permitted hours of work; need mitigation measures to deal with noise, vibrations and dust; note reports and findings of the Geotechnical Report submitted with the application - need a further report and need to agree a remediation strategy; need conditions in relation to remediation and unexpected contamination; developer needs to provide at-least one electric charging point per dwelling and rapid charging points in communal areas;

Additional comments were submitted following an objection from DRS, which has requested that noise level measurements should be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels should be reported to and approved in writing by the Local Planning Authority;

Health & Wellbeing: - require contributions for offsite open space (£22,364); offsite play provision (£27,409), offsite sports pitches (£15,561) and upgrading the permissive path (£3,500). Need to establish suitable boundary fence to the nature reserve to prevent unauthorized access from the open spaces and back gardens. Need to assess the trees within the nature reserve in relation to having them protected where they overhang the development;

Planning - Access Officer: - no objections at this time;

Cumbria Constabulary - North Area Community Safety Unit: - revision has significant benefits to previous scheme. Large areas of unsupervised space have become private curtilage. SUDS pond is better supervised. Obvious definition of front curtilages should be implemented. Has concerns about the lack of overlooking of sections of the PROW;

Natural England: - as surface and foul drainage is to go to a sewer there is unlikely to be any negative impact on the River Eden SSSI/SAC. Further bat surveys and GCN surveys are required as referred to in the ecology report. The proposal gives opportunities for delivering net gain. The proposal should also look to implement high quality green infrastructure.

Following the receipt of additional surveys the updated ecology report recommends further detailed bat surveys; enhancing the bat foraging corridors along the western and southern boundaries; wildlife sensitive lighting; bat box provision; and an additional red squirrel survey prior to any tree removal - these measures should be secured through planning

conditions;

Cumbria County Council - (Archaeological Services): - the applicant has commissioned an archaeological evaluation of the site which indicates that there is a very low potential for archaeological assets to be disturbed by the development and no further archaeological work is required on site;

Direct Rail Services: - objects to the proposals for the following reasons:

- operate a 24 hour depot and this might be a cause for concern for the proposed residents - cannot see any evidence that a noise and pollution assessment has been carried out by a specialist consultant in this field;

- in the winter months, locomotives requiring idling/ warm up on a continuing basis of around 3 to 4 hours, 2 to 3 times a day and this generates a significant amount of low frequency noise - measured one of the loudest locomotives from approx 100m away and got a noise reading of 98.1db - aware that the proposed development will be next to a nature reserve which may create a sound barrier but need to see evidence of how effective this would be;

- in line with national policy guidance, the applicant needs to identify the effects of existing businesses that may cause a nuisance - DRS propose that a noise, vibration, emissions and pollution assessment should be undertaken;

- there is no evidence that Network Rail has been consulted which is required as the railway line operated by them is close to the proposed development;

- DRS are considering expansion of the depot engineering shed which will turn the light maintenance depot into a heavy overhaul depot which will create added noise - this needs to be taken into account.

United Utilities: - no objections subject to conditions (surface water; foul water);

Cumbria County Council - Development Management: - estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils. There are insufficient places available in the infant catchment school of Kingmoor to accommodate all of the infant pupil yield from this development; leaving a shortfall of 2 places. No spaces are available in the catchment junior school of Kingmoor to accommodate the yield of 10 places. Therefore a contribution is required for 2 infant places and 10 junior places $12 \times £17,829 = £213,948$. Trinity Academy is already oversubscribed and cannot accommodate any further pupils. Therefore, an education contribution of £294,648 ($12 \times £24,554$) is sought for secondary school places.

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 proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP5, SP6, HO1, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, GI3, GI4, GI5 and GI6 of The Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.4 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16) and the proposal to erect 80 dwellings on the site would, therefore, be acceptable in principle.
- 6.5 The site was allocated for mixed use development in the Carlisle District Local Plan 2001-2016 which was adopted in September 2008. This would have allowed the site to be developed for either housing or commercial use.
- 6.6 A number of objectors have stated that they were not aware that the site has been allocated for housing. It has, however, been identified as a development site since 2004 and extensive public consultation was undertaken (including articles in the press, public exhibitions and information sent to every household in the District) prior to the adoption of both Local Plans.
- 6.7 A number of objectors consider that the site should be de-allocated as a housing site but this can only be done through a review of the Local Plan. Allocating a site for housing through the Local Plan process gives certainty to developers that the principle of housing is acceptable on a site. This gives them the confidence to invest large sums of money in undertaking site surveys (transport assessments, ground investigation reports, tree surveys, ecological surveys, great crested newt surveys, bat surveys, Flood Risk Assessment), commissioning architects to draw up plans and paying the planning fee (which was £27,827 for this application).
2. Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 6.8 The site covers an area of 3.51 hectares and the proposal is seeking to erect 80 dwellings on the site. This equates to a density of 22.8 dwellings per hectare which is low density. The adopted Local Plan gives an indicative yield of 100 dwellings for this site. The initial scheme that the applicant submitted to the Council as part of a pre-application enquiry showed 99 dwellings on the site. This scheme has been amended due to a number of constraints on the

site.

- 6.9 Vehicular access to the site is proposed from a priority controlled junction with Kingmoor Road with visibility splays of 2.4m by 45m in each direction being provided. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 77 of the dwellings via two shared surface roads and three private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.
- 6.10 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained. This would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained.
- 6.11 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchids that currently exist on the site would be relocated to this area.
- 6.12 The development would contain seventeen different house types and these would include 13 two-bedroom semi-detached starter homes, 26 three-bedroom semi-detached properties, 21 three-bedroom detached properties and 20 four-bedroom detached properties. The size of the dwellings would range from 60.5sq m to 108.5sq m.
- 6.13 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 6.14 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of: brick sills and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.
- 6.15 The Council's Affordable and Specialist Housing Supplementary Planning Document recommends that developments of between 50 and 100 dwellings should provide 5% of the dwellings as bungalows or as suitable adaptable properties which meet the needs of an ageing population.
- 6.16 Gleeson is a niche house builder that specialises in the provision of low cost housing for those on low incomes with a core aim of getting people out of housing poverty and the 'rental trap' and into home ownership. The company is proud of its average selling price which currently sits at £128,900 (November 2019) across their entire range which includes 4 bed detached properties. 87% of purchasers are first time buyers, with an average age of 31

(and over 81% of purchasers are under the age of 35) and an average household income of £32,400.

- 6.17 In order to be able to provide low cost homes, Gleeson has to maintain an efficient and economical operation, and this extends to land values. Bungalows are inherently 'land hungry' and would be economically prohibitive to bring forward in a Gleeson development. The SPD notes that bungalows achieve greater values than dwellings but this runs completely at odds to the ethos of the Gleeson business which, as set out above, is all about providing low cost housing for low income families to get their foot on the housing ladder. The majority of developers would be able to provide bungalows as part of their development and recoup the 'loss' through increasing the asking price, but this doesn't work for a Gleeson development.
- 6.18 Gleeson considers that its proposals are consistent with the desires of the SPD, as it provides a product which is financially beneficial for an occupier over even social housing rental prices and so is attractive and effective in allowing social housing tenants to move out of their rented accommodation and into home ownership, freeing up the rental property for those who truly need it. This can be particularly helpful in the case of more limited accommodation types, such as bungalows, where tenants may be residing in inappropriate accommodation which can then be freed up for those requiring it.
- 6.19 Gleeson does offer, as part of its 'Community Matters' initiative, a 'Design for Disability' policy which provides free of charge alterations to dwellings to cater for those with specific identified needs. This policy would facilitate the provision of specialist hardware such as chair lifts, but not the installation of such hardware.
- 6.20 On balance, it is considered that the benefits of low cost housing which would be delivered by the proposal would outweigh the none provision of bungalows within the development.
- 6.21 In light of the above, the layout, scale and design of the proposed development would be acceptable.

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

- 6.22 The application site lies adjacent to residential properties on St Pierre Avenue, which lies to the south and Kingmoor Road, which lies to the west. There would be a minimum separation distance of 33m between the proposed dwellings and the existing dwellings on St Pierre Avenue and a belt of trees would lie on the boundary between the existing and proposed dwellings.
- 6.23 A number of the proposed dwellings that would face Kingmoor Road would be orientated so that do not directly face the existing dwellings on Kingmoor Road or would lie to the rear of existing trees which are to be retained. Plots 17 to 25 would have elevations directly facing the existing dwellings on Kingmoor Road. Plot 22 would have a side elevation 20m from the front

elevation of a property on Kingmoor Road but this would only contain a bedroom window at first floor level, with all other plots being a minimum of 25m away from the existing dwellings.

- 6.24 The separation distances proposed would comply with the Council's separation distances (21m between primary facing windows and 12m between primary windows and blank gables) set out in the Council's Achieving Well Design Housing SPD.

4. Provision Of Affordable Housing

- 6.25 In July 2018 the NPPF was revised to include a revised and expanded definition of Affordable Housing, which includes the following:
“d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.” This definition was included once more in the NPPF published in February 2019.
- 6.26 Gleeson has been delivering a product very closely aligned to the new definition of ‘other low cost homes for sale’ for a number of years. The proposals for the application site are to sell a minimum of 30% of properties on the development at prices that are 20% below local market levels. At least 13 two-bed semi detached dwellings (15% of the entire development) would be sold for no more than £109,995 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019) - the Land Registry data does not specify the bedroom size. Gleeson's two-bed semi-detached dwellings that make up 15% of the total development would be 35% below the local market value.
- 6.27 At least 13 three-bed semi-detached dwellings (15% of the entire development) would be sold at no more than £135,879 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019) . Gleeson's three-bed semi-detached properties that make up 34% of the total development would be 20% below the local market value.
- 6.28 Gleeson is happy to give nomination rights on these dwellings to the council. Upon the initial sale, the properties would be made available to applicants on the Council's Low Cost Housing Register (for one month exclusively) before being made available to the general public.
- 6.29 In light of the above, at least 20% of the development would be affordable homes (in accordance with the NPPF definition) with a mix of two and

three-bed properties being provided. The prices would be reviewed each year with an allowance to increase in line with the percentage increase in the national living wage in the same period. These prices would exclude garages and any 'purchaser extras' which would be over and above the discounted price. Such provisions would be covered within a S106 agreement.

5. Highway Matters

6.30 The application is accompanied by a Transport Statement, which has been prepared in accordance with recognised guidance and pre-application advice from Cumbria County Council. It concludes that:

- the site has been demonstrated to be accessible on foot, by bicycle and by public transport;
- a review of the historical collision data has demonstrated that there are no existing accident blackspots in the vicinity of the site and no safety concerns related to the operation of a priority controlled junction on this section of Kingmoor Road;
- based on the findings of the trip generation analysis, there is no reason to believe that highway safety would be worsened as a result of the development;
- the design of the proposed site access junction and internal road layout accord with the County Council's design guidance;
- car parking has been provided in accordance with the Highway Authority's pre-application advice;
- an AutoTrack assessment has demonstrated that the site can be safely serviced using an 11.2m refuse vehicle;
- from a review of the traffic generation of the site, the proposed development would have no material impact upon the safe and efficient operation of the surrounding highway network;
- the proposed Kingmoor Road site access junction has been demonstrated to operate well within capacity.

6.31 An issue previously stated was associated with the main vehicular access into the development and its junction radii. Following detailed discussions with the developer and the submission of a revised block plan, the junction radii of 6m has been confirmed. This is acceptable to the Highway Authority and in line with the requirements of the Cumbria Development Design Guide. As part of the revised site plan plots 22 to 24 have direct access off Kingmoor Road. Following on from previous comments the applicant has demonstrated that each vehicular access has visibility splays of 2.4m x 90m which is acceptable to the Highway Authority.

6.32 For the scale of the development, an Emergency Vehicle Access (EVA) onto Kingmoor Road is required and this is being provided between plots 21 and 25. The visibility splays for the EVA are 2.4m x 45m in line with the requirements of the Cumbria Development Design Guide. In previous iterations of the visibility splays the hedge line next to the EVA was an issue, but this has since been removed and is therefore acceptable.

6.33 The applicant has demonstrated that a 3m wide footway / cycleway is to be

provided along the boundary of the development with Kingmoor Road. A pedestrian crossing point is to be provided along Kingmoor Road and this would be funded by the applicant and secured through a condition. The exact location of the pedestrian crossing would be determined at a later date following further detailed investigations to determine the most suitable location.

- 6.34 Traffic calming is also required within the development to restrict the ability of vehicles to exceed speed limits and should also provide additional benefits (i.e. crossing points). This is to be achieved through shared surface areas being reached by a ramp and speed tables throughout the development. It is also not stated within the suite of documents submitted as part of this application what the property driveways will be formed of. It is a requirement that they are formed of a bound material and not loose chippings or gravel. The issues noted above have not been clarified by the applicant within the revised site plans. However, this is to be addressed as part of detailed design submission, along with construction details etc. which will be required for the design check for the Section 38 Agreement and secured through planning conditions.
- 6.35 The car parking provision associated with each dwelling within the development has been submitted by the applicant. The car parking provision proposed for each dwelling is acceptable to the Highways Authority as it meets the requirements of the Cumbria Development Design Guide with all spaces 2.4m x 5m in diameter. As noted within previous responses to this application, the private shared driveways will require bin collection points that are not located in the highway extent. This issue has been rectified within the revised block plan and is therefore acceptable to the Highway Authority. The applicant should note that long sections, construction details, engineering layouts showing road lighting and highway drainage will be required to progress a Section 38 Agreement. All these will be required as the scheme progresses, as will a Stage 1/2 Road Safety Audit.
- 6.36 In light of the above, the Highway Authority has no objections to the proposal subject to the imposition of conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking of footways and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval).

6. Drainage Issues

- 6.37 The applicant has submitted a Flood Risk Assessment and Drainage Strategy (FRA) which details the drainage principles associated with the development. The applicant has stated within the FRA that the proposed surface water discharge is to be into the combined sewer to the west of the site. This is because it has been deemed by the applicant that discharge via infiltration is unfeasible on site and there are no available watercourses within the vicinity of the site.
- 6.38 It is expected that the applicant works through the hierarchy of drainage options as stated within the Cumbria Development Design Guide. As such the first option to be explored for the discharge of surface water is via infiltration.

A series of valid infiltration tests across the development site in accordance with the BRE 365 method have been undertaken by the applicant and the results submitted to the LLFA within a geo-environmental report for comment. It is stated within this document that 3 trial pits were constructed across the site in accordance with the BRE 365 method which concluded that infiltration is not a valid method of surface water discharge for the development. The LLFA agrees with this conclusion; and with no ordinary watercourses within the vicinity of the development site, surface water discharge into the combined sewer is acceptable in principle.

- 6.39 The greenfield runoff rate calculated for the site is 19l/s and this is proposed to be the discharge rate for the site controlled via a hydro brake. It is also stated that attenuation is to be provided on site to accommodate a 1 in 100 year plus 40% (to account for climate change) storm event. The principles stated above regarding the discharge rate being equal to the greenfield runoff rate and the attenuation volume to be designed into the drainage network are acceptable to the LLFA. The detailed micro drainage calculations submitted by the applicant illustrate that the drainage network can accommodate a 1 in 100 year plus 40% (to account for climate change) storm event without increasing flood risk on site or downstream of the development.
- 6.40 A detailed drainage design with built ground levels has not been submitted which correlates to the Micro Drainage calculations. For clarity, the attenuation on site is to be provided through a series of rain gardens, permeable paving, attenuation ponds and swales, not a predominantly piped system leading into an attenuation pond. It is the preference of the LLFA that drainage features are not piped but are surface features which are easily maintainable and provide additional biodiversity benefits. It is deemed that the applicant can provide this information at a later stage of the planning process and this can be secured through the use of planning conditions.
- 6.41 In light of the above, the LLFA has no objections to the proposals subject to the imposition of a number of conditions (surface water drainage scheme; submission of a Construction Surface Water Management Plan).
- 6.42 United Utilities has been consulted on the application. It has reviewed the FRA and Drainage Strategy and has confirmed that the proposals are acceptable in principle. United Utilities has requested conditions are added to the permission which require the submission of a surface water drainage scheme and a sustainable drainage management and maintenance plan for the lifetime of the development, both of which would need to be approved by the LPA.

7. Open Space Provision

- 6.43 The proposal should provide 0.89 Ha of open space to maintain the Local Plan target of 3.6Ha/'000. The plan provides 0.49 Ha of open space leaving a deficit of 0.40 Ha (45%). The proposal provides links to other open spaces which would contribute to this deficit, subject to a contribution for the upgrading and maintenance of open space within the ward of £22,364 (45% of total contribution) and this would be secured through a S106 Legal Agreement.
- 6.44 There is no provision for a play area on site and the development is too small

to have its own dedicated play area. An offsite contribution is, therefore, required, to maintain and improve existing play provision within the local ward, which is accessible from the development. Based on the size of the development (247 bedrooms) a contribution of £27,409 is required and this would be secured through a S106 Legal Agreement.

- 6.45 There is no provision for sports pitches on site and no scope to do this. Therefore, a contribution to improve existing off-site sports and recreation provision within the District is required. Based on the size of the development a contribution of £15,561 is required and this would be secured through a S106 Legal Agreement.
- 6.46 The developer would be required to ensure appropriate measures are put in place for the management of any new open space provided within this development. The future maintenance of the open space within the development would be secured through a S106 Legal Agreement.
- 6.47 The pedestrian and cycle links through the site and on to the play area at Gleneagles Drive and open spaces on the Kingmoor Sidings Nature Reserve, Kingmoor South Nature Reserve and Briar Bank Field open space are improved and suitable. The existing Public Right of Way is being re-routed to link up with the existing link to the Kingmoor Nature reserves.
- 6.48 In light of the above, the proposed level of open space in the site would be acceptable, together with financial contributions to improve existing open space, play areas and sports pitches in the area.

8. Public Rights of Way/ Footpaths

- 6.49 A Public Right of Way (FP109397) currently crosses the site. It starts in the south-east corner of the site and provides access to Kingmoor Nature Reserve. A permissive path, which is on land owned by the City Council, runs to the north of the site and this provides a link from Kingmoor Road into the nature reserve.
- 6.50 The proposed plans retain a PROW through the site but alter the alignment. The route would start in the south-east corner of the site and would run along the eastern side of the site near to Kingmoor Road before passing through the avenue of lime trees. It would then link into the permissive path that runs to the north of the site via a shared surface road and a landscape strip which is in City Council ownership.
- 6.51 The County Council has been consulted on the application and is happy with the proposed new route of the PROW. It has, however, requested that the permissive path that the PROW would link to should be dedicated as a PROW so that it can be suitably maintained as a part of the network. The Health & Well Being Manager has no objections to the permissive path becoming a PROW and if the application is approved this would need to happen along with the diversion of the existing PROW. The applicant has agreed to pay £3,500 to upgrade this footpath and this will be secured through a S106 Legal Agreement.
- 6.52 At present there are a number of informal paths across the site, which are not identified as PROWs and there is no legal requirement to retain these. There

are currently three entrances into the nature reserve from the application site and the Health & Wellbeing Manager supports the removal of these and creation of a single footpath link into the nature reserve.

9. Education

- 6.53 It is estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils for the schools.
- 6.54 The site is in the catchment areas of Kingmoor Infant and Kingmoor Junior Schools (1.5 miles) and Trinity Secondary Academy School (1.8 miles). The only other primary school within the walking threshold is Stanwix School (1 mile) and the next nearest secondary school is Central Academy (1.94 miles).
- 6.55 There are insufficient places available in the infant catchment school of Kingmoor to accommodate all of the infant pupil yield from this development, leaving a shortfall of 2 places. No spaces are available in the catchment junior school of Kingmoor to accommodate the yield of 10 places. Therefore, a contribution of £213,948 is required for 2 infant places and 10 junior places (12 x £17,829).
- 6.56 The multiplier is £14,500 as at September 2015 and adjusted using the BCIS Public Sector North West TPI. The Education Authority would require the contribution to be provided prior to occupation of any dwellings and this approach is consistent with what has been agreed in relation to other developments in north Carlisle which include the Story development at Greymoorthill (14/0761), the Persimmon development at Windsor Way (14/0778), the Kingmoor Park Properties development at Harker Industrial Estate (15/0812) and the Gleeson development at Greymoorthill (18/1142). It is important to note that the multiplier and timing of the contributions has been accepted by a Planning Inspector as part of the appeal decision for the development at Harker Industrial Estate (15/0812) & (App/E0915/W/3179674).
- 6.57 Trinity Academy is already oversubscribed and cannot accommodate any further pupils. When all housing developments are taken in to account none of the secondary schools in the Carlisle area can accommodate the additional children. Therefore, an education contribution of £294,648 (12 x £24,554) is required. The multiplier used is the £18,188 figure referenced in the County Council's Planning Obligations Policy (2013) index linked using the BCIS All in Tender Price Indexation.
- 6.58 As there are both primary and secondary schools within the statutory walking distances, subject to the above contributions being provided, no contribution is sought for primary or secondary school transport.

10. Biodiversity

- 6.59 The application is accompanied by an Ecological Appraisal of the site. An Extended Phase 1 Habitat Survey of the study area was undertaken in June 2019. The site's habitats were mapped and plant species were recorded.

The site is dominated by poor semi-improved grassland derived from the historical management of Deer Park House and its grounds.

