

## SCHEDULE A: Applications with Recommendation

12/0610

**Item No: 09**

Date of Committee: 19/04/2013

**Appn Ref No:**  
12/0610

**Applicant:**  
North Associates

**Parish:**  
Stanwix Rural

**Date of Receipt:**  
23/07/2012

**Agent:**  
Taylor & Hardy

**Ward:**  
Stanwix Rural

**Location:**

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

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**Proposal:** Residential Development (Outline)

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### REPORT

**Case Officer:** Angus Hutchinson

### Addendum Report

### Recommendation:

On balance, and having fully taken account of the further letter from Stanwix Rural Parish Council and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (but subject to the required clarification on the alleged breach of the Code of Conduct/ Members' Planning Code of Good Practice) the proposal is recommended for approval, subject to:

- 1) the completion of a Section 106 Agreement concerning:
  - i) the creation and retention of a management company regarding the maintenance of open/amenity space;
  - ii) implementation of a Travel Plan and payment of a contribution/bond to the County Council based on the annual cost of a Carlisle Megarider Plus bus ticket;
  - iii) the "front loaded" payment of up to £204,867 to provide the required additional school places or (that option failing) a financial contribution of £199,500 for the transportation of children;
  - iv) the provision of affordable housing in accordance with Policy H5 of the Carlisle District Local Plan 2001-2016; and
  - v) the payment of £65,000 to enable off-site mitigation and enhancement regarding any impacts on the County Wildlife Site.
- 2) the imposition of identified conditions.

### Brief Summary

This Major application seeks outline planning permission for residential development at Hadrian's Camp, Houghton Road, Carlisle.

Members will recall that during their previous Meeting on the 8<sup>th</sup> March 2013 they gave authority to issue an approval subject to the expiration of the publicity period (22.03.13); the imposition of conditions as modified; and the satisfactory completion of a Section 106 Agreement.

This report should be read in conjunction with the report presented to Members on the 8<sup>th</sup> March 2013.

In a letter dated the 22<sup>nd</sup> March Stanwix Rural Parish Council wrote to raise concerns alleging that the decision to approve application no. 12/0610 failed to demonstrate the integrity and transparency of the regulatory planning process and may, in part, have been influenced by economic considerations because:

- there was a failure to implement extended community consultation in line with the Statement of Community Involvement;
- the late tabling of the revised conditions, its self contrary to an Audit Commission recommendation;
- failure on behalf of a Member to declare interest;
- decisions being based on personal bias rather than material considerations;
- narrow parameters of debate, largely concerning the securing of financial contributions whilst neglecting to address other significant material considerations;
- the failure of members to acknowledge and address extensive community concerns and objections; and
- the possibility that the unusually lengthy Schedule of Applications denied Members sufficient time to properly read and consider all the information relating to the application.

The Parish Council has therefore requested that the decision to give authority to issue an approval should be re-considered.

In response to these points Members will be aware that the Statement of Community Involvement (July 2010) contains suggested methods of consultation and does not include a definition of what is meant by a site "sensitive" to development. This aside the City Council has carried out publicity, with the exception of a stakeholder meeting, consistent with a Tier 1 proposal i.e. it is a Major application that does not accord with the Local Plan, is relatively large scale and "controversial" within the immediate area. This was in the context that the Parish Council had already facilitated a public meeting on the 29<sup>th</sup> August 2012 attended by the applicant and agent which is consistent with the more recent guidelines contained in the National Planning Policy Framework (March 2012). Significantly, the Parish Council does not allege that: the Council has not complied with the statutory requirements; the consultation/publicity undertaken has prevented or restricted the expression of any views on the proposal; and/or (in the context of the comments received from interested parties) led to a failure to appreciate the proposals overall nature and scale.

Furthermore, the County Council, as the relevant authority responsible for education, was consulted and responded accordingly. Since becoming aware of the Ecological Mitigation Opinion prepared by Lloyd Bore on behalf of the City Council, the Parish Council has not asked for a copy or subsequently raised any issues on its content.

The Parish Council has separately sought to address the alleged contravention of the Code of Conduct and the Members' Planning Code of Good Practice through the City Council's Director of Governance, the outcome of which is pending at the time of preparing this report.

In relation to the suggested conditions, Members will recall that a copy of a draft decision notice was included within the Supplementary Schedule. The subsequent slides presented during the Committee Meeting related to four of the suggested conditions, namely 4, 16, 19 and 22; the relevance and applicability of which were the subject of subsequent explanation and discussion.

When considering the issues regarding education, the Parish Council is critical if the proposal will lead to an additional classroom at the School whilst on the other hand also appear to be critical for allowing flexibility should it not be spent at Houghton. Members are in the position where the County Council has not said that a solution cannot be achieved. The preference is for that provision to be at Houghton School; if not practical for whatever reason then the County Council naturally wish to keep their options open.

Concerns regarding the treatment and disposal of any contamination on the site and the extent and nature of provision of affordable housing are considered to be material and, as such, relevant for Members to discuss in the overall context of the comments from interested parties and the submitted Committee report. Members were aware of the remaining material issues as discussed in the Committee report and with the additional material contained in the accompanying Supplementary Schedule. The Committee report did not assert the need to approve in order to secure an enhanced 20% buffer stock of housing as alleged.

This application was the third item to be considered during the Meeting on the 8<sup>th</sup> March 2013 with no Member having raised the need for more time to comprehend and consider the submitted information as an issue.

It is a matter for judgement but, on balance, and with due regard to the most recent letter from Stanwix Rural Parish Council and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (but subject to the required clarification on the alleged breach of the Code of Conduct/ Members' Planning Code of Good Practice), the proposal is recommended for approval (as set out at the beginning of this Addendum report).

## **Introduction**

- 1 This is an addendum to the report presented to the Committee Meeting on the 8<sup>th</sup> March 2013. Members will recollect that in the previous report on the application officers advised that, upon analysis, the likely benefits of the

proposal did outweigh the harm and therefore recommended that permission be granted.

- 1.2 Since the previous Meeting, the City Council has received a letter from Stanwix Rural Parish Council dated the 22<sup>nd</sup> March 2013, a copy of which (along with the original Committee report) is also attached.
- 1.3 In the letter dated the 22<sup>nd</sup> March the Parish Council has alleged that the City Council has failed to apply its own guidance for dealing with Major applications as well as other areas of published guidance and procedure when considering this application – see attached copy. The areas of concern relating to: alleged non- compliance with the Statement of Community Involvement and inadequate consultation; alleged breaches of the Members Code of Conduct and the Members’ Planning Code of Good Practice; alleged non-compliance with Approved Action Plan (Carlisle City Council Minute C.134/11); and alleged lack of due consideration.

### **Statement of Community Involvement/Inadequate Consultation**

- 1.4 On this issue the Parish Council has highlighted that the proposal, under application 12/0610, has been advertised as Departure, i.e. it does not accord with the Local Plan; is a Major application (which the officer report states would enlarge the village by 20%); the proposal site is a County Wildlife Site harbouring protected Red and Amber List species and is therefore sensitive to development; and it raised significant objections from the local community, the Parish Council and the Member of Parliament. No wider community consultation was undertaken; no open days, road shows and or stakeholder meetings were arranged. It is therefore alleged that the City Council failed to comply with its own guidance in respect of major and departure applications by not treating it as a “Tier 3” application i.e. consultation through the use of open days and road shows.
- 1.5 On a related point, the Parish Council state that the Council entirely failed to identify the proposal as a Major application; neither of the site notices (dated 03 August 2012 and 01 March 2013) informed the reader of major application status, nor did the public notices that appeared in the local press. Save for a small note appearing in minutes of the site visit, Members appear not to have been fully alerted to the proposal’s Major application status either prior to, or during, the determination of the application.
- 1.6 The Parish Council also consider that there was a significant material omission from the consultation process because Houghton C of E School, which is already over-subscribed, was not directly consulted regarding the application.
- 1.7 Furthermore, the City Council’s independent ecological advice commissioned from Lloyd Bore was not published on the City Councils website leaving the Parish Council, objectors and members of the public ignorant of its existence and therefore unable to consider and perhaps respond to its content.
- 1.8 In response to these points Members will be aware that the Statement (July

2010) sets out to encourage developers of Major developments to involve the community prior to the submission of a planning application. In relation to what the Council will do paragraph 6.9 explains that it will carry out its own consultation on all planning applications as set out in the Town and Country Planning (General Development Procedures) Order 2010. Paragraph 6.10 goes on to explain that the Council raises awareness of applications and will consult with affected and interested stakeholders by direct written notification emails and/or by site notices, and/or press notices. Importantly, paragraph 6.12 states:

*“In addition to the statutory consultations we may involve stakeholders and the community further on a major development. Cases where we may need such consultation are given below in the context of three tiers:*

*Tier 1 Applications where they do not accord with Carlisle District Local Plan... policies or are of large scale or controversial.*

*Tier 2 Applications broadly in accordance with the Carlisle District Local Plan but raising controversial issues or detail, including sites “sensitive” to development pressures.*

*Tier 3 Large applications, which require wider community consultation as the site is “sensitive” to development pressure and/or raises significant objections.*

- 1.9 In the case of a Tier 1 Major application the suggested consultation methods are: website information, letters, publications, elected representatives, and stakeholder meetings. For Tier 2 and 3 proposals the suggested methods in addition to those specified under Tier 1 are open days and road shows.
- 1.10 Paragraph 66 of the National Planning Policy Framework (March 2012) puts the emphasis on applicants to work closely with those directly affected to evolve designs that take account of the views of the community.
- 1.11 In effect the guidelines in the Statement are discretionary/“suggested” and do not include a definition of what is meant by a site “sensitive” to development i.e. on the one hand the site is part of a County Wildlife Site but on the other it is also brownfield land. This aside the City Council has carried out publicity, apart from a stakeholder meeting, consistent with a Tier 1 proposal i.e. it is a major application that does not accord with the Local Plan, is relatively large scale and “controversial” within the immediate area. As a result of this publicity, which included the direct notification of the occupiers of 65 neighbouring properties, the Council received 42 formal objections (inclusive of Rory Stewart MP) the contents of which were reported to Members.
- 1.12 The Parish Council had also already facilitated a public meeting on the 29<sup>th</sup> August 2012 attended by the applicant and agent (see pages 41- 42 of previous Committee report). Copies of the notes from the public meeting as well as the responses from the Parish Council and other interested parties were available in full to Members. By attending the public meeting and seeking to address (as far as possible) the concerns of local residents, the applicant was complying with the more recent guidelines contained in

paragraph 66 of the National Planning Policy Framework.

- 1.13 Significantly, the Parish Council does not allege: that the Council has not complied with the statutory requirements; that the consultation/publicity undertaken has prevented or restricted the expression of any views on the proposal; and/or (in the context of the comments received from interested parties) led to a failure to appreciate it's scale – the Parish Council itself identifies that the proposal is a "Major Development" (see pages 42, 46 and 47 of previous Committee report).
- 1.14 The County Council, as the relevant authority responsible for education at primary and secondary levels, was consulted and responded accordingly.
- 1.15 The Ecological Mitigation Opinion prepared by Lloyd Bore on behalf of the City Council is now on the Council's web site. Nevertheless, its findings were highlighted in paragraphs 6.40 – 6.44 of the Committee report; and the Parish Council has subsequently neither asked for a copy nor raised any issues on its content or findings.