- 6.60 In the lower lying south western part of the site an area of semi-improved grassland is present and this area has greater species diversity than other parts of the site, including marsh orchid hybrids. In the central/ northern part of the site a mosaic of habitats are present dominated by mature plantation woodland. An avenue of mature lime trees extends from the eastern boundary of the site towards the location of the former dwelling and this formed the formal driveway to the house. A number of trees are located to the west of the lime trees and this area also contains the former foundations of the dwelling together with several large mounds of rubble and spoil. Other small groups of trees are located along the eastern site boundary, including a group in the south-east corner of the site and a group to the south of the lime trees, with further trees lying just beyond the northern site boundary. A hedge runs along the eastern site boundary adjacent to Kingmoor Road.
- 6.61 During the Phase 1 Habitat Survey additional surveys were undertaken where appropriate to establish the presence of protected species. A badger survey was undertaken of the site. No setts were found on site and no sign of badger activity was found on the site or along the site boundaries.
- 6.62 Trees were inspected for potential opportunities that may be of value to bats and some trees were identified as having bat roost potential. Some trees are considered to have moderate to high potential for roosting bats and this potential is significantly enhanced by the habitats on site and the proximity of high quality bat foraging habitats which extends into the wider landscape for considerable distances.
- 6.63 Trees were also inspected for dreys and checks were made for feeding remains of red squirrels. The survey did not locate any feeding remains of red squirrels and there was no evidence of red squirrel dreys although visibility in many areas was significantly reduced by dense leaf cover. Several sightings of grey squirrel were made.
- 6.64 The report makes a number of recommendations which are summarised below:
- the development should aim to retain as much woodland/ mature trees and boundary hedgerow as possible;
 - the development should aim to maximise an undeveloped buffer along the western and southern site boundaries;
 - the hedgerows affected by the development are species poor and do not quality as important hedgerows under the Hedgerow Regs. Any lengths of hedgerow lost must be replaced by new native hedgerows;
 - there are no issues in relation to badgers;
 - removal of woodland/ trees/ scrub/ hedgerows should take place outside the bird breeding season otherwise checks should be made to establish any nesting or breeding activity prior to the removal of suitable habitat. Following the felling of trees/ scrub piles of brash should be removed from the site;
 - further surveys for feeding remains and dreys for red squirrels need to be

repeated when trees are dormant and without leaf cover;

- a daytime bat roost assessment is required of all trees affected by the development. This must be undertaken when trees are dormant and without leaf cover. Any trees that require further detailed inspection will be identified for inspection by a licensed bat handler;

- additional native hedge planting should be incorporated into the sites landscaping where possible;

- lighting of the site's woodland/ tree lined/ hedge boundaries must be avoided. Where lighting is required this must be low level, directed downwards and low intensity;

- significant provision for bats should be made within the development using artificial bat roosts (within properties and trees);

- Great Crested Newt (GCN) surveys need to be undertaken to establish the location of viable GCN breeding locations within 250m of the site.

6.65 A further Ecological Surveys & Assessments Report was undertaken in March 2020, in relation to bats, red squirrels and great crested newts. In relation to bats, the survey identified 10 trees as having bat roost potential which will require further more detailed inspections by a licenced bat handler. Following these inspections further recommendations will be made. In relation to red squirrels, the latest survey failed to detect the presence of the species on the site. One drey was located in woodland within the centre of the site but it is not possible to differentiate between grey and red squirrel dreys. The survey for dreys needs to be repeated before construction starts on site and before any trees are removed.

6.66 The Great Crested Newt (GCN) Survey revealed the presence of 4 water bodies within terrestrial range of the species in relation to the site and at least 3 of these have historical records of supporting GCNs. A GCN Survey was undertaken in May 2020. Three ponds and a ditch were surveyed. GCN are absent beyond reasonable doubt from Pond 1 (58 west of the site), Pond 2 (100m north of the site) and Ditch 1 (162m to 400m north of the site). There are, therefore, no water bodies within 250m of the site currently supporting GCN.

6.67 Pond 3 is the only pond supporting GCN. This pond is over 300m away from the site at it's nearest point which is beyond distances considered to present acceptable risk to the species. In addition, this pond is immediately surrounded by extensive and very high quality optimum GCN terrestrial habitat, including mature woodland. It has been shown by Natural England that where such habitat exists around ponds the vast majority of the GCN population is likely to be contained within 100m of the pond.

6.68 In light of the above, it is unlikely that GCN are present anywhere within the proposed development site and, therefore, no further action is required in respect of GCN in relation to the development of the site.

6.69 Pennine Ecological was commissioned to undertake additional investigations of the 10 trees that were identified as being suitable for bats. It concluded that three of the surveyed trees (T1, T2 and T6) pertain to 'Moderate' bat

roost suitability. Therefore, it is recommended that two dusk and/or dawn emergence/re-entry surveys are conducted during the active season of bats (May - August) in order to establish if the trees are being used by bats, and if so identify the species, abundance, roost locations and flight lines following emergence/re-entry.

- 6.70 Pennine Ecological was re-commissioned to undertake the dusk bat surveys and these were carried out in June and July 2020. These found that T1 is being used by two Soprano Pipistrelle bats and T6 by one Soprano Pipistrelle for roosting purposes.
- 6.71 To ensure that bats are not left without a roost while the work takes place two Schwegler 1FF bat boxes (or suitable equivalent) will be erected on suitable trees in close proximity to T1 and T6 respectively; if this is not possible, pole-mounted boxes will be required. The receptor bat boxes will act as receiver boxes if bats have to be captured by hand and relocated to them by the ecologist during the work schedule; they will be retained permanently post-development to provide a long term roost opportunity for bats.
- 6.72 Prior to felling being undertaken the presence/absence of bats (as far as is possible) will be established by the arborist undertaking detailed investigation of each section identified as holding potential for roosting bats under supervision from the ground by the Ecologist. A minimum of 10 bat boxes will be erected on trees in proximity to those trees which have been felled. Furthermore, additional new roost provision can also be incorporated into the design of the proposed new dwellings. Landscaping on the site should include native tree planting to include the creation of linear features, particularly along the eastern border and central area of the site.
- 6.73 Natural England has been consulted on the application. As surface and foul drainage is to go to a sewer and there is no hydrological link it is unlikely there will be any negative water quality impact on the River Eden SSSI/SAC. The proposal gives opportunities for delivering net gain particularly due to the presence of quality habitat adjacent and the opportunity for enhancing the ecological network. The recommendations in the updated ecology report should be secured by condition (detailed bat survey; enhancing bat foraging corridors along the western and southern boundaries; wildlife sensitive lighting; bat box provision; additional red squirrel survey prior to tree removal). Natural England has also been consulted on the follow up GCN report and bat reports and referred back to its previous advice.
- 6.74 An objector has e-mailed Members of the Planning Committee to raise concerns about the ecological reports undertaken to date. This includes a statement from Dr Simon Pickering which notes that a preliminary Ecological Report was undertaken in June 2019 with a second follow up report on bats, red squirrel and great crested newts being undertaken in March 2020. He notes that both these reports are technically inadequate in order for the planning application to be determined and if the Council were to rely on these he considers that there is a high risk of a successful legal challenge on the grounds that there is no evidence as to whether protected species (bats and GCNs) are or are not present on this site. This is because appropriate surveys have not yet been carried out. The second report clearly states that further bat and GCN surveys are required and there is no evidence that such

surveys have been carried out and submitted to the Council.

- 6.75 Additional surveys on GCNs and bats have actually been carried out. The GCN report was submitted in June 2020 with two new bat reports being submitted on 7th September. Natural England has been consulted on these additional reports and has raised no concerns.
- 6.76 Objectors have raised concerns about the impact of the proposals on orchids (hybrid marsh orchid and common spotted orchid) which are present on the site, particularly in the south east corner. These are not protected species but the applicant is proposing to relocate them around the proposed SUDS pond and to an area at the northern end of the site. Objectors have questioned relocating the marsh orchids to the northern end of the site which is drier than the south-east section but the applicant's ecologist considers that the ground conditions at the northern end of the site are suitable for marsh orchids.
- 6.77 Objectors have also made reference to deer using the site. Deer are not, however, a protected species. Objectors have also made reference to honey bees using one of the trees on the site that is to be removed but honey bees are not a protected species. The applicant's ecologist has advised that it would be very difficult for the bees to be manually re-homed due to being located within a hollow of a tree. There are a limited number of honey bees active in a nest during winter season and he has suggested the best thing to do would be to leave parts of the felled tree in situ for a period of time and let the bees leave on their own accord.
- 6.78 Objectors have made reference to biodiversity net gain. This is not, however, currently policy although there is a requirement to provide mitigation. Whilst this application would lead to the loss of some trees and hedgerows, new trees and hedgerows would be planted to mitigate for their loss. The orchids that are currently present on the site would be translocated to new areas within or adjacent the site. Bat boxes and bird boxes would be provided within the site. Once the gardens become established and flowers and trees are planted they would contribute to the biodiversity of the site.
- 6.79 The Health & Wellbeing Manager has stated that the boundary treatment between the nature reserve and the development needs to be improved to prevent multiple access points from the open space and back gardens. Conditions have been added to the permission which require the submission of landscaping details and boundary treatment for approval by the LPA.
- 6.80 The SUDS uses existing United Utilities systems to outflow to and, therefore, doesn't affect Kingmoor Nature reserve. The SUDS pond would provide some biodiversity enhancements within the site.
- 6.81 In light of the above, the proposal would not have an adverse impact on biodiversity subject to the imposition of a number of conditions (retention and protection of a number of existing trees; additional landscaping (including trees and hedgerows); wildlife enhancement measures; external lighting and relocation of orchids). Informatives have been added to require bat and red squirrel surveys prior to tree removal and to protect breeding birds.

11. Impact On Trees/ Hedges

- 6.82 The site contains a number of trees (a number of which are the subject of a Tree Preservation Order(TPO)) and a tree survey has been submitted with the application.
- 6.83 The avenue of lime trees that formed the driveway to Deer Park House are protected by a TPO and these trees would be retained. A group of trees, which are also protected, lie to the west of these and these would also be retained, with the exception of two trees (an ash and a horse chestnut) which are identified as trees unsuitable for retention (Category U).
- 6.84 There are four mature trees in the southern corner of the site which are also subject to a TPO. Two of these would be retained, with two being removed. The trees to be removed are both ash trees which have major decay and which as a consequence have been identified as unsuitable for retention (with one being identified as a tree which should be felled as a matter of urgency). The layout plan also shows other mature trees that lie adjacent to Kingmoor Road, to the south of the avenue of lime trees, being retained with the exception of one horse chestnut which is identified as a tree of low quality. Existing trees that adjoin the footpath that runs along the northern site boundary would also be retained. A group of trees that lie within the northern section of the site would be removed but none of these are protected trees.
- 6.85 A belt of trees adjoins the site to the south, with trees in the nature reserve adjoining the site to the west and these would both be adjoined by the gardens of the proposed dwellings. New hedgerows would be planted along the southern site boundary. There are some significant trees within the nature reserve adjacent to the development and these should be assessed to see if any are worthy of a TPO.
- 6.86 A hedge runs along the majority of the eastern site boundary. A large section of this would need to be relocated to accommodate the 3m footway/ cycleway that is proposed along Kingmoor Road. Additional hedgerows would be planted within the site (particularly along the southern site boundaries) to enhance the biodiversity of the site and these would be secured by condition.
- 6.87 Footpaths, drives/parking areas, fences and gardens would be located within the Root Protection Areas (RPAs) of trees to be retained. The applicant has submitted an Arboriculture Method Statement, which sets out the methodology for works within the RPAs of the existing trees. A plan has also been submitted which shows the construction details of roads and footpaths within the RPAs of existing trees. Conditions will ensure that the works in the RPAs are undertaken in strict accordance with the Method Statement. A condition also requires the applicant to submit details of the location and specification of tree protection fencing which would be need to be installed prior to construction works starting on site.
- 6.88 In light of the above, the proposal would not have any adverse impact on the existing trees.

12. Crime Prevention

- 6.89 The Crime Prevention Officer (CPO) raised a number of concerns about the layout as originally submitted. His concerns predominantly related to the lack of direct supervision of the public open space, the woodland path and the SUDS pond and the presence of open space to rear of a number of properties.
- 6.90 The site layout has been amended a number of times and the CPO considers it is now a significant improvement on the initial site layout. The removal of the additional link into the nature reserve is supported; the incorporation of large areas of unsupervised open space into private gardens is welcomed; and the SUDS ponds is better overlooked.
- 6.91 The CPO still has concerns about the PROW that invites access to non-residents to reach the adjacent Kingmoor Sidings Nature Reserve or vice-versa. It enters the development at the south east corner of the development and the closest dwelling (Unit 80) presents a blank gable towards the footpath. The route then passes to the rear of Units 1, 2, 3 and 7 and the Crime Prevention Officer considers that it is unacceptable for a formalised route to pass to the rear of dwellings. He has also noted that as the PROW leaves the development the closest dwellings (Units 35 & 36) present blank gables towards it.
- 6.92 Plots 35 and 36 have windows in the side elevations and in light of the comments from the CPO, windows have been added to the side elevation of Plot 80 to improve the overlooking of the footpath. It is acknowledged that the footpath runs to the rear of some dwellings within the development. This is due to the desire to retain the protected trees along Kingmoor Road, which prevents the footpath being sited adjacent to the road. Views of the footpath from Kingmoor Road should be possible beneath the trees. The PROW also runs through the avenue of lime trees and this will limit overlooking. It should, however, be noted that the existing PROW that crosses the site is currently unsupervised and it provides access into an area of woodland to the rear of the site. There is an alternative footpath route through the development that runs adjacent to the main road through the development.
- 6.93 The CPO has also requested obvious definition of front curtilages. The development would be an open plan estate but individual property owners would be able to define their front boundaries by planting.

13. Archaeology

- 6.94 Records indicate that the site lies in an area of archaeological potential and Roman remains were identified during an archaeological investigation in advance of an adjacent housing development. The archaeological assets were interpreted as a temporary Roman camp, one of a number that were located around the periphery of the Roman town. It is, therefore, considered that the site has the potential for similar archaeological assets to survive below ground and that they would be disturbed by the construction of the proposed development. The County Archaeologist, therefore, recommended that, in the event planning consent is granted, the site is subject to archaeological investigation and recording in advance of development which should be secured by condition.

- 6.95 The applicant has commissioned an archaeological evaluation of the site prior to the determination of the application. The results indicate that there is a very low potential for archaeological assets to be disturbed by the construction of the proposed development and so no further archaeological work is required on the site. The County Archaeologist has, therefore, confirmed that he no longer considers the condition he previously recommended is necessary in any planning consent that may be granted.

14. Noise Issues

- 6.96 Direct Rail Services (DRS) has objected to the proposals. DRS operates a 24 hour depot and this might be a cause for concern for the proposed residents. In the winter months locomotives require idling/ warm up on a continuing basis of around 3 to 4 hours, 2 to 3 times a day and this generates a significant amount of low frequency noise. DRS are considering expansion of the depot engineering shed which will turn the light maintenance depot into a heavy overhaul depot which will create added noise and this needs to be taken into account. Whilst the proposed development will be next to a nature reserve which may create a sound barrier DRS want to see evidence of how effective this would be. A noise and pollution assessment does not appear to have been carried out.
- 6.97 Officers in Environmental Health have been consulted on the application in relation to noise. Due to the close proximity of the proposed development to the railway line, depot and associated sidings, they have suggested that a noise survey should be carried out. This should provide details of noise from railway activities and demonstrate the likely impact upon future occupants of properties on this development. This information should be used to inform details of the final design/ construction and orientation of the houses. Details of proposed mitigation measures to minimise noise disturbance from the railway should be provided to the planning department. Prior to the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels must be reported to and approved in writing by the Local Planning Authority. A suitably worded condition has been added to the permission to deal with this issue.
- 6.98 DRS has raised concerns that Network Rail has not been consulted on the application, which is required as the railway line operated by them is close to the proposed development. There is, however, only a requirement to consult Network Rail on development within 10m of the railway line and this development is approximately 130m away.

15. Contamination

- 6.99 Objectors have raised concerns about the site being contaminated. The applicant has commissioned a Geo-Environmental Appraisal of the site. The Environmental Health department has reviewed this report and a Ground Gas Monitoring Addendum letter in respect of land contamination. The

findings and recommendations of these reports have been noted. In view of concerns regarding elevated levels of Lead, Benzo (a) pyrene and Napthalene which have been identified within the site investigation, officers in Environmental Health concur that a further report should be produced to agree a remediation strategy and this would be secured by condition. A condition has also been added to deal with any unexpected contamination that is encountered in the course of the development.

16. Other Matters

- 6.100 Objectors have raised the issue about a covenant on this land that stipulates the only building allowed would be on the site of the demolished house. The applicant has confirmed that no such covenant exists.
- 6.101 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.102 An objector has made reference to Japanese Knotweed growing on the site and in the adjacent nature reserve. This issue has been raised with the Health & Wellbeing Team who manage the nature reserve.

Conclusion

- 6.103 The application site is allocated for housing in the adopted Local Plan. The layout, scale and design of the development would be acceptable and the proposal would not have an adverse impact on the living conditions of existing and future occupiers. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, trees, archaeology, education, or open space. The site would provide 20% of the dwellings as affordable (in accordance with the NPPF definition) which is considered to be acceptable. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.104 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:
- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
 - b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
 - c) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
 - d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
 - e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
 - f) the maintenance of the informal open space within the site by the developer;

g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places);

If the Legal Agreement is not completed, delegated authority should be given to the Corporate Director of Economic Development to refuse the application.

7. Planning History

- 7.1 There is no relevant planning history relating to this site.

8. Recommendation: Grant Subject to S106 Agreement

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

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

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

1. submitted planning application form, received 27th November 2019;
2. Site Location Plan (drawing ref 1732-PL100) received 28th July 2020;
3. Proposed Site Plan (drawing ref 1732-PL212 (Rev M) received 21st September 2020;
4. House Type - 201 (drawing ref 201/1F) received 27th November 2019;
5. House Type - 211 (drawing ref 211/1A) received 27th November 2019;
6. House Type – 301 (drawing ref 301/1G) received 27th November 2019;
7. House Type - 311 (drawing ref 311/1A) received 27th November 2019;
8. House Type – 314 (drawing ref 314/1) received 27th November 2019;
9. House Type - 315 (drawing ref 315/1A) received 27th November 2019;
10. House Type - 403 (drawing ref 403/1H) received 27th November 2019;
11. House Type – 337 (Elevations - Rural 13) (drawing ref 13/337-10 Rev A) received 19th August 2020;

12. House Type – 337 (Floor Plans) (drawing ref 337/1) received 19th August 2020;
13. House Type – 340 (Elevations - Rural 13) (drawing ref 13/340-10) received 19th August 2020;
14. House Type – 340 (Floor Plans) (drawing ref 340/1) received 19th August 2020;
15. House Type – 351 (Elevations - Rural 13) (drawing ref 13/351-9 Rev A) received 19th August 2020;
16. House Type – 351 (Floor Plans) (drawing ref 351/1) received 19th August 2020;
17. House Type – 353 (Elevations - Rural 13) (drawing ref 13/353-9 Rev A) received 19th August 2020;
18. House Type – 353 (Floor Plans) (drawing ref 353/1A) received 19th August 2020;
19. House Type – 354 (Elevations - Rural 13) (drawing ref 13/354-10 Rev B) received 19th August 2020;
20. House Type – 354 (Floor Plans) (drawing ref 354/1A) received 19th August 2020;
21. House Type – 357 (Elevations - Rural 13) (drawing ref 13/357-8 Rev A) received 19th August 2020;
22. House Type – 357 (Floor Plans) (drawing ref 357/1A) received 19th August 2020;
23. House Type – 401 (Elevations - Rural 13) (drawing ref 13/401-9 Rev C) received 24th September 2020;
24. House Type – 401 (Floor Plans) (drawing ref 401/1G) received 19th August 2020;
25. House Type – 404 (Elevations - Rural 13) (drawing ref 13/404-9 Rev B) received 19th August 2020;
26. House Type – 404 (Floor Plans) (drawing ref 404/1F) received 19th August 2020;
27. House Type – 436 (Elevations - Rural 13) (drawing ref 13/436-10 Rev A) received 19th August 2020;
28. House Type – 436 (Floor Plans) (drawing ref 436/1) received 19th August 2020;
29. House Type – 450 (Elevations - Rural 13) (drawing ref 13/450-9) received 19th August 2020;
30. House Type – 450 (Floor Plans) (drawing ref 450/1A) received 19th August 2020;
31. Boundary Treatments – 1800mm Timber Fence Details (drawing ref 0282-SD-100 Rev D) received 27th November 2019;