#### **Members Code of Conduct/Planning Code of Good Practice**

- 1.16 The Parish Council explain that on Wednesday 6 March 2013 Members undertook a Committee site visit. The Parish Council allege that at the commencement of the visit a long standing Member of the Development Control Committee was seen to warmly greet and embrace the applicant.
- 1.17 At the subsequent meeting of the Development Control Committee, of Friday 8 March 2013, during which the application was determined, the Parish Council allege that the same Member then failed to declare any personal or prejudicial interest whatsoever; spoke during the meeting; and voted to approve the application.
- 1.18 The Parish Council consequently allege that these actions constitute serious breaches of the Members Code of Conduct and the Members' Planning Code of Good Practice. The Parish Council also raise the possibility that the Member's opinions may have acquired the ability to influence those of fellow Members.
- 1.19 The Parish Council has separately sought to address this matter through the City Council's Director of Governance the outcome of which is pending at the time of preparing this report.

#### **Non-compliance with Approved Action Plan (Carlisle City Council Minute C.134/11)**

- 1.20 At its Meeting of 13<sup>th</sup> September 2011 Carlisle City Council received an Audit Commission Report into the handling of planning application 08/105, in respect of Carlisle Airport. The report was critical of The Council's procedures and concluded that:

*“... there are aspects of the handling of these high profile applications which may have undermined public confidence in the Council. There is a need to put in place added safeguards to protect the Council's reputation when handling major planning applications in the future.”*

- 1.21 The report made several recommendations which the City Council resolved to approve as an action plan, in order....*“To ensure that the Council properly acknowledges the Audit Commission report and acts upon the recommendations contained therein”* (Report GD55/11). Audit Commission Recommendation R 9 (approved as Action Plan Recommendation 9), states:

*“Avoid tabling important documents in Committee meetings. If, exceptionally, documents cannot be circulated in advance members must take sufficient time to properly read and consider all new information”.*

- 1.22 The Parish Council has explained at the Development Control Committee Meeting of 8 March 2013, when application 12/0610 was being considered, proposed revised conditions were presented as power point slides. The Parish Council allege that revised conditions were displayed too briefly to be properly comprehensible, causing Members to inquire as to the availability of printed copies of the document. Printed copies were then circulated to Members just minutes prior to the vote being taken.
- 1.23 The Parish Council also highlight that a total of 34 detailed conditions appear in the Draft Decision Notice and therefore Members could not possibly have had the opportunity to read and fully comprehend the content and implications of the document handed to them before being called upon to determine the application.
- 1.24 It is this last minute circulation of revised information, especially of detailed conditioning relating to a major departure application, that the Parish Council considers to entirely fail to comply with the Audit Commission's recommendation with regard to the tabling of important documents at committee meetings; and is also non-compliant with the City Councils approved Action Plan that resulted from those recommendations.
- 1.25 In response to these points, Members will recall that a copy of a draft decision notice was included within the Supplementary Schedule i.e. the document in the form of the draft decision notice had already been circulated. The subsequent slides related to revisions to four of the suggested conditions, namely 4, 16, 19 and 22; hard copies of such were handed out with time afforded during which the revisions were considered and debated – see attached copy of all conditions.

### **Lack of Due Consideration**

- 1.26 The Parish Council's allegations on this issue fall under four sub-headings, namely: i) alleged bias; ii) the narrow parameters of debate; iii) failure to address extensive community concerns/objections; and iv) the length of the schedule denied Members time to properly read and consider all the

information.

i) Alleged bias

- 1.27 The Parish Council explain that the Health & Safety Executive is the national independent watchdog for work-related health, safety and illness. In respect of asbestos the Parish Council quote the HSE as stating:

*“Asbestos is only dangerous when disturbed - **avoid unnecessary disturbance**” [HSE emphasis]; and... “The duty to manage does not require asbestos removal”*

- 1.28 The site has lain undisturbed for almost 40 years during which time the Parish Council has no record of any report of contamination from the site affecting nearby water courses, or the environmental integrity of the County Wildlife Site.

- 1.29 Notwithstanding these considerations, the Parish Council believe that a Member of the Committee declared during the Meeting that he had never agreed with the Health and Safety Executive’s advice stating:

*”I’d feel easier if this development went ahead rather than leaving the asbestos alone. I will support this development on the understanding that we will be watching it.”*

Another member also expressed concerns regarding contamination of the site, stating:

*“We need to make absolutely sure we monitor it and remove it.”*

The Member apparently also asserting that if there was any asbestos left it could contaminate a nearby beck and the area was a habitat for wildlife.

- 1.30 On this basis the Parish Council allege that the reasons given by these Members for their approving the application seem to arise from subjective bias influenced by a misinformed desire to grasp an opportunity to unearth and remove asbestos, at the expense of a developer, rather than by relevant material planning considerations. Furthermore, these reasons for approving the application are contrary to recommendation 10 of the Approved Action Plan referred to above which states that it is the responsibility of the Chair to ensure that decisions only take into account relevant considerations.