32. Boundary Treatments – Post and Wire Fence Details (drawing ref 0282-SD-103 Rev B) received 27th November 2019;
33. Standard Garages - Single (drawing ref 0282-SD700 Rev A) received 27th November 2019;
34. Standard Garages - Double (drawing ref 0282- SD701 Rev B) received 27th November 2019;
35. Landscape Plan (drawing ref WW/01 Rev A) received 18th September 2020;
36. Drainage Details (drawing ref 19004-D701 Rev 1) received 15th January 2020;
37. Proposed Engineering Layout 1 of 2 (drawing ref 19004-D001 Rev 1) received 15th January 2020;
38. Proposed Engineering Layout of 2 (drawing ref 19004-D002 Rev 1) received 15th January 2020;
39. Manhole Schedule (drawing ref 19004–D200 Rev1) received 15th January 2020;
40. Flood Routing Plan (drawing ref 19004–D201 Rev 1) received 15th January 2020;
41. Proposed Impermeable Areas (drawing ref 19004–D202 Rev 1) received 15th January 2020;
42. Proposed Road Long Sections 1 of 2 (drawing ref 19004–D300 Rev 1) received 15th January 2020;
43. Proposed Long Sections 2 of 2 (drawing ref 19004–D301 Rev 1) received 15th January 2020;
44. Kerbs & Surfacing Plan (drawing ref 19004–D500 Rev 1) received 15th January 2020;
45. Proposed Highway Construction Details (drawing ref 19004–D700 Rev 1) received 15th January 2020;
46. Public Right of Way Proposed Diversion Route (drawing ref 1732–PL214 Rev G) received 21st September 2020;
47. Public Open Space Plan as Proposed (drawing ref 1732–PL213 Rev C) received 21st September 2020;
48. 3m Wide Footpath Plan as Proposed (drawing ref 1732-PL215 Rev B) received 21st September 2020;
49. Boundary Treatments & Enclosures Plan as Proposed (drawing ref 1732-PL216 Rev B) received 21st September 2020;
50. Existing Drainage Plan (drawing ref 19004–SK-002 Rev 1) received 27th November 2019;
51. Geoenvironmental Appraisal (Report 7049A, April 2019), received 27th November 2019;

52. Geotechnical Appraisal Ground Gas Monitoring Addendum received 27th November 2019;
53. Archaeological Desk Based Assessment (Report 303 - 20th October 2019) received 27th November 2019;
54. Transport Statement/Travel Plan (VN91443 - November 2019) received 27th November 2019;
55. Preliminary Ecological Appraisal (Pennine Ecological) received 27th November 2019;
56. Tree Survey Report & Plan (Iain Tavendale - 26th April 2019) received 27th November 2019;
57. Flood Risk Assessment and Drainage Strategy (Ae/FRADS/19004 November 2019) received 27th November 2019;
58. Planning Statement received 27th November 2019;
59. Construction Management Plan received 27th November 2019;
60. Economic Benefits Report received 27th November 2019;
61. Affordable Housing Statement received 27th November 2019;
62. Draft Heads of Terms received 27th November 2019;
63. Design and Access Statement received 27th November 2019;
64. Ecological Surveys & Assessment - Pennine Ecological - March 2020 Update in Relation to Bats, Red Squirrels & Great Crested Newts received 16th June 2020;
65. Great Crested New Survey - Pennine Ecological received 16th June 2020;
66. Appendix 1 – Extended Phase 1 Habitat Survey Plan received 15th June 2020;
67. Archaeological Evaluation (Report 312 - 3rd February 2020) received 19th August 2020;
68. Dusk Bat Survey Results - Pennine Ecological received 7th September 2020;
69. Additional Appraisal and Inspection of Trees in Relation to Bats - Pennine Ecological received 7th September 2020;
70. Schedule of Affordable Housing Units received 18th September 2020;
71. Arboriculture Method Statement (Westwood) received 18th September 2020;
72. Paving Details in RPA (drawing ref D/01) received 18th September 2020;
73. House Type - 403 - Plot 80 variation (drawing ref 403) received 18th September 2020;

74. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

3. The materials (and finishes) to be used in the construction of the proposed development shall be in accordance with the details contained in the submitted application, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030 are met and to ensure a satisfactory external appearance for the completed development.

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

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

5. Prior to the commencement of development, details of the proposed boundary treatment to be erected along the western and southern site boundaries (with the nature reserve and woodland belt) shall be submitted for approval in writing by the Local Planning Authority. The boundary treatment shall then be erected in strict accordance with these details and retained at all times thereafter.

Reason: To ensure satisfactory boundary treatment is erected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the SUDS ponds being brought into use, the applicant shall install a fence/railings around the SUDS ponds, the details of which shall have been agreed beforehand in writing by the Local Planning Authority.

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

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

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

None of the dwellings hereby approved shall be occupied until the approved surface water drainage scheme has been completed and made operational.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

8. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage Management and Maintenance Plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

9. No development shall commence until a Construction Surface Water Management Plan has been agreed in writing with the Local Planning Authority.

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

10. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

Reason: In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

11. Prior to the commencement of development, a method statement for the relocation of the orchids shall be agreed in writing by the LPA. The orchids

shall then be relocated to the areas identified on the Landscape Plan (Dwg ref WW/01 Rev A, received 18th September 2020) in strict accordance with the method statement.

Reason: In order to retain the orchids on site, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of development, details of any lighting (including location and specification) to be used on site during the construction phase shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

Reason: In order to ensure the development does not have an adverse impact on bats and other wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

13. Prior to its installation, details of any lighting (including location and specification) to be installed on the dwellings shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

Reason: In order to ensure the development does not have an adverse impact on bats and other wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

14. Prior to the commencement of development, tree protection fencing shall be installed in accordance with details to be agreed in writing by the Local Planning Authority. The tree protection fencing shall be retained in place at all times until the construction works have been completed.

Reason: To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

15. The development shall be undertaken in strict accordance with the Arboriculture Method Statement (dated 16th September 2020), received on 18th September 2020 and the Paving Details RPA Area Plan (Dwg No D/01), received 18th September 2020.

Reason: To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

16. Prior to any works being undertaken to the trees located within the Kingmoor Sidings Nature Reserve which overhang the development site, details of the works shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

Reason: To protect the existing trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015--2030.

17. Prior to the commencement of development, the applicant shall submit details of the proposed location and height of any soil storage areas. The

soil shall then be stored in accordance with these details.

Reason: To protect the existing trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015--2030.

18. 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 any site works commence.

Reason: In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 215-2030.

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

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

20. 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 brought into use 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.

21. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to the premises within the application site and shall be completed prior to the occupation of the dwelling.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

22. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and 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.

24. 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.

25. Before the occupancy of any residential unit, noise level measurements must

be undertaken in at least two residential units in the development to verify that the noise from the railway line does not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels reported to and approved in writing by the Local Planning Authority.

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must be orientated towards the noise sources i.e. road.

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

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

26. Prior to the occupation of each 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 SP6 of the Carlisle District Local Plan 2015-2030.

27. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

Reason: To ensure that the character and attractive appearance of the dwellings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

28. 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 and to support Local Transport Plan Policies

LD5, LD7 & LD8.

29. Details of proposed crossing of Kingmoor Road shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossing has been constructed.

Reason: To ensure a suitable standard of crossing for pedestrian safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

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

Reason: To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD5, LD7 & LD8.

31. The access drives for each property shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.

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

32. There shall be no vehicular access to or egress from the site other than via the approved access, unless otherwise agreed by the Local Planning Authority.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

33. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian footways within and to and from the site shall be provided that are convenient to use.

Cycleways shall be provided that link continuously and conveniently to the nearest existing cycleways. The layout shall provide for safe and convenient access by cycle.

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

34. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading,

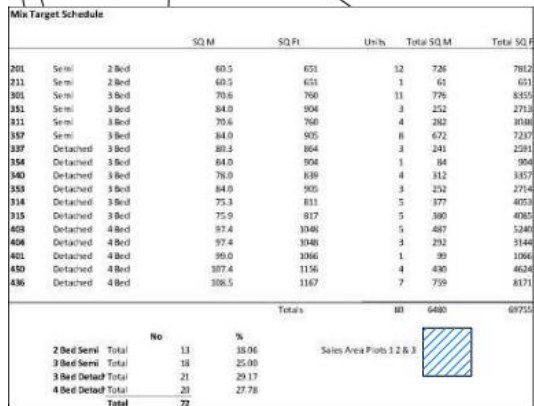
unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

Reason: To ensure that vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies LD7 & LD8.

35. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:

- Pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
- Details of proposed crossings of the highway verge;
- Retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
- Cleaning of site entrances and the adjacent public highway;
- Details of proposed wheel washing facilities;
- The sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- Construction vehicle routing;
- The management of junctions to and crossings of the public highway and other public rights of way/footway;
- Details of any proposed temporary access points (vehicular / pedestrian)
- Surface water management details during the construction phase

Reason: To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety and to support Local Transport Plan Policies WS3 & LD4.



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project ID: 1732-PL212

Proposed Residential Development
Deer Park
Kingmoor, Carlisle.

drawing title:
Site Plan as Proposed

issue stage:
PLANNING ISSUE

DATE	BY	SCALE	AS A1/A2
SEP 19		500 / 1000	

drawing number:	revision:
1732-PL212	M



Revision A	CS	22.07.2020
Revision B	CS	27.07.2020
Revision C	CS	28.07.2020
Revision D	CS	21.09.2020
Revision E	CS	24.09.2020
Revision F	CS	24.09.2020
Revision G	CS	24.09.2020
Revision H	CS	24.09.2020
Revision I	CS	24.09.2020
Revision J	CS	24.09.2020
Revision K	CS	24.09.2020
Revision L	CS	24.09.2020
Revision M	CS	24.09.2020
Revision N	CS	24.09.2020
Revision O	CS	24.09.2020
Revision P	CS	24.09.2020
Revision Q	CS	24.09.2020
Revision R	CS	24.09.2020
Revision S	CS	24.09.2020
Revision T	CS	24.09.2020
Revision U	CS	24.09.2020
Revision V	CS	24.09.2020
Revision W	CS	24.09.2020
Revision X	CS	24.09.2020
Revision Y	CS	24.09.2020
Revision Z	CS	24.09.2020



-  Public Footpath Diversion Route
-  Existing Public Right of Way (PROW)

MANNINGELLIOTT
 PARTNERSHIP
 Chartered Architects & Engineers
 1st Floor, Suite 1
 100, The Quadrant
 Carlisle, Cumbria, CA1 1JH
 A: 01768 880 000
 E: info@manningelliott.co.uk
 W: www.manningelliott.co.uk

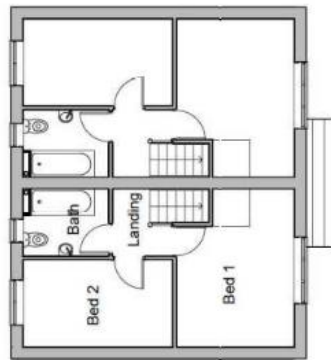
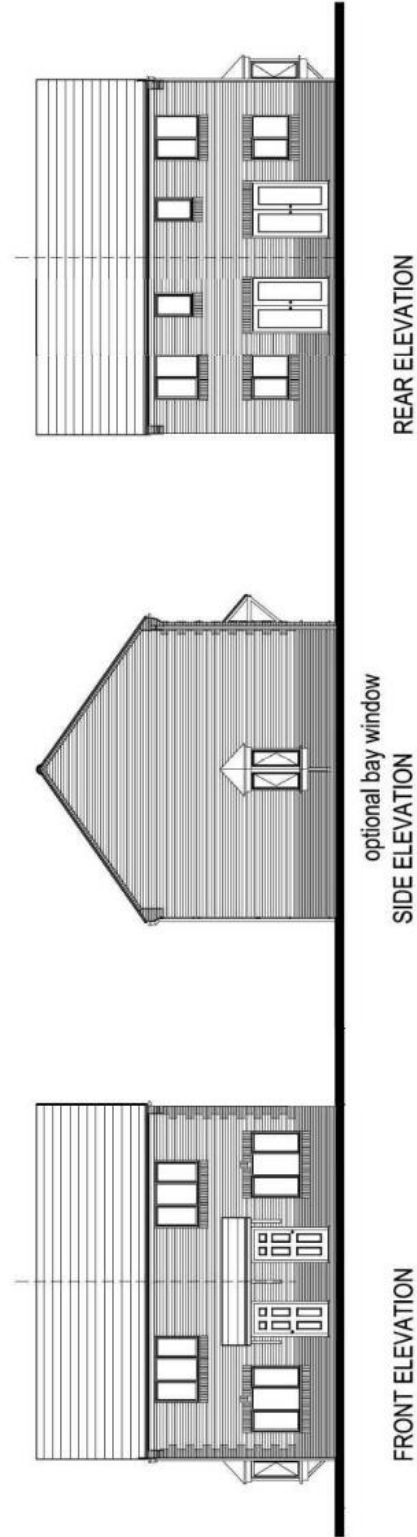
project title
 Proposed Residential Development
 Deer Park
 Kingmoor, Carlisle.

drawing title
 Public Right of Way
 Proposed Diversion Route

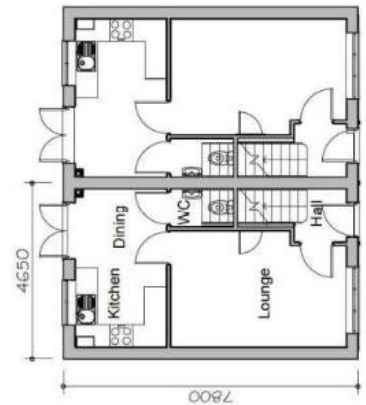
issue stage
 PLANNING ISSUE

date: 19/09/2020
 drawn: 19/09/2020
 scale: A1A3
 500 / 1000

drawing number: 1732-PL214
 revision: G



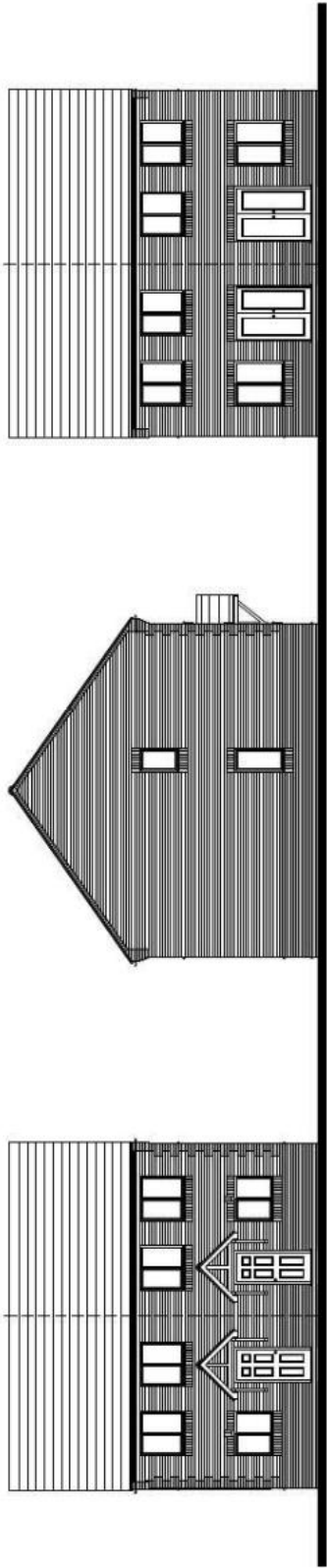
FIRST FLOOR PLAN



GROUND FLOOR PLAN

PLANNING DRAWING

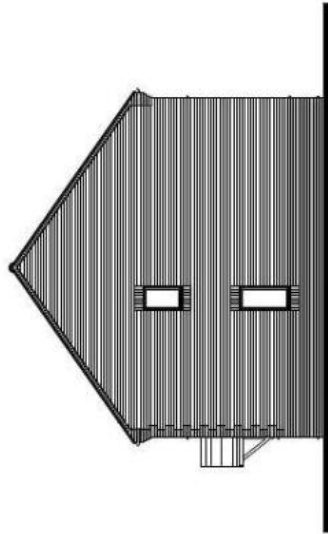
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GLEESON		
HOMES & REGENERATION		
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D1	27/05/12	1:100
E1	27/05/12	1:100
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H1	27/05/12	1:100
I1	27/05/12	1:100
J1	27/05/12	1:100
K1	27/05/12	1:100
L1	27/05/12	1:100
M1	27/05/12	1:100
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CJ1	27/05/12	1:100
CK1	27/05/12	1:100
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CM1	27/05/12	1:100
CN1	27/05/12	1:100
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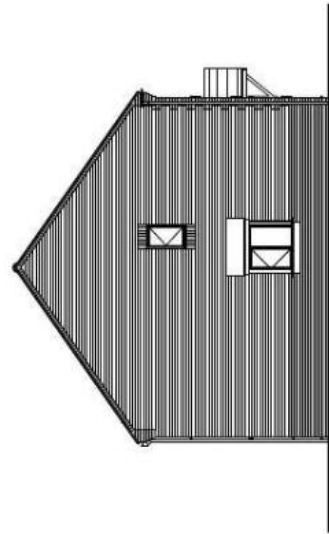
FRONT ELEVATION

SIDE ELEVATION

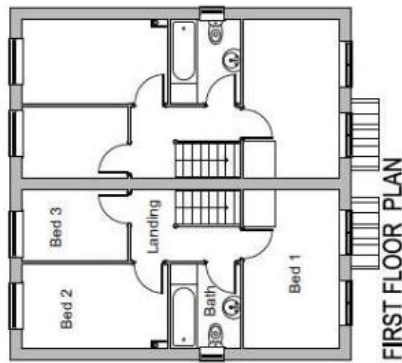
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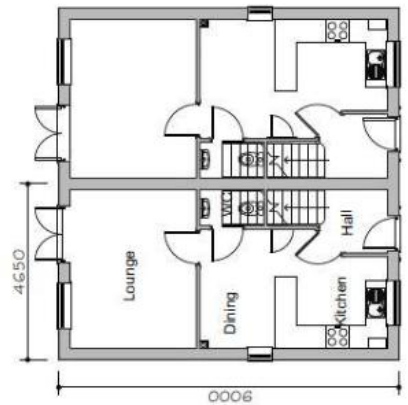
SIDE ELEVATION



optional bay window
SIDE ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN



FLOOR AREA
70.56m², 759ft²

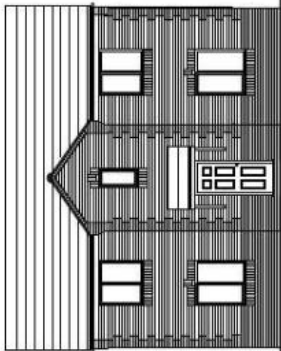
PLANNING DRAWING

301 dwelling type

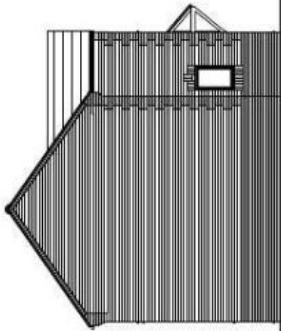
GLEESON

HOMES & REGENERATION

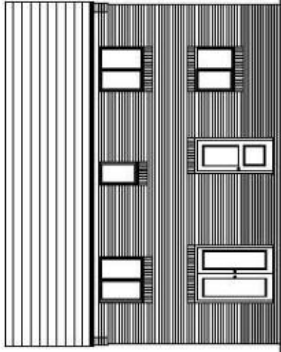
Item	Scale
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2. Rear elevation	1:100
3. Side elevation	1:100
4. Floor plan	1:100
5. Ground floor plan	1:100
6. First floor plan	1:100
7. Section	1:100
8. Detail	1:100
9. Other	1:100
10. Other	1:100
11. Other	1:100
12. Other	1:100
13. Other	1:100
14. Other	1:100
15. Other	1:100
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96. Other	1:100
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99. Other	1:100
100. Other	1:100



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

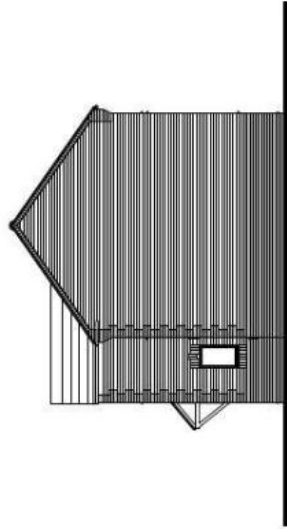


FIRST FLOOR PLAN



GROUND FLOOR PLAN

SIDE ELEVATION



PLANNING DRAWING

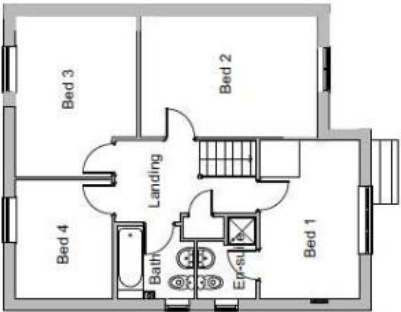
403 dwelling type

GLEESON

HOMES & REGENERATION

Drawn	Scale
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FLOOR AREA
97.36m², 1048ft²



FIRST FLOOR PLAN



GROUND FLOOR PLAN



PLANNING
DRAWING

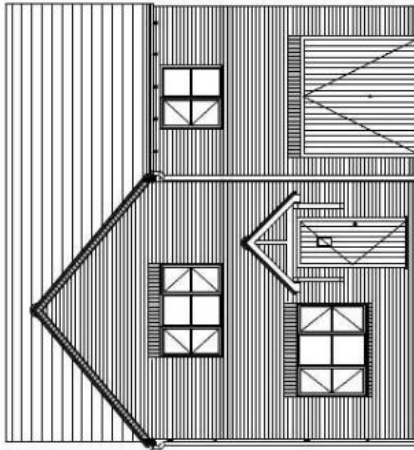
436 dwelling type

GLEESON
HOMES & REGENERATION

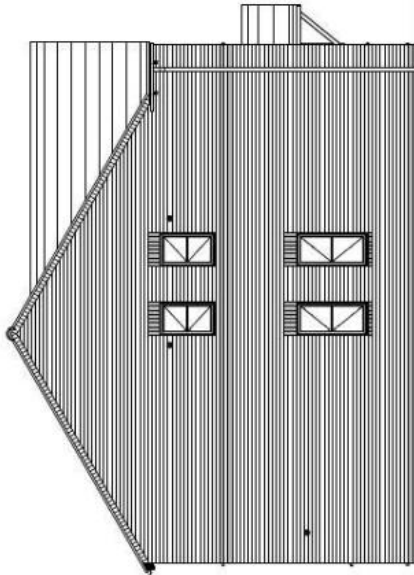
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at A2	
Date	
Dec 19	
Drawn by	
436/1	

FLOOR AREA
108.45m², 1167ft

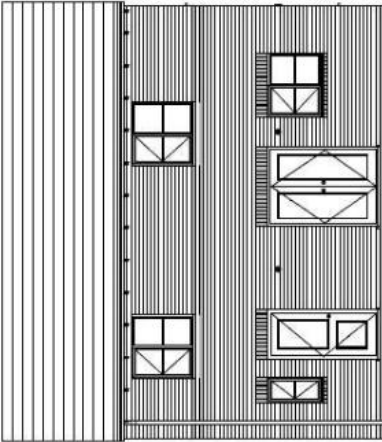
Revisions:	Date:
A. Updated to include structural requirements.	17.07.20



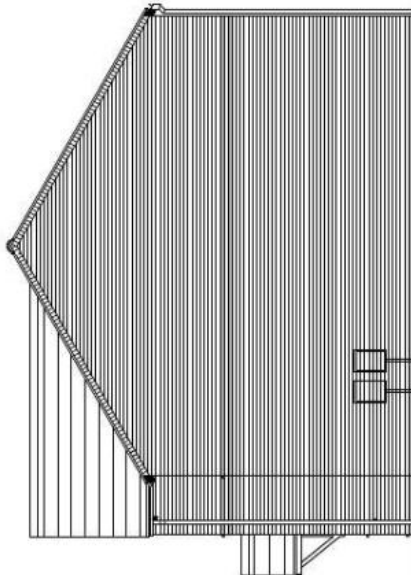
FRONT ELEVATION



SIDE ELEVATION



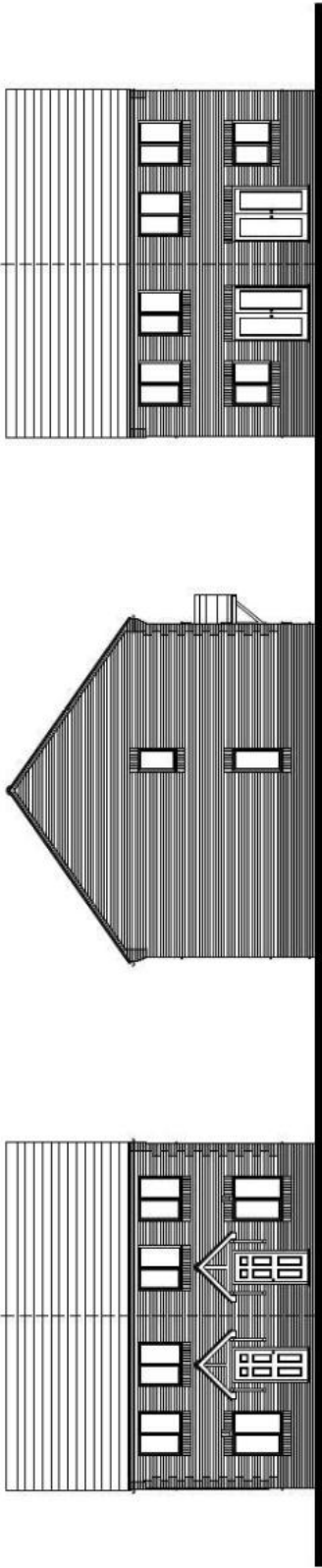
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SIDE ELEVATION



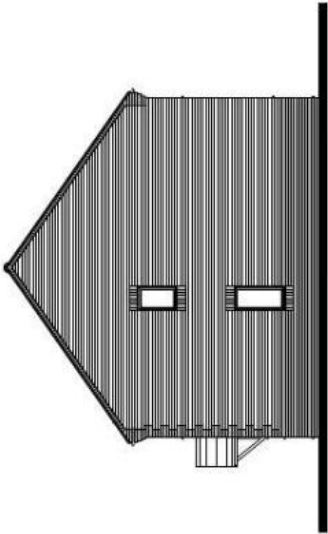
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Drawing no.	13/436 -10 Rev A



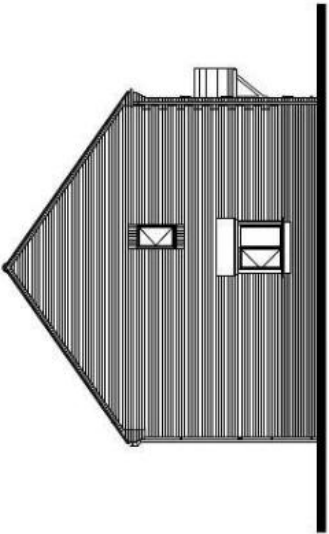
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SIDE ELEVATION

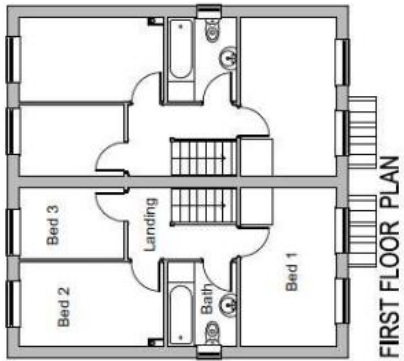
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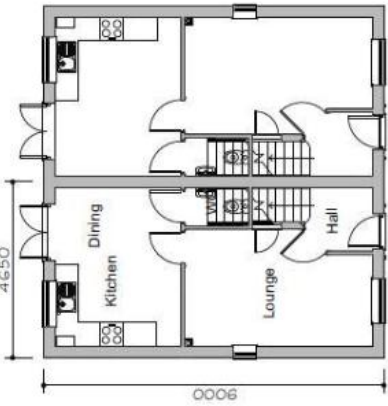
SIDE ELEVATION



SIDE ELEVATION
optional bay window



FIRST FLOOR PLAN



GROUND FLOOR PLAN

PLANNING
DRAWING

311 dwelling type

GLEESON
HOMES & REGENERATION

Ref	Revised/Issued For	Drawn/Checked	Scale
1	1:100	at A2	1:100
2	Dec.13	Dec.13	Dec.13
3	311/1A	311/1A	311/1A

FLOOR AREA
70.56m², 759ft²

SCHEDULE A: Applications with Recommendation

20/0445

Item No: 02

Date of Committee: 09/10/2020

Appn Ref No:
20/0445

Applicant:
Old Brewery
Developments Ltd

Parish:
Carlisle

Agent:
Unwin Jones Partnership

Ward:
Cathedral & Castle

Location: 18 Maltmill House, Bridge Lane, Caldewgate, Carlisle, CA2 5SR

Proposal: Change Of Use From Former Student Flat To Gym With Minor Alterations

Date of Receipt:
06/07/2020

Statutory Expiry Date
31/08/2020

26 Week Determination
06/11/2020

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle of Development Is Acceptable
- 2.2 Scale And Design
- 2.3 The Impact Of The Development On Heritage Assets
- 2.4 The Effect On The Living Conditions Of Occupiers Of Neighbouring Premises
- 2.5 Potential For Crime, Disorder And Anti-Social Behaviour
- 2.6 Highway Issues
- 2.7 Development Within The Flood Zone

3. Application Details

The Site

- 3.1 Maltmill House comprises a one of a group of five buildings of which 'old Brewery Residences', 'Tun House' and 'Maltmill House' are Grade II Listed

Buildings.

- 3.2 The site is located in the Caldewgate area of Carlisle to the north of Bridge Street with good access to the city centre, transport links and public car parks. The site is bound to the north by Caldew Maltings, to the east by the River Caldew beyond which is Devonshire Walk public car park and Carlisle City Centre Conservation Area, to the south by Castle Way and to the west by the Little Caldew watercourse.

Background

- 3.3 The buildings previously housed The Carlisle Old Brewery company until its closure in 1987. There then followed a period of internal demolition and strip out. The building was listed in 1987.
- 3.4 In 1993 the site was substantially redeveloped to form the Northumbria University Halls of Residence. Impact Housing Association acquired the site from the then Northumbria University in November 2014. The buildings have been occupied as student residence until September 2016 and have been vacant since.
- 3.5 The student numbers in Carlisle were anticipated to increase and planning applications were approved in Denton Holme on Denton Street and Norfolk Street accordingly. However, the demand for student accommodation did not meet the expectation and take up of student accommodation stagnated. Occupation numbers reduced by two thirds at the Old Brewery since 2012 and this prompted Impact Housing Association to review their options. Feasibility studies concluded that conversion to affordable housing was the most practical and sustainable option.
- 3.6 The site is also located in Flood Zone 3 and was flooded in 2005 and again in 2015. However, the site is within an area benefiting from flood defences.

The Proposal

- 3.7 This application seeks full planning permission for the change of use of part of the ground floor of Maltmill from that of a student flat to a specialist support gym.
- 3.8 Minor works are proposed to the listed building which will be minimized to accommodate the gym and associated facilities and will incorporate flood resilience measures. In order to facilitate the change of use, some alterations are proposed to the building, which in summary comprise of:
- the floor will be overlaid and insulated;
 - stud partitions will be erected forming an office, changing area and toilets;
 - the area will be rewired, drainage altered and new gas and electricity supplies installed;
 - externally the only visible change will be the alteration of a window opening to form a door within the courtyard.

- 3.9 Two additional car parking spaces are to be provided within the overall site.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice, a press notice and direct notification to the occupiers of 49 of the neighbouring properties. In response, two letters of objection have been received and the main issues raised are summarised as follows:
1. the opening of the emergency gates between Caldew Maltings and the Old Brewery would cause a huge problem and be a very dangerous rat run, if flooding were to occur again would be very, very dangerous;
 2. due to the restricted parking, neighbouring residents have to pay for a space. Due to the limited number of spaces for the gym, users would park in residents spaces;
 3. the application states that there is no new or altered vehicular access but the proposals include opening the road from Caldew Maltings into the Old Brewery;
 4. previous planning permissions have insisted the gates should be erected to block direct access to Bridge St/ Castle Way and should only be open for access for emergency services to the Old Brewery;
 4. the site should be developed comprehensively and with sensitivity, rather than in a piecemeal way;
 5. the proposal for a gym uses only half a block of student flats yet takes up the total car park for the whole of the Old Brewery site which will create major difficulties when proposals for further uses of the site are considered;
 6. should the applicant propose apartments in other parts of the development, what car parking provision is made?;
 7. what protection is proposed to ensure the parking rights of Caldew Maltings residents are not impinged upon?.
- 4.2 In addition to the letters of objection, additional correspondence was submitted during the consultation process for the listed building consent application with that application number being quoted; however, the issues raised relate to the planning application and are summarised as follows. The one letter commenting on the proposal raises the following:
1. it isn't clear whether this would be a commercial gym but the reference to 34 parking spaces would suggest it is;
 2. the hours of opening are not stated;
 3. The traffic layout also highlights a potential rat run for cars leaving Willowholme Road, in that the traffic lights on Bridge Lane can be bypassed which allows uncontrolled access for cars onto the dual carriageway at Bridge Lane.
- 4.3 Eleven letters of support have been received and the issues raised are summarised as follows:
1. the space will be to house a Not-For-Profit Community Interest female fitness centre, not a large commercial gym where the women in

- attendance would be fully supported by a team to help empower them to improve their Mental and Physical Health & Wellbeing;
2. the centre in question is for a small group of women (around 160 members) with a percentage having long term health conditions, acute care needs and some having mental ill health;
 3. it will be the ground floor to the overall building which will allow wheelchair access, something which is not available in the current location;
 4. the increase in parking spaces will allow the members to park safely and securely away from side roads and residential areas;
 5. the existing premises is no longer fit for their needs and use and the gym has been undertaking some great work at their site in Denton Holme. This new premises will significantly improve the environment for their activities and services and will be an asset for local residents in the area. All activities are delivered by well qualified instructors and this ensures that the services and opportunities being made available are inspiring and of the highest quality.

5. Summary of Consultation Responses

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

Local Highway Authority

It has been confirmed that the site overall has 34 parking spaces and an additional two will be provided as part of this development and will be reserved for users of the gym within the red line boundary. Additionally, it has been confirmed that there is no proposal to open the emergency access gates for two way access to Caldew Maltings. On this basis, the proposal will not have a severe impact to the highway.

Lead Local Flood Authority (LLFA)

The LLFA has records of minor surface water flooding within the red line boundary west of the site which indicate a 0.1 percent (1 in 1000) chance of flooding occurring each year and the Environment Agency (EA) surface water maps indicate that the site is within flood zone 2 and 3, you may wish to consult with the EA in relation to flood risk assessment;

Planning - Access Officer: - no objection.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be

assessed is the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG) and Policies of SP1, SP2, SP6, SP9, EC6, EC9, IP2, IP3, CC4, CM4, CM5, HE3 and HE7 of the Carlisle District Local Plan 2015-2030 are also relevant. The council's Supplementary Planning Document (SPD) "Designing Out Crime" is also a material planning consideration. The proposal raises the following planning issues.

1. Whether The Principle of Development Is Acceptable

- 6.3 Within the NPPF there is a presumption in favour of sustainable development. Paragraph 7 requires that:

"The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs."

- 6.4 Paragraph 8 continues and identifies that to achieve sustainable development there are three overarching objectives. Paragraph 10 states *"so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11)."*

- 6.5 Policy EC6 of the local plan reflects the hierarchical approach of retail and main town centre uses for the district in Policy EC2 which is itself consistent with the Framework which seeks to protect vitality and viability of existing centres and also provides for new centres within strategic sites across the district. Under the NPPF, a gymnasium is defined as a 'Main Town Centre' use. Paragraph 86 of the Framework states that:

"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered."

- 6.6 Paragraph: 011 Reference ID: 2b-011-20190722 Revision date: 22 07 2019 clarifies that it is *"...for the applicant to demonstrate compliance with the sequential test (and failure to undertake a sequential assessment could in itself constitute a reason for refusing permission)."*

- 6.7 Paragraph 89 of the NPPF requires impact assessments to be completed on retail and leisure proposals over 2,5000 square metres if there is no locally set threshold. The impact assessment should include consideration of *"the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal"* and *"the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."*

- 6.8 The site is approximately 0.58 kilometres (0.36 miles) south-west of the city centre and 95 metres west of the city centre boundary in a direct line and is therefore considered to be an 'edge of centre' location and as such, a Sequential Test has been submitted as part of this application. Paragraph 86 states:

“Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.”

- 6.9 Paragraph 87 of the NPPF continues:

“When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

- 6.10 In this instance, the proposal involves the use of a building as a gymnasium which is a 'Main Town Centre' use. Such uses are required to be in city centre locations unless supported by a sequential test. The sequential test submitted as part of this application identifies specific criteria each location had to satisfy, namely:

- a) a floor area of circa 2,000 square feet;
- b) an open plan layout to use as a gym and multi-purpose exercise area;
- c) a ground floor premises for the elderly and less physically mobile;
- d) an easily accessible location with good access to public transport;
- e) a safe location where the more vulnerable users will feel comfortable and will feel happy to walk in the evenings;
- f) some allocated parking on site for the less mobile (two spaces have been allocated at 17 Maltraville House);
- g) affordable rent. iCan are a 'not for profit' organisation and are looking for a reputable landlord who can provide them long term security.

- 6.11 A total of 38 premises were considered and are assessed in the Sequential Test. They were largely discounted as being excessively large, having a multi-floor layout, prohibitive cost of refurbishment, rental values and several are less sequentially preferable. The report concludes in paragraph 4.3 that:

“It is considered that the current location of the business in Denton Holme is an out of centre location, and is therefore less sequentially preferable than the proposed site at 17 Maltraville House. It is also no longer available to iCan, hence their need to relocate.”

- 6.12 As such, the author of the report concludes that there are no sequentially preferable sites for the proposed use and that the sequential test has been passed.

- 6.13 The applicant has properly applied a sequential site approach and therefore has adequately demonstrated that there are no alternative suitable sequentially preferable sites available. The proposal is considered to be compliant with the objectives of the NPPF, NPPG and policies of the local plan and the principle of development is acceptable. The remaining issues raised by the proposed development are addressed in the following paragraphs.

2. Scale And Design

- 6.14 The NPPF promotes the use of good design with paragraph 127 and the sentiments are repeated in paragraph 130. 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. 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.
- 6.15 The proposal involves alterations to the building which in the majority are internal. The only external change involves the formation of a door opening in the rear elevation. In the context of the proposal, the external alteration would not be visible from the streetscene. The scale and use of the building would be appropriate to the character and appearance of the property and would not appear obtrusive within the wider character of the area and the proposal would be compliant with policies in this regard.

3. The Impact Of The Development On Heritage Assets

3.a The Listed Building

- 6.16 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

Impact Of The Proposal On The Character And Setting of the Grade II Listed Buildings

- 6.17 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.18 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in

paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 6.19 Criteria 7 of Policy SP7 seeks to ensure that development proposals safeguard and enhance conservation areas across the District. Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.

i) the significance of the heritage asset and the contribution made by its setting

- 6.20 Maltmill House is a large detached Grade II listed building and forms part of a cohesive group of buildings that comprise the Old Brewery.

ii) the effect of the proposed development on the settings of the Grade II listed building

- 6.21 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).

- 6.22 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 6.23 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 194). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 6.24 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).

- 6.25 The proposal for about 50% of the ground floor of Maltmill is to convert the space for use as a specialist support gym. The internal walls were stripped as part of flood resilience works by Impact Housing Association and at this point

the shell needs to be fitted out. Minor alterations are required:

- the floor will be overlaid and insulated;
- stud partitions will be erected forming an office, changing area and toilets;
- the area will be rewired, drainage altered and new gas and electricity supplies installed;
- externally, a window opening will be altered to form a door opening within the courtyard.

- 6.26 The listing description for the buildings acknowledges that *“little remains of the buildings’ original interior”*. The development comprises alterations to the interior of the building that could be reserved at a later date should that be required and is therefore considered to be a ‘light touch’ to the conversion of the building. The addition of the door in the materials proposed is part of the flood reliance measures. As such, the works to facilitate the change of use of the building are minimal and it is considered that the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings.

3b. Impact Of The Proposal On The City Centre Conservation Area

- 6.27 The application site is adjacent to the City Centre Conservation Area whose boundary flanks the east bank of the River Caldw. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF, PPG, Policy HE7 of the local plan are relevant.
- 6.28 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:

“special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area”.

- 6.29 The aim of the 1990 Act is reiterated in the NPPF, PPG and policies within the local plan. Policies HE6 and HE7 of the local plan advise that proposals should preserve or enhance their character and appearance, protecting important views into and out of conservation areas.
- 6.30 Under the requirements of the NPPF, a *“balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 6.31 The reuse of the building would not affect the setting of the conservation area and only one minor external alteration to the rear of the building in the form of the installation of a door in lieu of a window is proposed. On this basis, the proposal would preserve the character and appearance of the conservation area and would not prejudice important views into or out of the conservation area and is acceptable.

4. The Effect on the Living Conditions of Occupiers of Neighbouring Premises

- 6.32 There are residential properties and a commercial business in the vicinity of the application site. As well as the potential for crime and disorder, which is discussed in the following section of this report, the proposal has the potential to impact on the amenity of the occupiers of neighbouring premises from the use of the site. This includes noise from the proposed plant and equipment, as well as from patrons leaving the premises during hours of the day and night when ambient noise levels are relatively low.
- 6.33 The applicant has confirmed that no mechanical ventilation or air conditioning equipment which may be associated with the use as a gymnasium. The hours of use would be between 8am and 7.45pm on Mondays to Saturdays and 10am until 11.30am on Sundays.
- 6.34 Given the scale of the use together with the orientation of the neighbouring properties, intervening buildings and proposed hours of use, it is unlikely that the proposal would have an unacceptable impact on the amenity of neighbouring residential or commercial buildings.

5. Potential For Crime, Disorder And Anti-Social Behaviour

- 6.35 Planning policies require that *“new development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime. Proposals should be designed with the following principles in mind in order to create secure environments which deter crime...”*
- 6.36 The proposal involves the reuse of part of an existing building. Given the existing layout of the site and the restricted access to the rear, together with the small-scale use of the building, the development is unlikely to give rise to any issues of crime or anti-social behaviour. The applicant is advised to contact Cumbria Constabulary for further advice in respect of measures which could be incorporated within the building together with management procedures to further reduce this potential. This is in the form of an advisory note within the decision notice. On this basis, the proposal would not therefore be contrary to Policy CM4 of the local plan.