- 1.31 In response it is evident that the quotes given are at variance in gist and emphasis to the Minutes of the Meeting. The Minutes stating that:

*“A Member was concerned about how the removal of the contaminants would be monitored and stated that he did not believe that the conditions were strong enough.....*

*A Member reiterated the concerns regarding the removal of the contaminants and stated that, in his opinion, the site would be safer if the contaminants*

*were removed.”*

- 1.32 This aside, there is a concern that the quotes have been taken out of context in that contamination (and any potential effects) is a material planning consideration; the comments from consultees such as the City Council’s Environmental Protection Services, Natural England and the Parish Council itself identified it as an issue; and there is no account taken of the contents of the Committee report and the overall summary of the situation as contained in the conclusion. To allege that Members sought to approve the application on the basis of seeking the removal of asbestos from the site, as opposed to seeking to effectively safeguard the ecology and future occupiers of the proposed development, is neither considered to be fair nor a true representation of the situation.

ii) The parameters of debate

- 1.33 On this matter the Parish Council effectively make seven allegations.
- 1.34 Firstly, that Members failed to give due consideration to the majority of issues presented by the application but, rather, concentrated on securing, as a first option, a “front loaded” contribution towards the provision of an additional classroom; the removal (at no cost to the City Council) of contamination; and the provision of affordable housing.
- 1.35 Secondly, in demanding the provision of an additional classroom as a first option Members did not seek clarification as to the possibility that the existing School site may not be able to accommodate an additional building without re-locating its play ground losing a significant portion of its playing field. Nor is this possibility addressed by the officer’s report.
- 1.34 Thirdly, Members did not address the uncertainty regarding the use of the developer’s contribution. Paragraph 6.30 of the officer’s report states:

*“Options for this money will be looked so (sic) as to best meet the needs of the pupils, the school, the community and the County Council.*

The £204,867 required by the County Council appears not be ring fenced for the exclusive use of Houghton Primary School which eventuality is also mentioned in Para. 6.30:

*“In the event that an expansion of Houghton or other nearby primary Schools to facilitate the necessary capacity to accommodate the expected yield of primary aged children from this development is not feasible, it will be necessary to provide school transport for children who cannot get a school place locally.”*

- 1.35 Fourthly, a Member expressed concerns regarding the provision of affordable housing, stating:
- “It’s suggested that the developer might involve a registered social landlord to provide units at affordable rents because people just can’t afford to buy now*

*because they have to get a deposit.”*

However, the Member did not address the following material concerns relating to the provision of affordable housing:

- The draft decision notice would allow up to 99 houses to be built – 3 more than the applicant desired.
- The response to consultation of the City Council’s Housing Development Officer stating that a 25% contribution to affordable housing can be requested on large rural sites of 25 or more dwellings (in this case 24 units). However; should the developer involve a registered provider, and permit some of the units to be for affordable rent, then the number of affordable units could be reduced on a 2 for 1 basis.

The Parish Council allege that the Member therefore not only advocated the building of more houses than were sought by the applicant, but also advocated a significant overall reduction in the developer’s obligation to provide affordable housing whilst allowing a greater proportion of houses for sale.

- 1.36 Fifthly, at no point did Members seek clarity regarding the officer’s report, which asserted the need approve in order to secure an enhanced 20% ‘buffer stock’ of housing when the district already has a 6 year supply, i.e. it already has a 20% buffer above the required 5 year supply.
- 1.37 Sixthly, the provisions demanded by Cumbria County Council Highway Authority e.g. bus stops, pedestrian refuge, widened footways, right turn lane etc, and which would have a profoundly urbanising effect upon the rural character of the area were not considered by Members.
- 1.38 Finally, also omitted from discussion were the low success rate in the translocation of orchids, despite mitigation, and the presence on the site of protected red and amber list bird species.
- 1.39 In response to the first, sixth and final points raised by the Parish Council, the absence of discussion by Members on any one matter does not (in the context of the Committee report) mean an absence of consideration. The impact of the proposal on ecology and the County Wildlife Site (inclusive of the translocation of orchids and protected species) and the landscape/ visual character of the area are respectively discussed in paragraphs 6.35 - 6.44, and 6.54 - 6.59 of the Committee report. The Parish Council do not counteract the assessment in the Committee report on these issues.
- 1.40 When considering the second and third points on education there is an apparent contradiction. On the one hand the Parish Council is critical if the proposal will lead to an additional classroom at the School whilst on the other hand appears to be also critical for allowing flexibility should it not be spent at Houghton. Members are in the position where the County Council has not said that a solution cannot be achieved. The preference is for that provision to be at Houghton School, however, if not practical for whatever reason then

the County Council naturally wishes to keep their options open. The County Council has explained that at this stage a full feasibility study has not yet been carried out but that this would normally be done after the City Council has issued planning permission for a development, otherwise thousands of pounds could be wasted in speculative assessments on planning applications that never get approval.

1.41 On the matter of affordable housing the Member discussion is reflecting the fact that it is an outline application; the restriction on the total number of units (suggested condition 3) is on the basis of safeguarding highway safety; and is in the light of the comments made by the City Council's Housing Development Officer.

1.42 In relation to the fifth point the Committee report does not assert the need to approve in order to secure an enhanced 20% buffer stock of housing as alleged. Paragraph 6.17 states:

*".....there is currently sufficient supply of specific deliverable sites to provide five years worth of housing to meet the housing requirement of 450 dwellings per year with an additional buffer of 20%"*

iii) Community concerns/objections

1.43 The Parish Council allege that Members did not consider the possibility that staff and governors of the already over-subscribed School, and the parents of its pupils, may object to the notion of losing a significant part of the outdoor sports and play area in order to accommodate an enforced 20% increase in its pupil roll, emanating from a development unwanted by the local community. Nor is this possibility addressed by the officer's report.

1.44 The Parish Council also consider that by urging co-operation between the developer and the community a Member displayed significant lack of awareness regarding the level of community objection to the proposal i.e. 58% of the community being opposed to any further development in Houghton, with the exception of affordable housing; 42 formal objections, including from the Parish Council and the Constituency Member of Parliament, the latter remaining un-published. Members also seemed unaware of the public meeting hosted by the Parish Council on 29 August 2012. This meeting amply reflected the general level of community opposition to the proposal when more than 70 of over 100 local residents attending objected strongly to the proposal.