6. Highway Issues

- 6.37 The site is served by existing vehicular accesses and the development would incorporate parking provision and turning facilities within the site. A further two parking spaces are to be provided as part of this development. The site is well-related to the city and is accessible by alternative means of transport including cycling, walking and public transport. It is also well-related to two public car parks.
- 6.38 Any additional vehicle movements could be accommodated within the existing highway network and Cumbria County Council as the Local Highway Authority has raised no objection to the application. It would be appropriate however, to limit the access from the site onto Caldew Maltings and secure the provision of the two car parking spaces through the imposition of

conditions. As such, the proposal does not raise any highway issues.

7. Development Within The Flood Zone

- 6.39 The application site is located within Flood Zones 2 and 3. Planning policies adopt a hierarchical approach and direct development in the first instance to areas designated as being within Flood Zone 1. Development within Flood Zones 2, 3a and 3b (with the exception of water compatible uses in key infrastructure as defined in the NPPG) will only be acceptable where they are compliant with the NPPF where a sequential test and exception test where applicable have been satisfied.
- 6.40 Paragraph: 066 Reference ID: 7-066-20140306 Revision date: 06 03 2014 of the NPPG advises that leisure uses are classified as less vulnerable uses. Further information in the NPPG is found in “Table 3: Flood risk vulnerability and flood zone ‘compatibility’” which clearly states that neither a Sequential or Exception Test need to be applied to minor development and changes of use, (except for a change of use to a caravan, camping or chalet site, or to a mobile home or park home site).
- 6.41 A leisure use which encompasses a gymnasium, is classified as being a ‘less vulnerable’ use and within Table 3, is defined as being acceptable in Flood Zone 3a. As such, and in light of this together with the advice in the NPPF, the proposal does not raise any issues with reference to Policy CC4.

Conclusion

- 6.42 In overall terms, the proposal relates to reuse of part of a building to form a gymnasium. The NPPF and local plan policies seek to protect the vitality and viability of city and town centres by generally requiring main town centre uses to be within the town centre and only where adequately supported can these be considered in edge of centre or out of centre locations. In this instance, it is considered that the submitted Sequential Test has been applied in a robust and comprehensive manner and it can be confidently concluded that there are no sequentially preferable alternative sites and therefore, that the vitality and viability of the city centre would be preserved.
- 6.43 There is appropriate vehicular access to the site and parking within the site. The development is accessible by alternative means of transport and is acceptable in this regard, subject to the imposition of conditions.
- 6.44 The proposal is appropriate in scale and would not adversely affect any identified heritage assets or the amenity of the occupiers of neighbouring premises. National planning policies advise that leisure uses in areas of identified flood zones are acceptable. The proposal does not raise any issues with regard of crime or disorder. In all aspects, the proposal is considered to be compliant with the objectives of the NPPF, NPPG and the relevant local plan policies.

7. Planning History

- 7.1 In 2007, planning permission was granted for flood defence improvements for the Rivers Caldew and Eden (the Caldew and Carlisle City flood defence scheme).
- 7.2 Also in 2007 listed building consent was granted for modifications to the riverside frontage comprising: 32m length of new flood defence wall; permanent frame to inside of ground floor windows; fitting of ductile iron flap valve; filling in of cellar windows with brickwork; 17m length of new flood defence wall; and repointing the existing wall using polymer modified mortar.
- 7.3 A revised application for planning permission was granted in 2008 for the construction of flood alleviation scheme along the right bank of the River Caldew, adjacent to Boustead's Grassing, comprising embankment and walls.
- 7.4 In March 2008, a revised application for planning permission was granted for construction of flood alleviation scheme at various locations along the Rivers Caldew and Eden.
- 7.5 Later in 2008, planning permission was granted for a further revised scheme for the construction of flood alleviation scheme along right bank of the River Caldew adjacent to Viaduct Estate Road & left bank adjacent to university library Milbourne Street.
- 7.6 Planning permission was granted in 2008 for a revised scheme for proposed flood defences adjacent to the sands centre.
- 7.7 In 2009, planning permission was granted for proposed emergency egress steps from the gas holder site; proposed relocation of flood defences from consented scheme at A-Z Motors; proposed extensions to consented flood embankment through the swifts driving range.
- 7.8 Also in March 2009, planning permission was granted for relocation of the EA river access to within the Carlisle Enterprise Centre car park and the introduction of a drawdown structure at the end of Lamplugh Street.
- 7.9 Later in 2009, planning permission was granted for revisions to previous planning consent for a flood defence scheme.
- 7.10 In July 2009, listed building consent was granted for the replacement of 10 casement windows to the ground floor of the river elevation with powder coated steel framed double glazed windows to act as a flood defence barrier.
- 7.11 Planning permission and listed building consent were granted in 2017 for the change of use of the former halls of residence to a mix of 1, 2, and 3 bedroom affordable dwellings (36) and retention of a single bed warden's flat.
- 7.12 An application for listed building consent the change of use from a former student flat to a gym with minor alterations was recently granted under application reference 20/0446.

8. Recommendation: Grant Permission

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the Planning Permission Application Form received 3th July 2020;
 2. the Existing Location Plan received 16th September 2020 (Drawing no. 001);
 3. the Existing Site Plan received 16th September 2020 (Drawing no. 101 Rev A);
 4. the Proposed Site Plan received 16th September 2020 (Drawing no. 102 Rev A);
 5. the Existing and Proposed Floor Plans received 3rd July 2020 (Drawing no. 103);
 6. the Existing and Proposed Elevations received 3rd July 2020 (Drawing no. 104);
 7. the Planning Application Supporting Documents Incorporating Design and Access Statement and Historic Buildings Impact Assessment received 3rd July 2020;
 8. the Sequential Test received 22 July 2020;
 9. the Notice of Decision;
 10. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

3. The premises shall be used as a gymnasium and for no other purpose.

Reason: To preclude the possibility of the use of the premises for purposes inappropriate in the locality in accordance with Policies EC6 and CM5 of the Carlisle District Local Plan 2015-2030.

4. The use of the premises hereby permitted shall not commence before 08:00 hours or remain in operation after 20:00 hours on Mondays to Saturdays and shall not commence before 10:00 hours or remain in operation after 12:00 hours on Sundays.

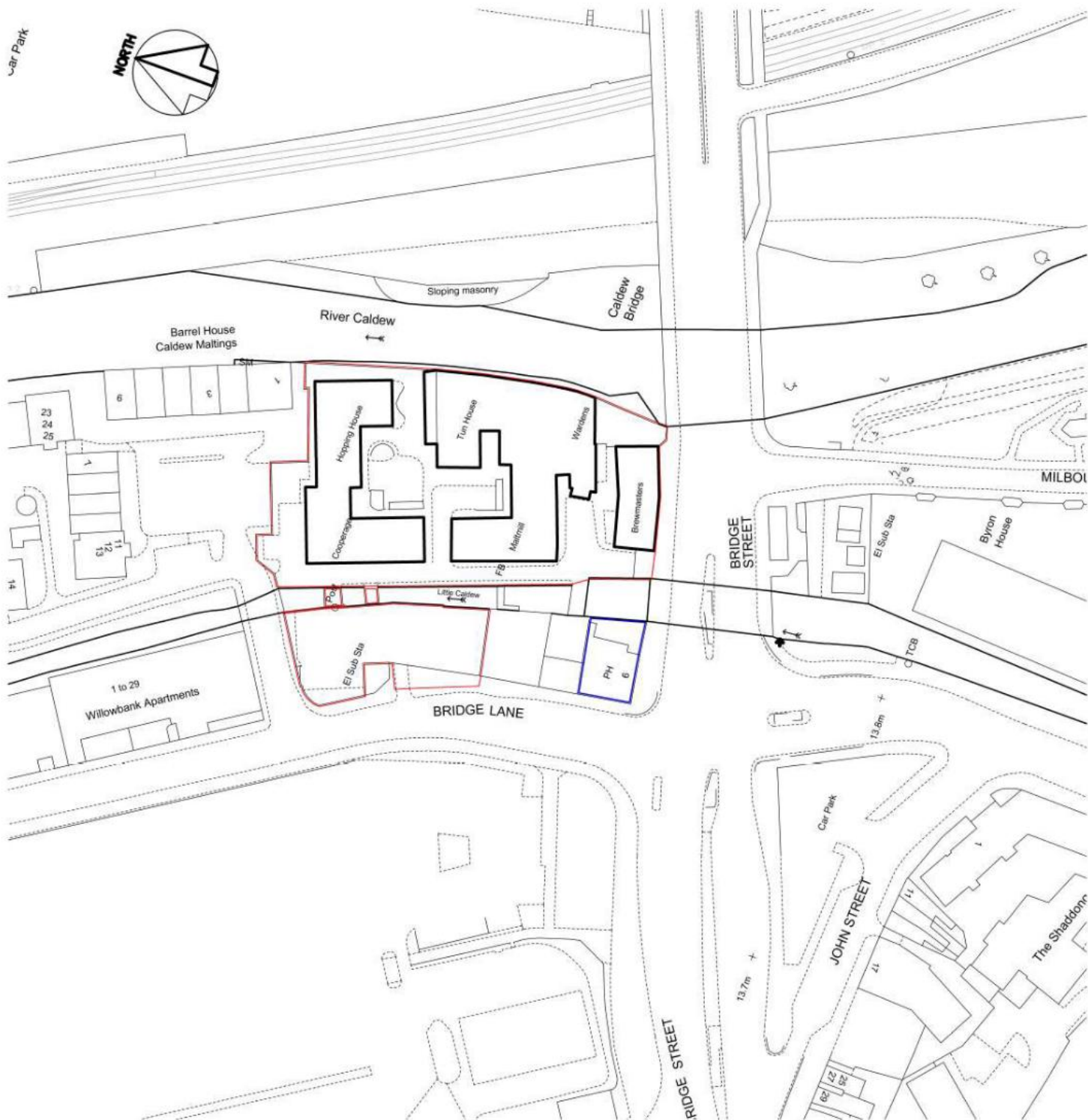
Reason: To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

5. The vehicular access leading from the site to Caldew Maltings shall only be used only by emergency and service vehicles and no other vehicles.

Reason: To preclude the access being used on a regular basis and to avoid any adverse impact on the surrounding highway network in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

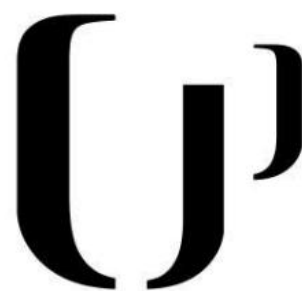
6. The two parking spaces immediately adjacent to the north of Maltmill House shown on the Existing Site Plan (Drawing no. 101 Rev A) shall be retained and used solely by patrons of the gymnasium and for no other purpose.

Reason: To preclude the parking spaces being used by non-patrons of the development in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.



Old Brewery, Carlisle for Wayne McKnight

Existing Location Plan



DRAWN: SCALE: 1:1250
PROJECT No: 3029
DATE: June 2020 DRAWING No: 001

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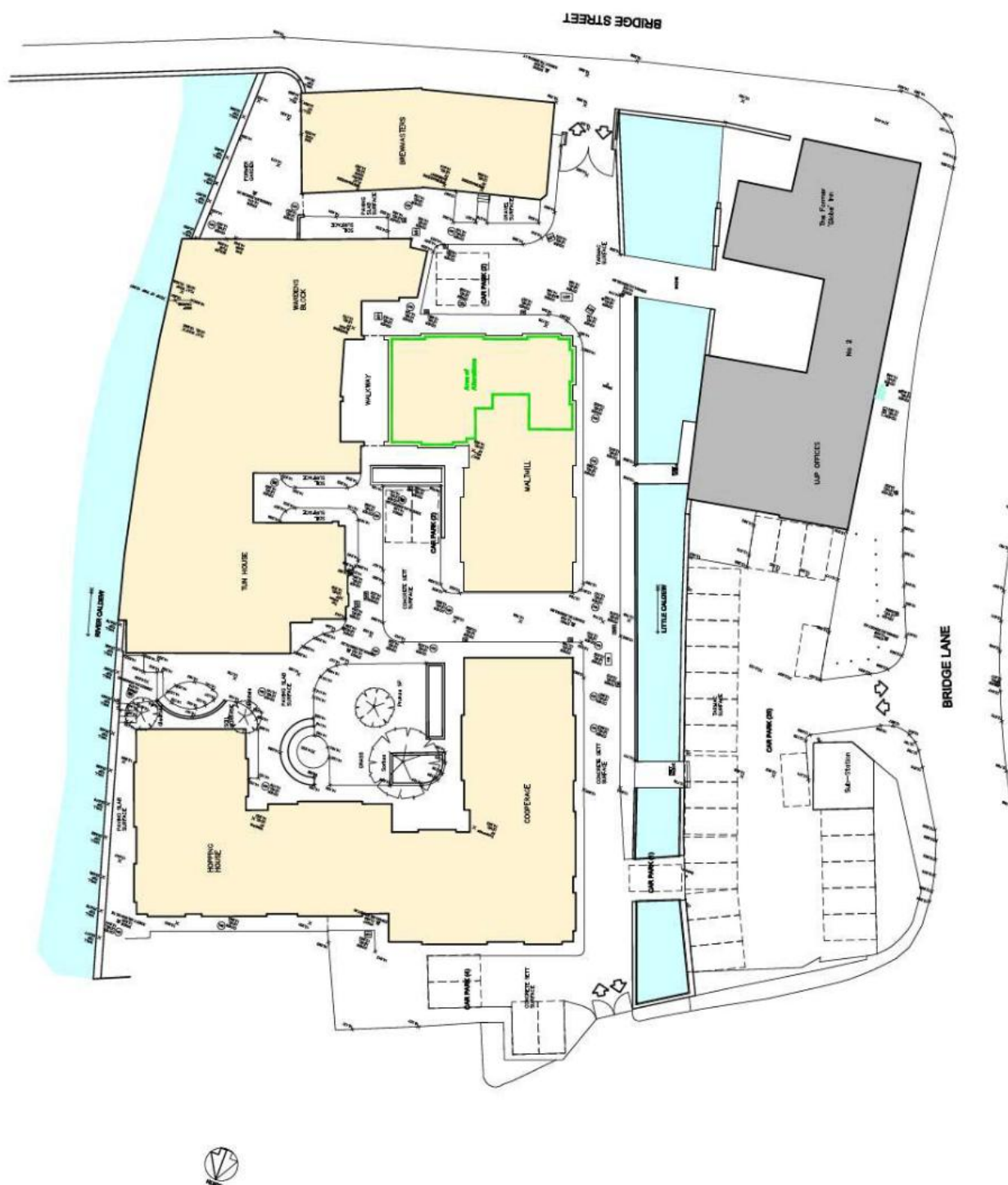
DIMENSIONS & OUTLINE COLOUR CHANGED

Name	Date
Mr. A. J. Allen	16 Sept 2020

Old Brewery, Carlisle
for Wayne McKnight

ICan Fitness
Existing Site Plan

ISSN	0950-0804	CAN	12(8)
PUBLISHED BY	PERIODICALS	PRICE PER COPY	\$02.9
VOLUME	12(8)	DISTRIBUTION	1071 A

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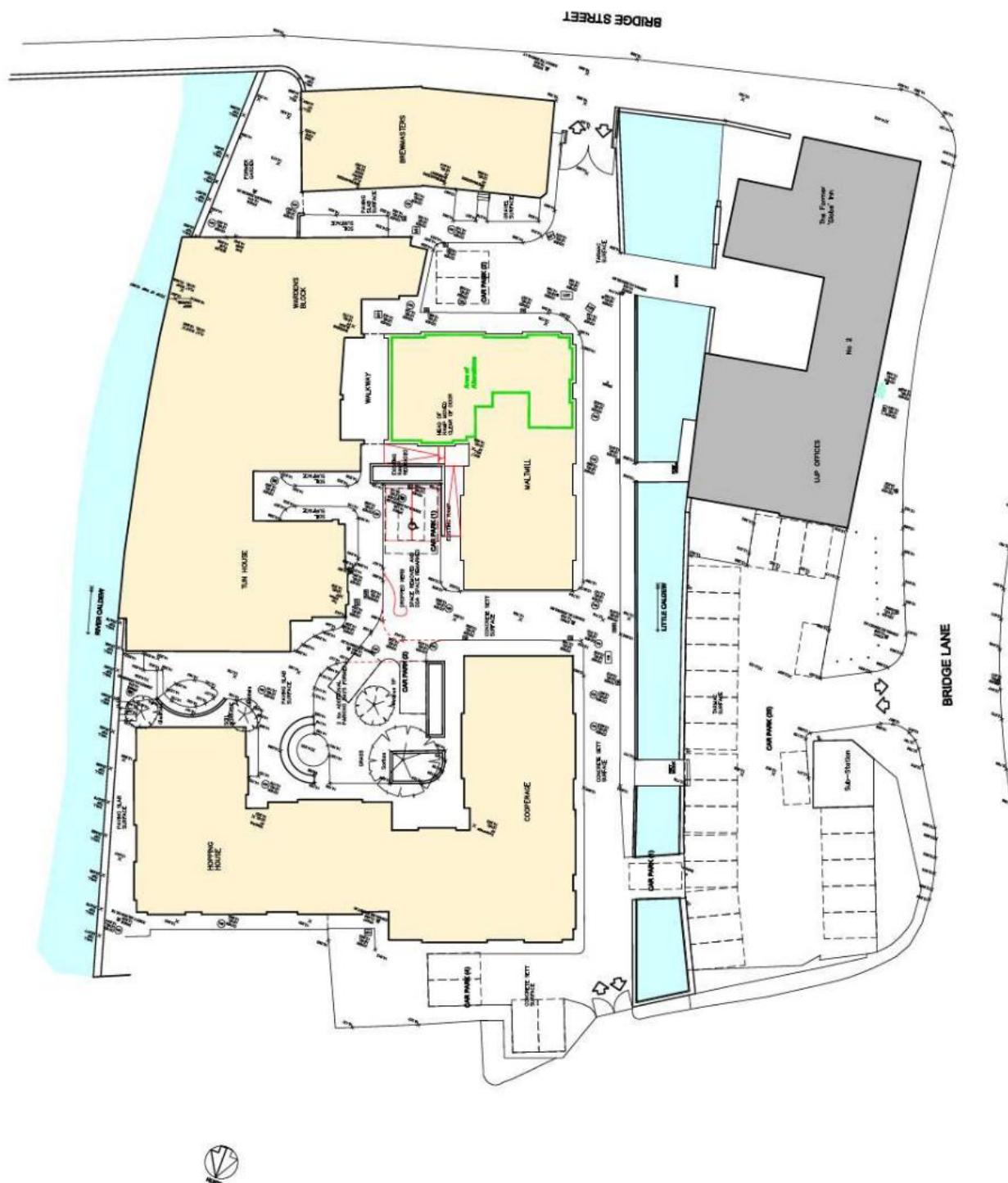
EMISSIONS
A RAMP AND PARKING PROMOTION ADJUSTED
OUTLINE COLOUR CHANGED

Name	Date
X Alan	31 July 2020
X Alan	16 Sept 2020

Old Brewery, Carlisle
for Wayne McKnight

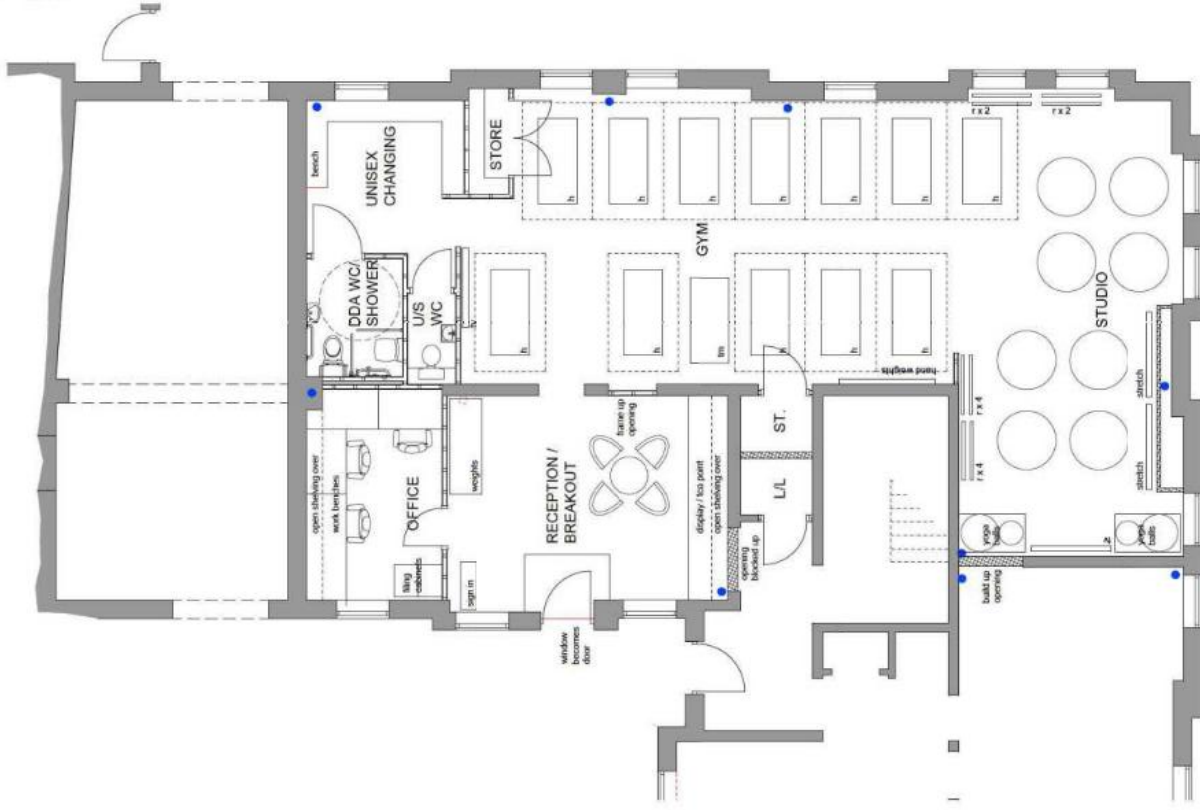
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Proposed Site Plan