1.45 Notes of the public meeting referred to above formed part of the Parish Council's initial consultation response; the Parish Council is uncertain as to the reason why the officer's report fails to include reference to this significant material information the omission of which is contrary to Paragraph 6.18 of the Statement of Community Involvement, which states:

*"A summary of all consultees' comments is included in Development Control Committee reports. They are weighed up against a background of planning policy and taken into account by officers in reporting recommendations and by*

*the Committee in deciding planning applications.”*

- 1.46 In relation to these points the County Council has explained that during previous discussions the Headteacher confirmed that an extension to the School was possible and would be open to having this as an option. The County Council does have the power for the expansion of Houghton School. However, it is likely that when the authority makes a change to a school, it will look to consult with school stake holders, but this will only be done following planning permission being granted. Notwithstanding the above, the provision of additional capacity at the School could naturally result in the loss of some playspace should additional building footprint be provided. However, it would be the case that care would be taken to ensure that any expansion would not create significant loss. The authority would ensure that if any changes take place, the School and its play space would comply with guidelines (Buildings Bulletin 99) set out by the Department for Education.
- 1.47 The matters revolving around the notes of the public meeting held on the 29<sup>th</sup> August 2012 (as distinct from representing the direct views of the Parish Council) have already been discussed but, for the avoidance of any confusion, a copy has been attached to this report. Members were fully aware of the level of objection to the proposal. The summary of the Parish Council's comments in the Committee report ran to over nine pages.

iv) The length of the schedule

- 1.48 At its meeting of 13 March 2013 Stanwix Rural Parish Council Ward Cllr James Bainbridge, a former substitute member of the Development Control Committee, expressed the belief that due to the unusually lengthy Schedule of Applications, of which application 12/0610 formed a part, Members of the Committee may well have been unable to properly acquaint themselves with the detail of the application. A view alleged to be afforded some weight by the pertinent note on the City Council website:

*“N.B. - In view of the volume of business to be transacted, proceedings will continue into the afternoon. Members may therefore wish to consider making their own arrangements for lunch.”*

- 1.49 Members will be aware that the relevant Committee Agenda and reports are sent 10 days ahead of a Meeting. This application was the third item to be considered during the Meeting on the 8<sup>th</sup> March 2013 with no Member having raised the need for more time to comprehend and consider the submitted information as an issue. A note advising Members to make their own arrangements for lunch should not be interpreted as meaning anything else.

## **Other Matters**

- 1.50 Members should also be aware that two further objections have been received on the basis that:
- Huge problem allowing this 20% increase in village size on an already full

to capacity primary school that is so short of space that staff have to park in the Village Hall car park.

- Huge problems with parking and safe traffic flow in the centre of the Village caused by parents dropping off/collecting their children at the start and end of the school day.
- There is little scope to extend the building to cope with 19 or so extra pupils without the School losing part of its playground/sports field.
- Approving this application will breach national guidelines on the provision of sports fields if the School need to extend its accommodation.
- This area is already designated a Wildlife Site must be kept as such because it now supports so much wildlife a lot of which is on the Red List and the Amber List.
- The many orchids on the site will not be moveable.
- It would be a detrimental step to the area to build more houses here when there is clearly no need for any more in view of the many already approved and about to be approved.
- Although this is a "brownfield" site it has only been so for about 70 years.
- Any Member who breaks the rules needs to be censured and the application revisited.

1.51 When assessing these additional comments it is apparent that they are a re-iteration of views already expressed and considered.

## **Conclusion**

1.52 A planning application must by law be determined in accordance with the development plan unless material considerations indicate otherwise.

1.53 Paragraph 14 of the National Planning Policy Framework explains that at the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking.

1.54 Regulation 122 of the Community Infrastructure Levy Regulations 2010 specifies that an obligation must be:

1. necessary to make the development acceptable in planning terms;
2. directly related to the development; and
3. fairly and reasonably related in scale and kind to the development.

These tests are echoed in paragraph 204 of the Framework, and are therefore part of the statutory framework as well as being ministerial guidance.

1.55 The current application site is not within the settlement boundary of Houghton and the latest figures indicate that there is six years supply of deliverable sites.

1.56 Conversely, the site represents a logical extension of Houghton which is a Local Service Centre, and involves the re-development of brownfield land. The SHLAA, whilst not allocating land, identifies that this site would be deliverable, although likely to be at the latter end of the five year period.

Considering the existing size and role of Houghton as a Local Service Centre (together with its relationship to Carlisle), the scale of development proposed (i.e. a 20% increase in dwellings) is considered proportional.

- 1.57 The application site is considered to be sustainable in terms of its location, and the proposed development would be capable of contributing to the ongoing sustainability of the area.
- 1.58 In the case of education, the County Council is requiring the developer to make a payment of up to £204,867 to provide the required additional school places or (that option failing) a financial contribution of £199,500 (inclusive of an administration fee) for the transportation of the 17 pupil yield. The City Council's Open Spaces Manager has not raised any objections although this is on the proviso that subsequent maintenance of open space etc is undertaken by a management company.
- 1.59 In this case there is no evidence that facilities would be overwhelmed and/or there is an overall lack of community spirit. Furthermore, there is no reason to believe that residents would cause, or make worse, any social discord. Concerns relating to construction noise and the hours of construction can be addressed through the imposition of relevant conditions.
- 1.60 The County Highways Authority is aware that there remain matters to be addressed for future reserved matters applications, but is satisfied from the information provided that there is nothing to sustain a refusal on highways/traffic grounds for this development.
- 1.61 Based on the submitted information, the proposal is not considered to be detrimental to the landscape and visual character of the area sufficient to merit the refusal of permission; and will assist in delivering and meeting the recognised needs for the provision of affordable housing.
- 1.62 Those matters relating to contamination and the potential risk of flooding from this site to third party land can be addressed through the imposition of relevant conditions.
- 1.63 It is a matter for judgement but, on balance, it is considered that any adverse impacts do not significantly and demonstrably outweigh the benefits in the form of sustainable development.
- 1.64 Having fully taken account of the further letter from Stanwix Rural Parish Council and Regulation 122 of the Community Infrastructure Levy Regulations 2010 (but subject to the required clarification on the alleged breach of the Code of Conduct/ Members' Planning Code of Good Practice) the proposal is recommended for approval subject to:
- 1) the completion of a Section 106 Agreement concerning:
    - i) the creation and retention of a management company regarding the maintenance of open/amenity space;
    - ii) implementation of a Travel Plan and payment of a