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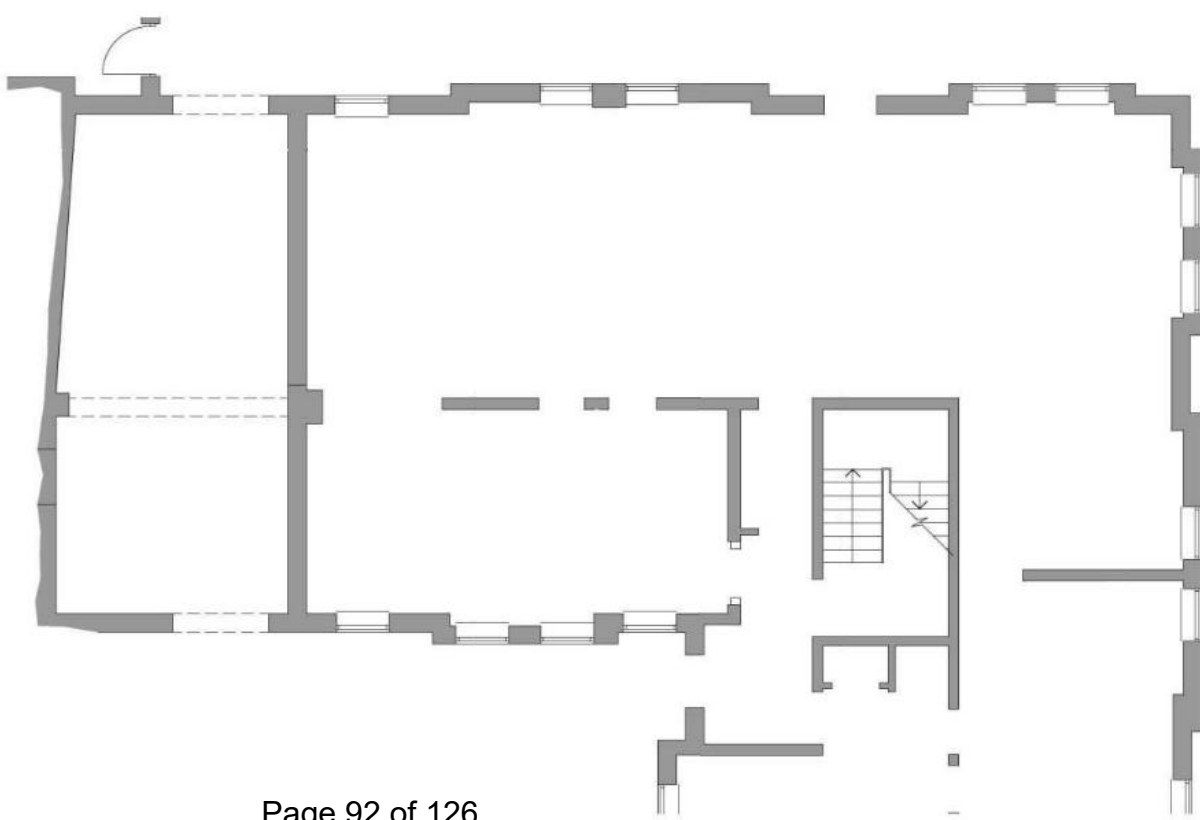
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PROPOSED LAYOUT
1:50



EXISTING LAYOUT
1:50

Old Brewery, Carlisle
for Wayne McKnight

ican Fitness
Existing and Proposed Floor Plans

DESIGNER	UNWIN JONES PARTNERSHIP
DATE	June 2020
PROJECT No.	2020
DRAWING No.	103
PROJECT No.	2020
DRAWING No.	103
PROJECT No.	2020
DRAWING No.	103

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Old Brewery, Carlisle
for Wayne McKnight

iCan Fitness
Existing and Proposed Courtyard Elevation

DRAWN	SCALE	SHEET
		1-100
TITLE	PROJECT NO.	DATE
June 2020	3029	
	DRAWING No.	
	104	

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SCHEDULE A: Applications with Recommendation

20/0537

Item No: 03

Date of Committee: 09/10/2020

Appn Ref No:
20/0537

Applicant:
Mr P & Mrs Birks

Parish:
Carlisle

Agent:
Dave Andrew Architectural Design

Ward:
Belah & Kingmoor

Location: 2 Lyne Close, Carlisle, CA3 0EB

Proposal: Erection Of Single Storey Side/Rear Extension To Provide Extended Kitchen, Utility And WC

Date of Receipt:
17/08/2020

Statutory Expiry Date
12/10/2020

26 Week Determination

REPORT

Case Officer: Suzanne Osborne

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene;
- 2.2 Impact Of The Proposal On The Living Conditions Of Neighbouring Residents;
- 2.3 Highway Impacts;
- 2.4 Impact Upon Biodiversity; and
- 2.5 Other Matters.

3. Application Details

The Site

- 3.1 Number 2 Lyne Close is a detached bungalow located on the southern side of Lyne Close, in Lowry Hill, Carlisle. The property is constructed from brick walls with render panels under a tiled roof and is surrounded by bungalows

to the east, south and south-west together by a dormer bungalow to the west and two storey residential properties to the north.

The Proposal

- 3.2 The application seeks full planning permission for the erection of a single storey side and rear flat roofed extension to the west elevation of the property to provide an extended kitchen, utility and WC. The submitted plans illustrate that the proposed extension will be constructed from brick/rendered walls to match the existing property under a resin bonded flat roof. The proposed roof lanterns will be constructed from powder coated aluminium coloured black or dark grey.

4. Summary of Representations

- 4.1 This application has been advertised by means of notification letters sent to 7 neighbouring properties. No verbal or written representations have been received in response to the consultation undertaken.

5. Summary of Consultation Responses

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

6. Officer's Report

Assessment

- 6.1 Section 70 (2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) together with Policies SP6, HO8 and GI3 of the Carlisle District Local Plan (CDLP) 2015-2030. The City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing' is also a material planning consideration in the determination of this application.
- 6.3 The proposal raises the following planning issues:
- 1. Whether The Proposal Is Appropriate To The Dwelling And Impact Upon The Existing Street Scene**
- 6.4 The NPPF attaches great importance to the design of the built environment recognising that good design is a key aspect of sustainable development, is

indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that planning 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. The NPPF also indicates that planning decisions should not attempt to impose architectural styles or particular tastes. It is however proper to promote or reinforce local distinctiveness.

- 6.5 The relevant design policies of the CDLP seek to ensure that proposals respond to the local context in terms of height, scale and massing and by using appropriate materials and detailing. Local landscape character should be respected, and development should be fully integrated into its surroundings.
- 6.6 Policy HO8 of the CDLP (which relates to house extensions) confirms that house extensions and alterations should be designed to complement the existing building and be visually subservient. Policy HO8 goes on to state that proposals should maintain the established character and pattern of the existing street scene and be a positive addition as well as retain gaps between buildings where they are characteristic of the area and contribute to the existing street scene.
- 6.7 The proposed extension will replace an existing single storey store/laundry room which is linked to the property by a covered pathway. The extension will be built off the western wall of the existing laundry/store and will appear subservient to the main dwelling as it will be set back from the original front elevation. The scale and height of the proposed extension is comparable to the existing dwelling. The fenestration details and materials will also match those of the main dwelling. Accordingly, the scale and design of the extension is acceptable.
- 6.8 Furthermore, given the positioning of the development, set back from the front elevation of the property, the proposal would not form a discordant feature within the existing street scene.

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

- 6.9 The City Council's SPD 'Achieving Well Designed Housing' outlines minimum distances between primary facing windows together with primary windows and walls serving habitable rooms in order to protect against loss of amenity and privacy i.e. 21 metres between primary facing windows and 12 metres between primary windows and walls. The proposed development will be compliant with these distances and will therefore not give rise to any undue overlooking.
- 6.10 Given the positioning of residential properties that surround the site in relation to the proposed extension, the proposal would also not have an adverse impact upon the living conditions of the occupiers of any neighbouring properties in terms of loss of light or over dominance.

3. Highway Impacts

- 6.11 The existing vehicular access and incutillage parking spaces will be unaffected by the application and the proposal will not result in any additional parking demand as the extension will not increase the number of bedrooms in the property. The relevant Highway Authority has been consulted on the proposal and has raised no objections. In such circumstances the development would not have an adverse impact upon existing highway conditions.

4. Impact Upon Biodiversity

- 6.12 The Councils GIS Layer has identified that the site has the potential for several key species to be present within the vicinity. Given the scale and nature of the proposal it is unlikely that the development would harm a protected species or their habitat.

5. Other Matters

- 6.13 The human rights of the occupiers of the neighbouring properties have been properly considered and taken into account as part of the determination of the application. Several provisions of the Human Rights Act 1998 can have implications in relation to the consideration of planning proposals, the most notable being:

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

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

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

- 6.14 Article 1 of Protocol 1 relates to the "Protection of Property" and bestows the right for the peaceful enjoyment of possessions. This right, however, does not impair the right to enforce the law if this is necessary, proportionate and there is social need.
- 6.15 Article 8 and Article 1 Protocol 1 are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

Conclusion

- 6.16 On balance the proposed extension is appropriate in terms of scale and design to the existing dwelling and will not have a detrimental impact upon the character/appearance of the surrounding area or the living conditions of the occupiers of any residential properties. The development will also not

have an adverse impact upon highway safety or biodiversity. Overall, the proposal is compliant with the objectives of the relevant Development Plan Policies and approval is recommended.

7. Planning History

- 7.1 The most recent planning history is as follows:
- 7.2 In 2011 planning permission was granted for erection of single storey front and rear extension to provide extended en-suite bedroom and kitchen/lounge (reference 11/1050).

8. Recommendation: Grant Permission

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

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

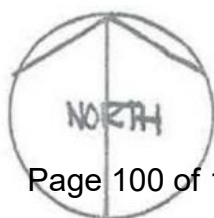
2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:

1. the submitted planning application form received 17th August 2020;
2. the site location plan received 7th August 2020 (Drawing No. 20.04.01);
3. the block plan received 7th August 2020 (Drawing No.20.04.02);
4. the proposed floor plans received 7th August 2020 (Drawing No.20.04.05);
5. the proposed elevations received 7th August 2020n (Drawing No.20.04.06);
6. the Notice of Decision;
7. any such variation as may subsequently be approved in writing by the Local Planning Authority.

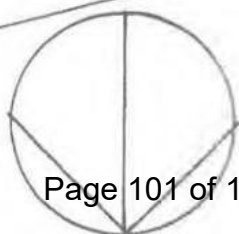
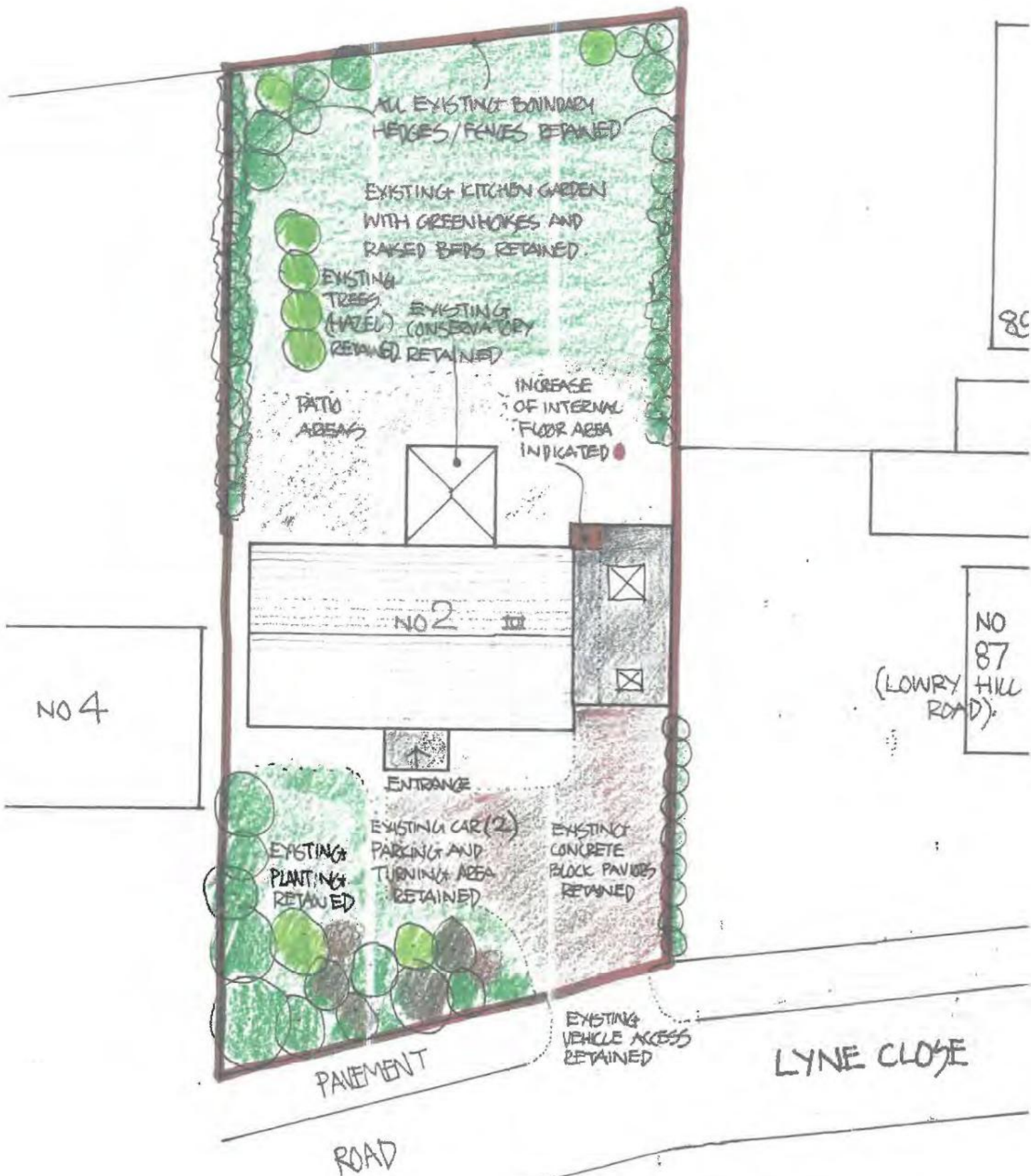
Reason: To define the permission.



LOCATION PLAN



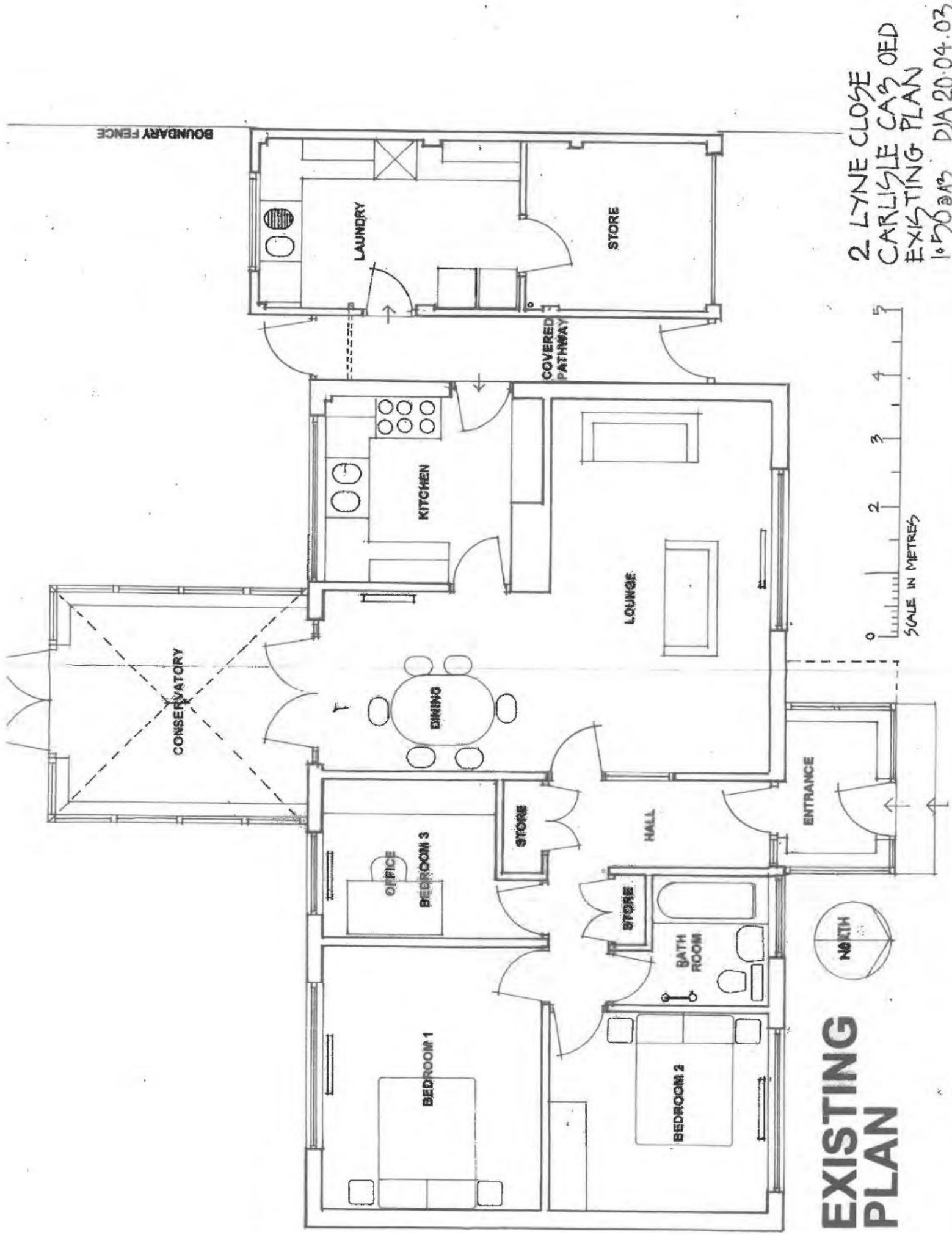
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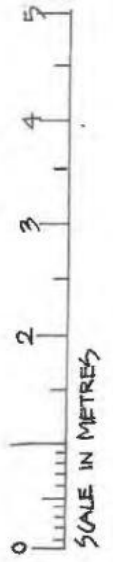
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CARLISLE CA3 OED
BLOCK PLAN

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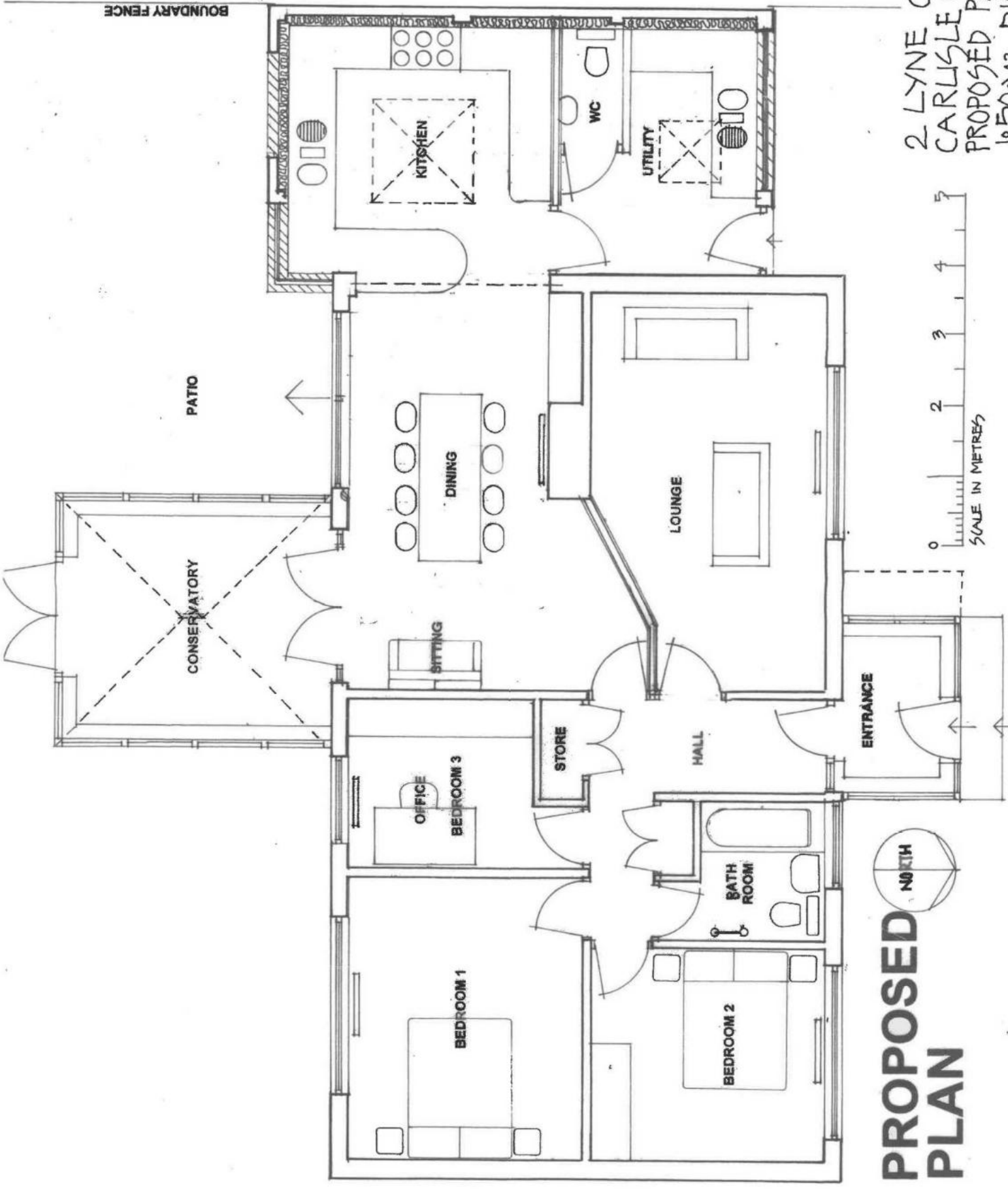
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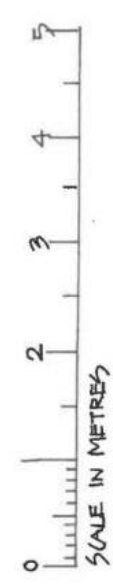
EXISTING PLAN



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EXISTING PLAN
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PROPOSED PLAN



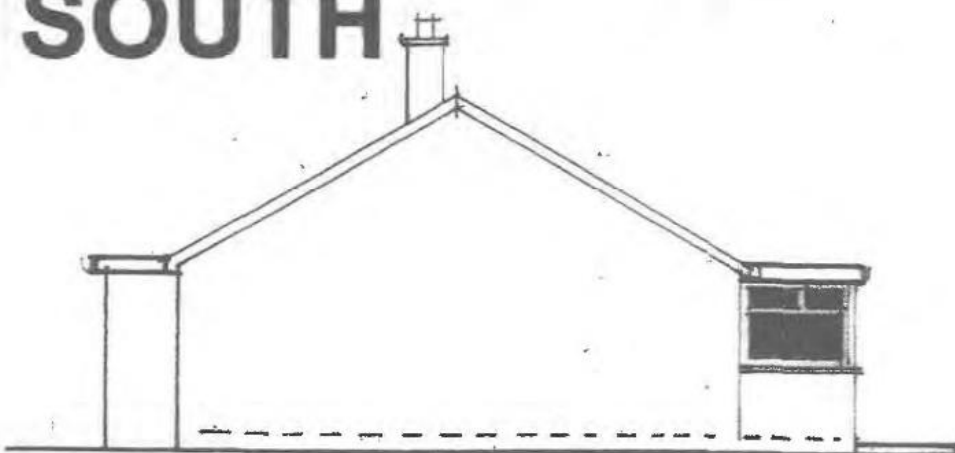
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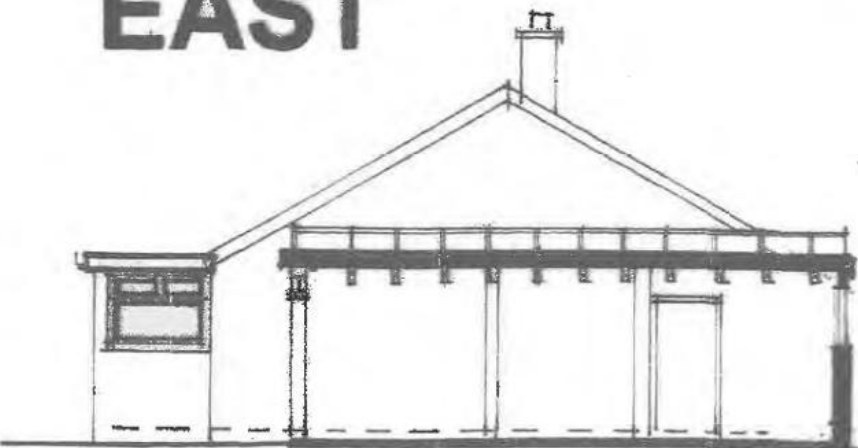
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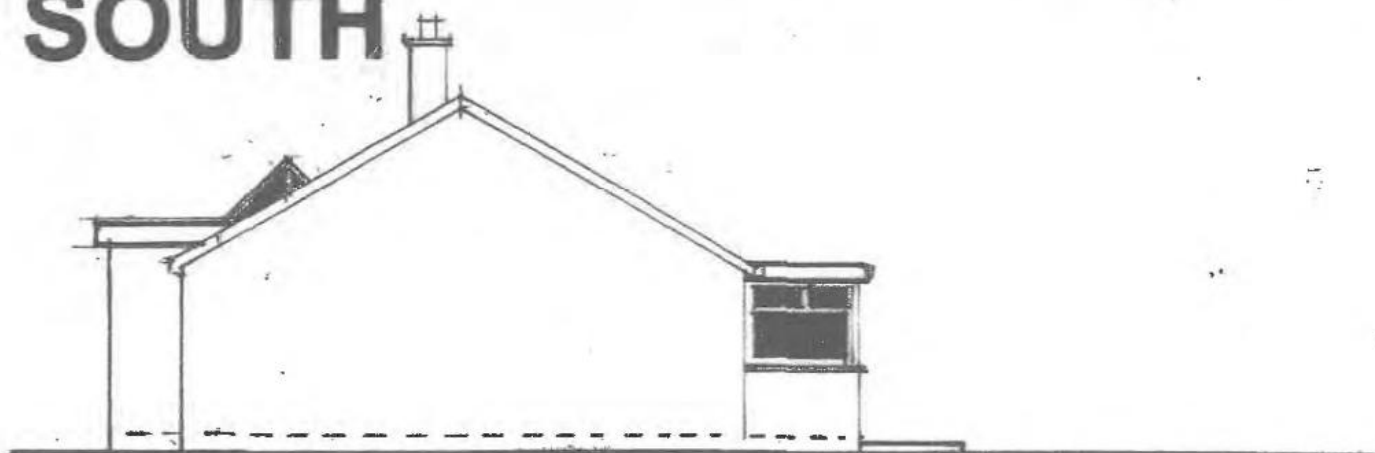
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CARLISLE CA30ED
EXISTING ELEVATIONS
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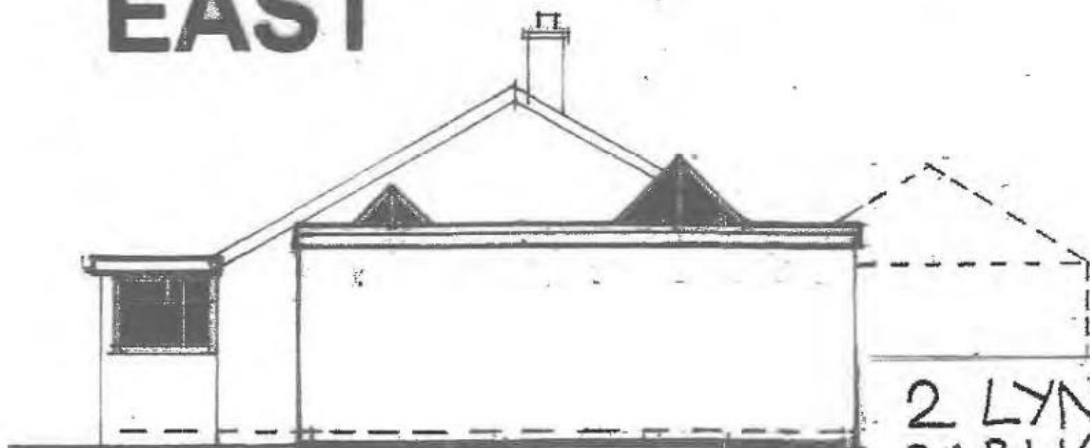
NORTH



SOUTH



EAST



WEST

2 LYNE CLOSE
CARLISLE CA3 OED
PROPOSED ELEVATIONS
10503 A4 DJA 20.04.06

SCHEDULE A: Applications with Recommendation

20/0433

Item No: 04

Date of Committee: 09/10/2020

Appn Ref No:
20/0433

Applicant:
Mr Ian Murray

Parish:
Carlisle

Agent:

Ward:
Botcherby & Harraby North

Location: Land adjacent Geltsdale Avenue, Durranshill, Carlisle, CA1 2RL

Proposal: Variation Of Condition 2 (Approved Documents) Of Previously Approved Application 18/0388 (Proposed New Vehicle and Pedestrian Entrance) To Amend Alignment Of Boundary Walls (Part Retrospective)

Date of Receipt:
03/07/2020

Statutory Expiry Date
28/08/2020

26 Week Determination
27/11/2020

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Development Is Acceptable
- 2.2 Whether The Scale, Design And Impact On The Character And Appearance Of The Street Scene Is Acceptable
- 2.3 Highway Safety
- 2.4 Other Matters

3. Application Details

The Site

- 3.1 The application site comprises a 0.17 hectare parcel of land located between Geltsdale Avenue and Durranshill Road. The land comprises of a copse of trees and vegetation, some of the trees are subject to a Tree Preservation Order (TPO) 4.

- 3.2 Residential properties adjoin the site with those to the south-east on Alexandra Drive separated by Durranhill Road. A stone wall flanks this boundary with the footpath and County highway. Durranhill House to the north-east and Durranhill Lodge to the south-west are Grade II listed buildings.

The Proposal

- 3.3 This application is for planning permission for the variation of the list of previously approved documents for the formation of a vehicular entrance on the south-east boundary leading onto Durranhill Road. The access involves the reconstruction of the boundary wall to provide visibility splays of 2.4 metres by 60 metres and would involve a pair of access gates recessed 6 metres within the site from the carriageway edge. Planning permission is sought for boundary walls that curve into the site from the highway in lieu of the staggered boundary walls approved as part of the extant planning permission.

4. Summary of Representations

- 4.1 This application has being advertised by means of a site notice and direct notification to the occupiers of 22 of the neighbouring properties. In response, four letters of objection have been received and the main issues raised are summarised as follows:
1. the proposal for this new entrance has already been built and in place, it looks like the decision has already been made;
 2. already vehicles are now being parked half on the pavement which forces the public to walk on the road, and this will only get worse when they start to build inside the boundaries;
 3. the entrance is so close to the traffic calming measure that is in place is an accident waiting to happen;
 4. the scheme shows a reduction in visibility splay resulting from the new wall design. The original application was refused due to highway safety issues. The new Meadowbrook Estate will mean an increase in traffic on this road on which speeding and near misses are regular occurrences;
 5. an accident has already occurred on that part of the road on the 03/10/2019 all three emergency services were in attendance and this was reported in the Evening News & Star. To ignore the recommendations of the highways safety audit and approve this would make a mockery of the whole planning process;
 6. the original planning application 18/0388 was conclusively rejected by the planning committee, on safety grounds, this was appealed by the applicant, with that appeal being successful, in what was described as a marginal decision. The applicant then raised a new planning application amending the one approved marginally on appeal, and this was approved behind closed doors by the planning department;
 7. the applicant then proceeded to build the entrance for reasons best known to himself not to conform to the plans that had been passed, and is now applying for retrospective planning permission for the now

- constructed entrance;
8. the now constructed entrance is inherently unsafe, and meets none of the safety measures that were in place in all other iterations previously proposed to planning, the biggest omission being the complete lack of "splays" that were incorporated in all previous proposals. The now constructed entrance is completely invisible to traffic travelling on Durranhill Road in either direction, making the entrance totally unsafe in terms of highway safety;
 9. the junction is not visible from either the top or bottom of the hill and is already a complicated piece of highway;
 10. the appeal was given for "site maintenance and management" only and should stay that way as the more traffic that uses that entrance increases the risk of confusion and inherently more accidents occurring;
 11. the applicant has spread "road planings" on the site, road planings are hazardous and a known carcinogenic material. This material should not be used due to the threats it poses to health. As witnessed by the fact it killed one of the replacement protected trees within 3 days of coming into contact with it.
- 4.2 In addition, one letter of representation has also been received which raises the following issues:
1. it is unclear why notification of a planning proposal to amend alignment of boundary walls has been issued. This work has been undertaken and was done during lockdown so it is not a proposal. To say that the entrance is to allow maintenance is a nonsense you and it is very well known that it is to be an entrance to a house to be built.
- 4.3 Following the receipt of amended drawings which show the visibility splays and the reduction in the height of the boundary wall, two further representations have been received objecting to the application which reflect the issues already raised and summarised above.

5. Summary of Consultation Responses

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

Local Highways Authority

The planning application under consideration is a retrospective application to amend the alignment of a boundary wall which was originally approved, via an appeal, as part of the planning application 18/0388. As a result of the original planning application the principal of an access at this location has been agreed with the Highways Authority.

Following on from the initial Highways Authority response to this application, the applicant has submitted a revised layout plan which illustrates the visibility splays and dimensions of the access arrangements as requested. The revised plans illustrate that visibility splays of 2.4m x 60m can be achieved with the revised access arrangements providing that the walls on either side

of the junctions are limited to 1.05m in height. It is noted following a site visit by the Highways Authority that the height of the boundary wall on the western side of the access is 1.45m in height which impedes the visibility splays. Therefore the applicant is to reduce the height of the wall to 1.05m so as not to impede visibility splays. The Highways Authority finds it acceptable that this can be secured through the use of the planning conditions stated at the end of this response.

The revised plans also illustrate that the access is to be 5.5m in width to accommodate two vehicles accessing the land side by side with gates that open inwards towards the site. Further to this the 6m spacing between the gates and carriageway edge is sufficient to prevent vehicles obstructing the highway when entering the site. This provision is acceptable to the Highways Authority. The applicant should also be aware that a Stage 3 Road Safety Audit will be required for the access. This was conditioned as part of the planning approval 18/0388 and is to be undertaken by the applicant within 6 months of the completion of the access.

Therefore to conclude the Highways Authority have no objections with regards to the approval of planning permission subject to the imposition of two conditions which require the reduction in the height of the boundary wall and that following the completion of the access a Stage 3 Road Safety Audit shall be submitted to the local planning authority and any recommendations shall be implemented within 6 months of the completion of the access.

Lead Local Flood Authority

The LLFA has no objections with regards to the approval of planning permission as the variation of condition 2 application currently under consideration does not seek to amend the drainage arrangements as agreed within the discharge of conditions application 20/0057.

Cllr Mr R Betton - Botcherby & Harraby North: - no response received;

Cllr Mr J Bomford - Botcherby & Harraby North: - no response received;

Cllr J Paton - Botcherby & Harraby North: - no response received.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP6, IP2 and IP3 of the Carlisle District Local Plan (CDLP) 2015-2030. The proposal raises the following

planning issues.

1. Whether The Principle Of Development Is Acceptable

- 6.3 The principle of development has been established through the planning permission that has been granted for the development of the site. The development has been commenced with the current application seeking revisions to the alignment of the boundary walls that flank the entrance. The impact on protected trees, heritage assets, residential amenity, disposal of surface water is appropriate, and the impact of the proposal on biodiversity is unaffected by this application. The remaining issues are discussed in the following paragraphs.

2. Whether The Scale, Design And Impact On The Character And Appearance Of The Street Scene Is Acceptable

- 6.4 The NPPF promotes the use of good design with paragraph 127 outlining 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.”*

- 6.5 It is further appropriate to be mindful of the requirements in paragraph 130 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)."

- 6.6 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. 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.
- 6.7 The entrance has been formed in the existing stone wall which flanks the south-eastern boundary. The wall itself is slightly elevated above the height of the adjacent footpath.
- 6.8 The proposal involves some physical alterations to the boundary structure in the form of a new opening and visibility splays; however, the splays have been constructed in stone using reclaimed material which matches the existing unaltered wall. The access and realigned boundary walls do not result in a discordant feature within the street scene and are not therefore detrimental to the character and appearance of the area.

3. Highway Safety

- 6.9 The proposal has created an access onto Durranhill Road which is a classified road (C1010 Scotby Close to Montgomery Way). The gates are recessed 6 metres from the carriageway edge and the reconstructed boundary wall would incorporate visibility splays of 2.4 metres by 60 metres which is confirmed on the submitted drawings and is required to be provided and retained by means of a planning condition.
- 6.10 Part of the boundary wall to the south-west of the entrance has been built in excess of the stipulated 1.05 metres. Revised plans have been received and annotated such that the height of this wall will be reduced to 1.05 metres. Cumbria County Council as the Local Highways Authority (LHA) has accepted this drawing subject to the imposition of a condition requiring the works to be completed at this reduced height.
- 6.11 A number of objections have been received from residents in respect of the potential impact on highway safety as a result of this development, particularly in relation to the physical proximity to the brow of the hill to the north-east and the recently constructed traffic calming measure.
- 6.12 The principle of the access has previously been accepted by the LHA and also subsequently by the Planning Inspectorate through the grant of planning permission following the appeal lodged against the refusal of planning permission. The LHA raise no objection to this application subject to the imposition of conditions and accordingly it is not considered that this proposal raises any issues with regard to highway safety.

6.13 Members will note in the Consultation Notes (Section 5 of this report) that the LHA has requested a condition should be imposed on any planning permission requiring the applicant to submit a Stage 3 Road Safety Audit. Ordinarily, a Stage 3 report should be undertaken when the Highway Improvement Scheme is substantially complete and preferably before the works are open to road users. The scheme would be examined during daylight and during the hours of darkness, so hazards particular to night operation can also be identified and representatives from the police, local authority and maintaining agent would be invited to accompany the Audit Team to offer their views for the Stage 3 Audit. Works within the highway require agreement under section 278 (S278) of the Highways Act 1980. A S278 agreement is a section of the Highways Act 1980 that allows developers to enter into a legal agreement with the council to make alterations or improvements to a public highway, as part of a planning application. It is an offence to carry out any works within the public highway without permission of the Highway Authority. It is considered that if a Stage 3 Audit is required, this should be submitted as part of the S278 process rather than the planning application. The imposition of such a condition as part of the planning permission would not meet the relevant tests for a condition, in particular it would not be necessary. Any further ongoing highway improvements (which may or may not be identified by a Stage 3 Audit) should be considered under highway legislation rather than after the completion of the development approved by the planning permission. Members should be mindful that such a condition was not imposed by the Planning Inspectorate.

6.14 In terms of imposing a planning condition, Paragraph: 003 Reference ID: 21a-003-20190723 Revision date: 23 07 2019 of the NPPG states:

“What approach should be taken to using conditions?”

What should a local planning authority do to ensure that the tests in national policy have been met?

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

*necessary;
relevant to planning;
relevant to the development to be permitted;
enforceable;
precise; and
reasonable in all other respects.*

These are referred to in this guidance as the 6 tests, and each of them need to be satisfied for each condition which an authority intends to apply.”

6.15 In the case of this application, the imposition of such a condition is not necessary as it is a requirement under S278 of the highway legislation; is not relevant to planning for the same reason; and is therefore not considered reasonable in all of the respects.

- 6.16 In addition to the highway concerns reported by the objectors, Members will note that reference is made to a collision that occurred opposite the entrance in 2019 that was attended by the emergency services and which was reported in the local media. Several days later following the incident, it was further reported on ITV Border's website, that a 40-year-old Carlisle man was arrested on suspicion of dangerous driving and harassment. This incident therefore cannot be deemed an 'ordinary' road traffic collision.

4. Other Matters

- 6.17 This application has been submitted under section 73A of the Town and Country Planning Act 1990 to vary a condition associated with a planning permission.
- 6.18 Paragraph: 015 Reference ID: 17a-015-20140306 Revision date: 06 03 2014 of the Planning Policy Guidance states:

"Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

A decision notice describing the new permission should be issued, setting out all of the conditions related to it. To assist with clarity decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Further information about conditions can be found in the guidance for use of planning conditions.

As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation then this may need to be the subject of a deed of variation."

- 6.19 Conditions related to the measures for the protection of trees during development, surface water drainage arrangements and provision for the manoeuvring of vehicles within the site, have previously been discharged but the relevant documents are referenced in condition 1 of the recommended conditions in this report.
- 6.20 The relevant remaining conditions relating to the previous permission, with the exception of the conditions which has been discharged, are included within the decision notice as this application effectively grants a new planning permission for the development.

Conclusion

- 6.21 In overall terms, the principle of the development has previously been approved following the grant of planning permission by the Planning Inspectorate. Cumbria County Council as the Local Highway Authority has raised no objection to this application subject to the imposition of conditions.

A condition is included within the decision notice that addresses the issue of the height of the wall and requires this to be lowered. The matter of the Stage 3 Road Safety Audit is assessed in paragraphs 6.13 to 6.15 of this report and Members should be mindful that such a condition was not imposed by the Planning Inspectorate.