- contribution/bond to the County Council based on the annual cost of a Carlisle Megarider Plus bus ticket;
- iii) the "front loaded" payment of up to £204,867 to provide the required additional school places or (that option failing) a financial contribution of £199,500 for the transportation of children;
- iv) the provision of affordable housing in accordance with Policy H5 of the Carlisle District Local Plan 2001-2016; and
- v) the payment of £65,000 to enable off-site mitigation and enhancement regarding any impacts on the County Wildlife Site.

2) the imposition of the following conditions.

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

- i) The expiration of 5 years from the date of the grant of this permission, or
- ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

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

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

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

- 2. The provision of pedestrian, cyclist and vehicular connectivity;
- 3. The provision of foul and surface water drainage infrastructure;
- 4. The delivery of other services such as gas, electricity and

- telecommunications; and
5. The provision of storage receptacles for waste and recyclable materials for each residential unit including suitable accessing arrangements for recyclable/waste collection vehicles.

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

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

5. The approved documents for this planning consent comprise:
  1. The Planning Application Form dated the 19th July 2012;
  2. The site location plan (drawing number 11/35/06B);
  3. Planning Statement (July 2012 Version 2);
  4. Transport Assessment (reference: K29170/DH/AG);
  5. Travel Plan Framework (reference: K29170/DH/AG);
  6. Level 1 (Preliminary) Flood Risk Statement prepared by GEO Environmental Engineering;
  7. Drainage Statement (reference number RO/11042.1) prepared by RWO Associates;
  8. A Tree Survey of Hadrian's Camp, Houghton (completed by Julian Russell);
  9. Preliminary GEO Environmental Appraisal prepared by GEO Environmental Engineering;
  10. Preliminary (Intrusive) Geo Environmental Assessment: Phase 2: Ground Investigation Report prepared by GEO Environmental Engineering;
  11. Design and Access Statement prepared by Eden Environment Ltd;
  12. Archaeological Desk-Based Assessment (reference: CP10192) prepared by Wardell Armstrong;
  13. Ecological Assessment prepared by Hesketh Ecology;
  14. The Notice of Decision; and
  15. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

6. Samples or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

**Reason:** To ensure the materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure the materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development shall take place until full details of the proposed 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. The proposed landscaping scheme shall include the retention (where practical) of the existing trees and hedgerows. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those hedges and trees to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

13. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the Local Planning Authority.

**Reason:** To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP2, CP5, CP6, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

2001-2016.

16. No development approved by this permission shall be commenced until a Full Flood Risk Assessment together with a fully developed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Flood Risk Assessment and Drainage Strategy shall provide:

1. details of the surface water drainage scheme that ensures that for a range of annual flow rate probabilities up to and including the 1% annual probability (1 in 100 year event), the developed rate of runoff into a receiving watercourse should be no greater than the undeveloped rate of runoff for the same event. The volume of run-off should be ideally dealt with at source primarily by the use of Sustainable Drainage Systems (SUDS), which could effectively negate any need to discharge to a watercourse.
2. details of flood resilience measures including site levels, landscaping levels, highways and habitable floor levels above and identified flood level and or flood storage/flow route levels.
3. sufficient pollution prevention measures are designed into the Drainage Strategy in order to avoid impacts on the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure adequate means of surface water disposal; to prevent and reduce the risk of flooding; and avoid impacts on a designated site in accordance with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.

17. No development shall commence until a comprehensive foul drainage scheme identifying the location of the proposed connection point(s) into the existing foul drainage system, and a flow and load impact assessment to demonstrate that the existing foul drainage system has the capacity to cope with the increased load, have been submitted to and agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

18. No dwelling shall be occupied until the respective foul and surface water drainage works, submitted under the above conditions 16 and 17, have been completed in accordance with the details approved by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.

19. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected (inclusive of the proposed perimeter treatment in order to protect the adjacent Cumbria Constabulary depot and the closure of the existing access onto Houghton Road) have been submitted to and approved, in writing, by the Local Planning Authority. All works comprised in the approved details of means of enclosure and boundary treatment for the constituent phases of development shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

**Reason:** To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

21. No residential unit hereby permitted shall exceed two and half storeys and the details of their heights in relation to the existing and proposed ground levels and the height of the proposed finished floor levels (inclusive of any 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 overcomes any problem associated with the topography of the area, safeguards the living conditions of neighbouring residents, and the setting of Hadrian's Wall in accordance with Policies H1 and LE7 of the Carlisle District Local Plan 2001-2016.

22. No development shall commence until further investigation works have been undertaken to assess the nature and degree of contamination and a consequent report prepared and submitted to the Local Planning Authority. Should any contamination be identified a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the approved remediation measures, a remediation report must also be submitted to the Local Planning Authority for approval in writing.

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

receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

23. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the condition above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

24. The carriageway, footways, cyclepaths, provision of ramps on each side of every junction, and, the junction of any distributor/estate road with Houghton Road shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details (including Safety Audited Designs) with levels and full constructional details, shall be submitted to the Local Planning Authority for prior written approval before any other work other than site clearance, drainage and advance service works, 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 progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the phasing plan and/or programme required to be submitted by condition 3.

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

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

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

26. No development shall commence until visibility splays providing clear visibility of 90 metres measured along the nearside channel lines of the public road from a

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

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

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

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

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

**Reason:** The carrying out of this development without provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

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

In providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers.

Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (b) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local Planning Authority.

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

30. The access covers to the underground ducts to be installed pursuant to the above condition shall be carefully located in relation to the surface finishes and

to the satisfaction of the local planning authority and shall be of the type whereby the "tray" may be infilled with the appropriate surface materials.

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

31. Prior to any works starting on site, the developer shall prepare and submit to the Local Planning Authority for their approval, in writing, a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the Travel Plan being approved or where measures are identified within the Annual Review, within 12 months of the Review.

**Reason:** To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS1 and LD4, and "saved" Policy T31 of the Cumbria and Lake District Joint Structure Plan 2001-2016.

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

**Reason:** To aid in the delivery of sustainable transport objectives and to support "extended" Policy T31 of the Cumbria and Lake District Joint Structure Plan 201-2016 and Local Transport Plan Policies WS3 and LD4.

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

**Reason:** In the interest of accessibility by public transport and provide a safe means of pedestrian access in accordance with saved Policies T25, T27 and L53 of the Cumbria and Lake District Joint Structure Plan.

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

**Reason:** To afford reasonable opportunity for the examination and recording of remains and in accord with Policy LE8 of the Carlisle District Local Plan 2001-2016.

## **1. Recommendation**

- 1.1 On balance, it is recommended that this application be approved subject to the expiration of the publicity period, the imposition of relevant conditions, and the satisfactory completion of a Section 106 Agreement regarding:
- the implementation and monitoring of a Travel Plan including payment of a contribution/bond (based on the cost of an annual Carlisle Megarider Plus bus ticket multiplied by the proposed reduction in the number of vehicle trips multiplied by five years, plus a fee to cover the County Council's costs incurred in identifying, developing and implementing any potential measures);
  - the payment of up to £204,867 to the County Council to provide the required additional school places or (that option failing) a financial contribution of £199,500 (inclusive of an administration fee) for the transportation of the 17 pupil yield;
  - the provision of affordable housing in accordance with Policy H5 of the CDLP; and
  - payment of £65,000 to enable off-site mitigation for the impacts on the County Wildlife Site.

## **2. Main Issues**

- 2.1 Whether or not the scale and type of development is appropriate and/or lead to any significant adverse effect on housing policies (the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008-28 Development Principles; saved JSP Policies ST5 and H19; and CDLP Policies DP1, H1 and H4).
- 2.2 Whether it is sustainable in terms of transport and accessibility (saved JSP Policies T30 and T31; and CDLP Policies DP1, CP1 and CP16).
- 2.3 Implications for local community infrastructure – education (Cumbria Spatial Strategy 2008-28 Development Principles) and public open space/play equipment (CDLP Policies LC2 and LC4).
- 2.4 Whether the proposal meets the objectives of Policy H5 of the CDLP regarding the provision of affordable/social housing.
- 2.5 Whether there are any significant adverse effects on ecology/County Wildlife Site and the historic environment (the NPPF, Circular 06/2005; JSP Policies E35 and E38; CDLP Policies CP2, LE3, LE5 and LE9).
- 2.6 Whether the proposal would be detrimental to the living conditions and security of local residents, and highway safety/capacity (CDLP Policies CP17 and H1).
- 2.7 Whether the proposal would be detrimental to the landscape and visual character of the area (saved Policies E34 and E37 of the JSP; and CDLP Policies CP1, CP3, H3 and LE7).
- 2.8 Whether the proposed residential development is appropriate in the light of Hadrian's Camp former use as a military camp and proximity to Brunstock Beck (drainage) (CDLP Policies LE27, LE29 and LE30).

In undertaking the assessment, the Council commissioned independent advice from Lloyd Bore regarding ecology.

### **3. Application Details**

#### **The Site**

- 3.1 This application relates to 4.997 hectares of the former military training base/Army Apprentices School known as “Hadrian’s Camp” located on the eastern side of the Houghton Road to the immediate south of residential development at Antonine Way/Tribune Drive associated with the village of Houghton; and north of a transport depot for Cumbria Constabulary and existing ribbon development at 2-48 Houghton Road. To the south of the transport depot there is further residential development at Centurion Walk and Hadrian’s Gardens as well as Hadrian’s (caravan) Park.
- 3.2 Houghton Road runs southwards through Houghton to the B6264/Brampton Old Road and northwards to the A689. The B6264 and A689 both join the A69 linking Carlisle with Newcastle. The A689 also leads to junction 44 of the M6.
- 3.3 Houghton currently comprises approximately 482 dwellings served by a post office/convenience store, primary school, village green/sports pitch, village hall, and church.
- 3.4 The application site consists of areas of hard-standing and tracks associated with its former use combined with the natural re-colonisation by scrub and woodland.
- 3.5 The course of Hadrian’s Wall runs approximately 150 - 160 metres to the south of the application site. The whole of the application site falls within the “Buffer Zone” of the Hadrian’s Wall World Heritage Site. The nearest public footpath runs from Tarraby to Houghton and then under the M6 to Brunstock.
- 3.6 The former Camp is a County Wildlife Site with Brunstock Beck 140 – 180 metres to the north-east of the application site. There is flooding associated with Brunstock Beck but the application site itself falls within Flood Zone 1 (Low Probability suitable for all uses). Brunstock Beck discharges in to the River Eden and Tributaries SSSI and SAC. Adjacent to the site entrance there is a smaller watercourse known as Gosling Sike. The application site lies within the County Council’s Landscape Character Type 5b: Low Farmland. Under the Proposals Map of the Carlisle District Local Plan 2001-2016 the application site adjoins the defined settlement boundary for Houghton.