- 6.22 The fundamental difference with this application planning application over and above the previously granted consent, relates to the realignment of the boundary walls that flank the entrance. The repositioning of these walls which curve into the site are of an appropriate scale and design. The development is appropriate to the site and does not result in an adverse impact on the character or appearance of the area.
- 6.23 The approved permission took account of the impact on the living conditions of the occupiers of the neighbouring properties, protected trees and surface water run-off and this scheme does not alter this. In all aspects, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 7.1 In 2007, permission was granted for works to protected trees T1 and T3 and to fell T2.
- 7.2 An application for planning permission for the erection of a dwelling was submitted in 2015 but was withdrawn by the applicant.
- 7.3 A revised application for planning permission was submitted in 2016 for the erection of a dwelling which remains current.
- 7.4 In 2016, an application was submitted to removal of TPO trees 6, 7, 8, 12, 13, 14, 15, 16, 17 and 18 plus additional non TPO trees to accommodate the development of a dwelling but was withdrawn by the applicant.
- 7.5 An application to remove T12 and T24 Beech trees subject to TPO No. 4 was approved in 2017.
- 7.6 Later in 2017, an application was approved for the removal of trees T18 (Sycamore) & T45 (Horse Chestnut) subject to TPO No.4.
- 7.7 An application for planning permission was refused in 2019 for the a new vehicle and pedestrian entrance. Planning permission was subsequently granted later the same year by the Planning Inspectorate following an appeal.
- 7.8 In 2020, an application to discharge conditions 3 (tree & root protection barriers); 4 ('no dig' construction method statement); 5 (surface water drainage scheme) & 10 (provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction) of the previously approved permission 18/0388 was

approved under application 20/0057.

8. Recommendation: Grant Permission

1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the Planning Application Form received 3rd July 2020;
 2. the Planning Application Form received 2nd May 2018 approved as part of application 18/0388;
 3. the Site Location Plan received 2 May 2018 (Drawing no. IM/DURRANHILL/SLP2 Rev A) approved as part of application 18/0388;
 4. the Site Block Plan received 2 May 2018 (Drawing no. IM/NEW/ENT/SBP Rev A) approved as part of application 18/0388;
 5. the Existing and Proposed Wall Arrangement Layout received 9th September 2020 (Drawing no. IM/DH/ENTRANCE WALLS Rev B);
 6. the Visibility Splays received 9th September 2020 (Drawing no. IM/NEW ENT/VS1 Rev B);
 7. notwithstanding the boundary wall layout, the Vehicle Paths received 3rd March 2020 (Drawing no. IM2/ DURANHILL/ VP1 Rev A) approved as part of application 20/0057;
 8. notwithstanding the boundary wall layout, the New Vehicle Entrance (for general maintenance) received 3rd March 2020 (Drawing no. IM/ DH/ NEW ENTRANCE 1 Rev F) approved as part of application 20/0057;
 9. the Percolation Test received 3rd March 2020 approved as part of application 20/0057;
 10. the Soakaway Design received 3rd March 2020 approved as part of application 20/0057;
 11. the Arboriculture Method Statement received 30th January 2020 approved as part of application 20/0057;
 12. the Notice of Decision;
 13. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

2. The access hereby approved shall not be brought into use until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road in both directions have been provided at the junction of the access road with the county highway. 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) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is

safeguarded.

Reason: In the interests of highway safety and in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

3. The vehicular crossing over the verge, including the lowering of kerbs, shall be carried out to the specification of the Local Highways Authority.

Reason: In the interests of highway safety and in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

4. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 6 metres inside the site, as measured from the carriageway edge. There shall be no vehicular access or egress from the site other than via the approved access.

Reason: In the interests of highway safety and in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

5. Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

Reason: In the interests of highway safety and in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

6. Solid edge carriageway markings through the build-out on both sides which is extended past the proposed access shall be installed prior to the access being brought into use. Details of the proposed markings shall be agreed in writing with Local Planning Authority prior to installation.

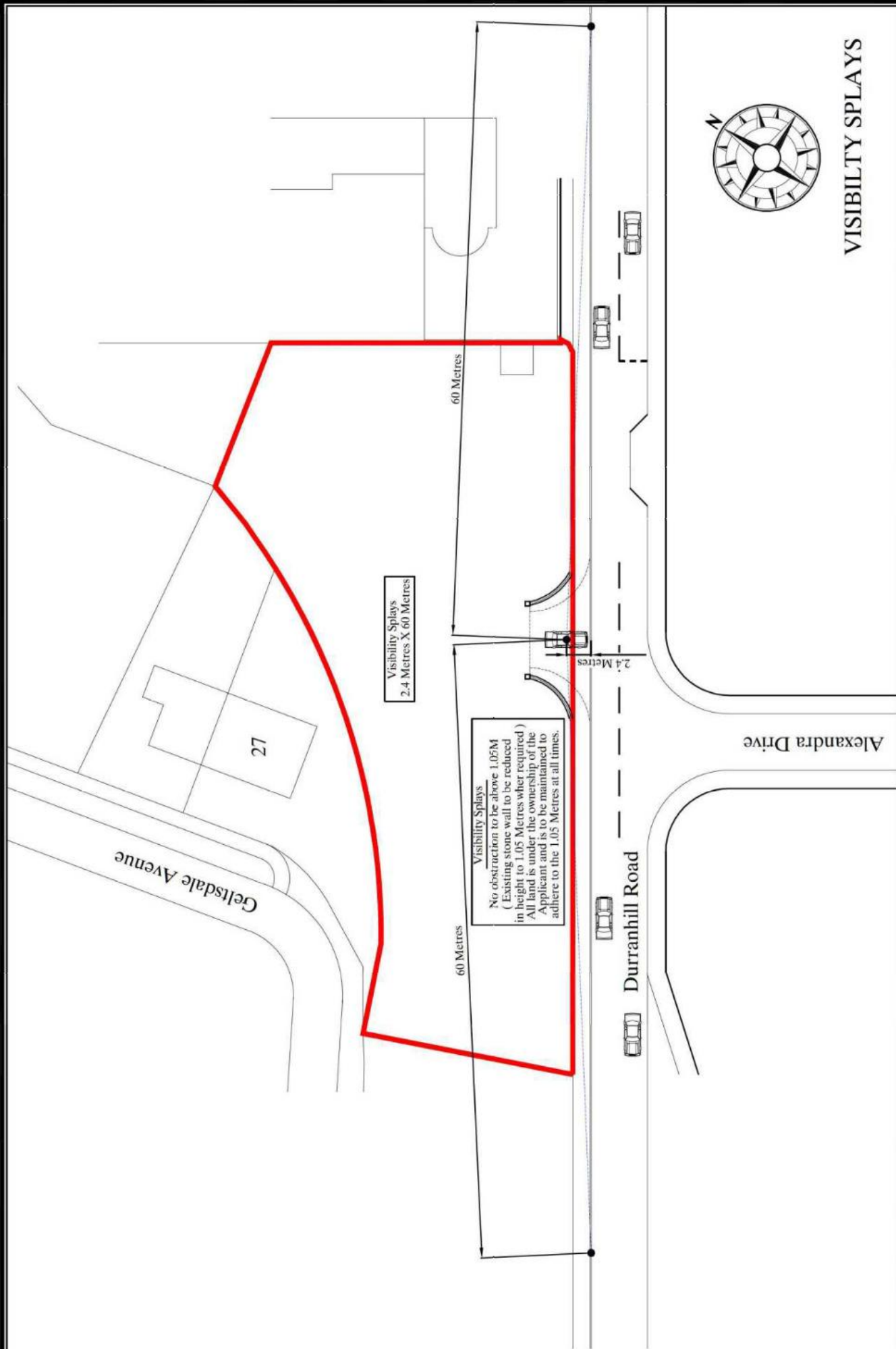
Reason: In the interests of highway safety and in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

7. All new external stonework relating to the reconstructed boundary wall shall be carried out in natural stone which shall, in type, and in the manner in which it is laid, match that of the existing wall.

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

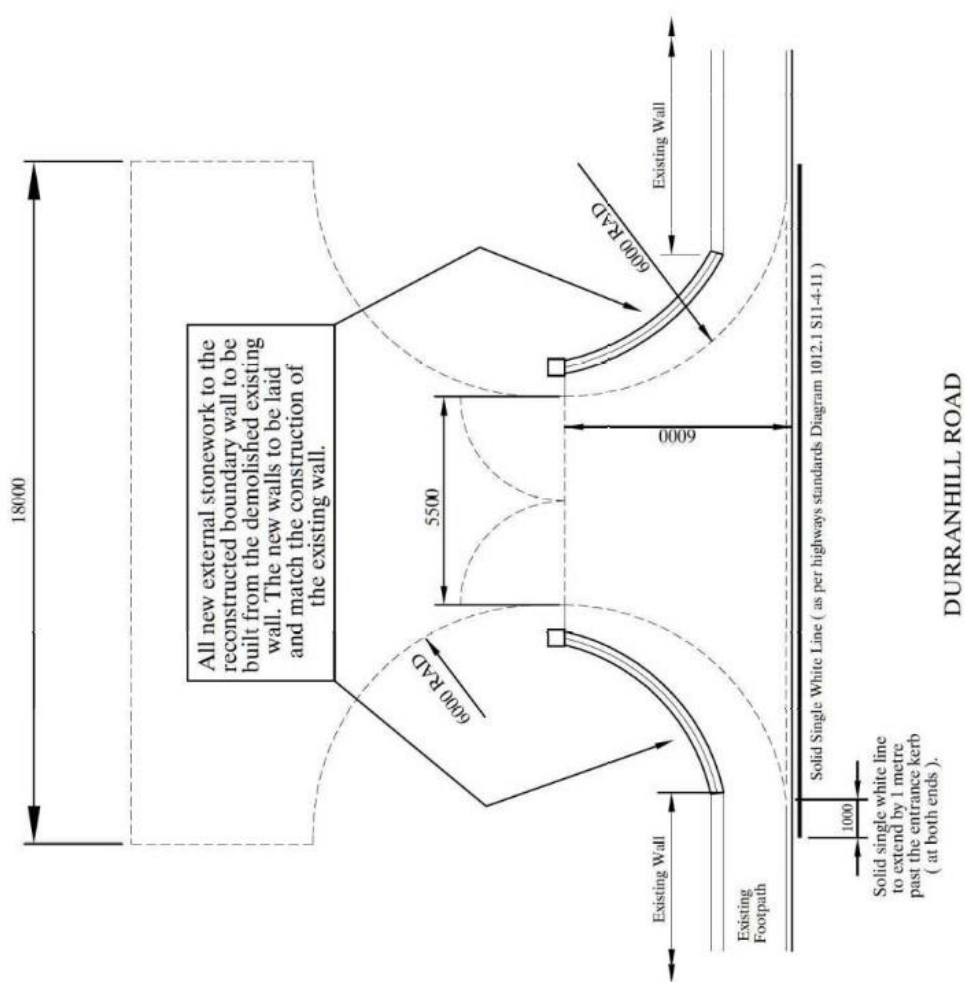
8. Prior to the access being brought into use and within 3 months from the date of this permission, any existing highway wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with the details shown on the Visibility Splays Drawing no. IM/NEW ENT/VS1 Rev B received 9 September 2020 and shall not be raised to a height exceeding 1.05m thereafter.

Reason: In the interests of highway safety and in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

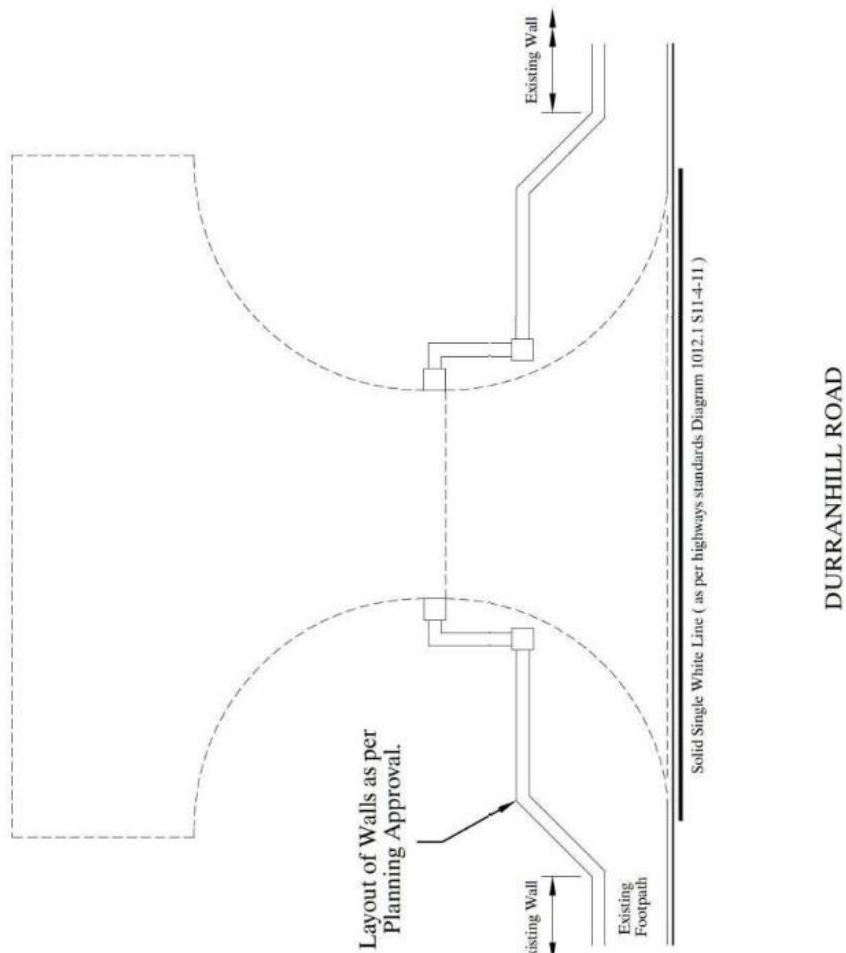


VISIBILITY SPLAYS

B	04/09/20	Visibility Splays with new Curved Stone Walls		Proposed New Vehicle Entrance to Land Adjacent to Geltsdale Avenue, Durranshill, Carlisle for Mr I. Murray			Drawn By	G.Tyler
	A	16/03/18	Original Issue				Scale	1:500
Rev.	Date	Description		Drawing No		IM / NEW ENT / VS1		
				Date		16th March 2018		
				Rev B				



Proposed Wall Arrangement Layout



Existing Wall Arrangement Layout

Proposed New Vehicle Entrance Walls to
Land Adjacent to Geltsdale Avenue, Durranhill, Carlisle for Mr I. Murray

Drawn By	I.M
Scale	1:200
Date	26th June 2020
Drawing No	IM / DH / ENTRANCE WALLS Rev B

Rev.	Date	Description
B	06/09/20	Amended
A	27/06/20	Original Issue

Appeal Decision

Site visit made on 3 October 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2019

Appeal Ref: APP/E0915/W/19/3232559

Parkland between Geltsdale Avenue and Durranshill Road, Durranshill Road, Carlisle CA1 2RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ian Murray against the decision of Carlisle City Council.
 - The application Ref 18/0388, dated 12 April 2018, was refused by notice dated 11 January 2019.
 - The development proposed is described as “new vehicle and pedestrian entrance”.
-

Decision

1. The appeal is allowed and planning permission is granted for a new vehicle and pedestrian entrance at Parkland between Geltsdale Avenue and Durranshill Road, Durranshill Road, Carlisle CA1 2RL in accordance with the terms of the application, Ref 18/0388, dated 12 April 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. An application for costs was made by Mr Ian Murray against Carlisle City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on highway safety and the trees on the site.

Reasons

Highway Safety

4. The appeal site consists of an area of established woodland in a predominantly residential area. Durranshill Road, to the south east of the appeal site, includes some traffic calming features and also a junction with Alexandra Drive, a modern residential estate, in close proximity with the proposed location of the new access.
5. I noted at my site visit, carried out in the afternoon on a typical week day, that Durranshill was subject of a moderate level of traffic in contrast with the quiet residential character of the wider area.
6. The submitted plans show that the proposed access can provide the necessary visibility splays, width and setback for the gate from the road. This is not disputed by the Council.

7. The Appellant states that the proposed access is to allow for the maintenance of the site, I note references to consent to fell a number of trees on the site and the need to clear rubbish. As such, the access would be likely to be used only infrequently.
8. The submitted plans show that the proposed access can provide the necessary visibility splays, width and setback for the gate from the road. This is not disputed by the Council.
9. I note the proximity of the proposed access to traffic calming measures on Durranhill Road and the junction with Alexandra Drive. However, I noted at the site visit that, in proximity to the proposed location of the new access Durranhill is relatively straight with good visibility.
10. Therefore, to conclude on this main issue I find that the proposed new access would not adversely affect highway safety and as such is not contrary to Policy SP1 (Sustainable Development) of The Carlisle District Local Plan 2015-2030 (the LP) in so far as it seeks to protect highway safety and the relevant provisions of the National Planning Policy Framework.

Trees

11. Trees on the site are protected by a Tree Preservation Order and the detailed TPO plan before me suggests that a number of protected trees are in close proximity to the proposed new access.
12. The Council Officer's report confirms that the access can be created without the loss of any trees and suggests conditions relating to tree protection measures and construction methods. The appellant states that recent tree work, for which I understand appropriate consent was granted by the Council, has created sufficient space to accommodate the turning of a vehicle on site thus enabling it to enter and exit the site in a forward gear.
13. However, concern has been raised that this could lead to the compaction of soil and the damaging of trees on site. I have been provided with no substantive details with regards the arrangements for the turning of vehicles on the site and how this relates to existing trees. Reference has been made to 'tree report for proposed house development' (September 2015). However, I have not been provided with a copy of this report which appears to relate to a different development and is now somewhat dated.
14. This is a finely balanced decision but based on the evidence before me and my observations on site I find that the proposed development would not harm the trees on the site subject to appropriate conditions relating to tree protection measures and construction methodology. Therefore, the proposed development is not contrary to Policy SP1 of the LP in so far as it relates to the protection of trees.

Other Matters

15. A number of objectors have referred to the planning history of the site and in particular proposals for the construction of a dwelling. However, this application relates to the creation of an access on to the site for maintenance only and any future applications for development on the site, utilising this or other access arrangements will be judged on its own merits.

16. The appeal site is close to Durranhill House and Durranhill Lodge, both Grade II listed buildings. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the buildings or their setting. That the proposed vehicular access would not adversely affect the significance of the buildings or their setting is not at dispute between the parties and based on the evidence before me I agree. I therefore find that the proposed development would not adversely affect the significance the DHA or their setting.

Conditions

17. I have considered the conditions proposed by the Council in the light of guidance in Planning Practice Guidance (PPG). In addition to the standard conditions which limits the lifespan of the planning permission and requires the submission of reserved matters I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
18. To protect the existing trees on the site I have included conditions relating to tree protection barriers and construction methods.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR

Conditions Schedule

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan IM/DURRANHILL/SLP2 Rev A - dated 1 July 2019
Site Block Plan IM/NEW/ENT/SBP Rev A – dated 16 March 2018
New Vehicle Entrance IM2/DH/ENTRANCE1 Rev B – dated 5 March 2018
Visibility Splays IM/NEWENT VS1 Rev A – dated 16 March 2018
Vehicle Paths IM2/DURRANHILL/VP1 Rev A – dated 12 April 2018
- 3) No development shall commence until details of the specification and location of tree and root protection barriers have been submitted in writing to and approved by the local planning authority. The root protection barriers as agreed shall be erected prior to commencement of any works on site and no machinery or vehicles shall be parked within, or materials stored, dumped or spilled within that area. In the event of trenches or excavations exposing tree roots of 50mm/ 2 inches diameter or more, these should be carefully retained and protected by suitable measures including (where otherwise unavoidable) bridging trenches. No severance of tree roots 50mm/ 2 inches or more in diameter shall be undertaken without prior notification to, and the subsequent approval in

writing of the Local Planning Authority and where such approval is given, the roots shall be cut back to a smooth surface.

- 4) No development shall commence until a detailed Method Statement of the 'no dig' construction method for the access, driveway and hardstanding within the root protection area is submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.
- 5) Prior to the commencement of development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority. Such details shall include measures to prevent surface water discharging onto the highway together with the route of any infrastructure connections the drainage strip to the surface water drainage scheme.

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 development shall be completed, maintained and managed in accordance with the approved details.

- 6) Access hereby approved shall not be brought into use until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road in both directions have been provided at the junction of the access road with the county highway. 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) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.
- 7) The vehicular crossing over the verge, including the lowering of kerbs, shall be carried out to the specification of the Local Highway Authority.
- 8) The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 6 metres inside the site, as measured from the carriageway edge. There shall be no vehicular access or egress from the site other than via the approved access.
- 9) Access gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 6m as measured from the carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

- 10) Details showing the provision within the site for the parking, turning and loading and unloading of vehicles and for vehicles to enter and leave the site in a forward direction shall be submitted to and approved in writing by the local Planning Authority. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.
- 11) Solid edge carriageway markings through the build-out on both sides which is extended past the proposed access shall be installed prior to the access being brought into use. Details of the proposed markings shall be agreed in writing with Local Planning Authority prior to installation.
- 12) All new external stonework relating to the reconstructed boundary wall shall be carried out in natural stone which shall, in type, and in the manner in which it is laid, match that of the existing wall.