#### **The Proposal**

- 3.7 The current application seeks outline planning permission for residential development with all matters reserved for subsequent approval. A letter from the agent dated the 17<sup>th</sup> October 2012 has confirmed that his clients are continuing negotiations with regional and national house-builders who see the site as being located in an area where people are keen to live; there is significant interest from Registered Social Landlords in respect of the

affordable element; his clients are agreeable to the imposition of conditions restricting the height of the dwellings to no greater than two and half storeys and limiting the development to not more than 99 dwellings (i.e. at a density of about 26 dwellings per hectare); and the intention would be for a management company to be established to deal with the areas of public open space.

- 3.8 The submitted indicative plans show vehicular access from Houghton Road; the density of the proposed housing rising from “low” to “medium” as it progresses from the west to the east; the retention of the existing trees as far as possible; and the provision of open space following the route of the main estate road combined with an additional area that directly links to the existing provision serving Antonine Way/Tribune Drive. The intention is also to incorporate a Sustainable Urban Drainage and wildlife pond off site.
- 3.9 The proposal is accompanied by a Design and Access Statement (Eden Environment Ltd); a Flood Risk Statement, a Preliminary Environmental Appraisal, and Phase 2 Ground Investigation Report (Geo Environmental Engineering); a Transport Assessment and Travel Plan Framework (RG Parkins & Partners); Ecological Assessment (Hesketh Ecology); Planning Statement (Taylor & Hardy); a Tree Survey (Julian Russell); and a Drainage Statement (RWO Associates).

#### **4. Summary of Representations**

- 4.1 This application has been advertised in the form of press and site notices, and the direct notification of the occupiers of 65 neighbouring properties. The application has also been advertised as departure from the Local Plan. In response the Council has received correspondence from 3 individuals commenting on the proposal; 44 formal objections (inclusive of Rory Stewart MP); and 3 letters/e-mails of support.
- 4.2 The main points raised in respect of the comments received centre on what is considered “affordable”, and the following points: the number of houses will significantly increase the size of Houghton; the development will merge Brampton Road into Houghton and thus make it more of a suburb than a village; will there be more houses later on?; the School is up to capacity; if the School was to extend, the “village school” culture would change; the village is already congested, parking around the school and shop is a nightmare – this can make it dangerous at times; more houses would increase the traffic and potential risk to those in the village; and the access onto Houghton Road is potentially dangerous.
- 4.3 The correspondence objecting to the proposal has been summarised below under its respective headings.

##### Highways

- Lead to increased traffic congestion and safety risks on an already busy main road
- Object to any notion of using Centurions Walk as any type of access road

- The current “botched” traffic calming system through the village would struggle to cope
- Already at peak times the parking of vehicles outside the school/nursery/shop/green is haphazard and dangerous – an accident waiting to happen
- Houghton Road is often used by horses and farm vehicles as well as commuters – used as a “rat run” and for access to Houghton Hall Garden Centre
- At peak times traffic can tailback at the junction of Houghton Road and Whiteclosegate/Brampton Road
- Houghton Road has two blind bends giving limited visibility for all road users - increases the risk of serious injury to horse riders or slow moving traffic
- Inadequacy of public car parking in Houghton

#### Residential Living Conditions

- The new dwellings will be very near boundary causing loss of light
- Increased noise levels, litter, congestion and pollution
- A route linking it to Tribune Drive/Antonine Way may facilitate crime and lead to anti social behaviour
- The proposed footpath linking the development with Tribune Drive will lead to losses in privacy
- Construction process presents hazards in the form of dust, noise pollution and movement of heavy machinery

#### Ecology/wildlife

- Lead to loss of wildlife habitat
- A deer has run out from the field opposite Hadrian's Camp onto the road and headed into the Camp – the area attracts many forms of wildlife and deer are already falling low in numbers
- Will affect the Wildlife Trust land on the opposite side of Houghton Road
- Need a more detailed wildlife impact analysis – no mention of birds, hedgehogs, black rabbits
- The submitted ecological survey explains that as a result of the development “there will inevitably be a reduction in the suitability of the site for foraging bats” – hardly ecologically friendly especially towards species protected by law
- Very difficult to relocate wild orchids
- The hedgerow along Houghton Road is considered to be an ancient hedgerow

#### Housing Need

- Estate agents windows are full of houses for sale and rent that they cannot sell or rent out – who needs more houses built
- With other larger scale housing developments on the outskirts of the City this development is not necessary and could lead to properties remaining empty

- Houghton was almost doubled in the late eighties and early nineties and simply does not need to grow any more
- Can you be certain the project will be completed, has the developer given any guarantees that the project won't be abandoned if the economy dips again
- If the urban allocation is over-subscribed and the rural allocation can only be made in Longtown and Brampton there is no identified need for any development at Houghton
- With the urban allocation being 264 over and the Longtown/Brampton allocation being 292 under the net difference is only 28 dwellings – planning policy is not being followed

### Character

- The village would become just another part of the City
- The proposed houses are out-with the village boundary – result in ribbon development and loss of green space

### Precedent

- There would be a likelihood of building more housing on the same land if this development goes ahead

### Education

- Houghton School and the other closest primary schools (Stanwix and Kingmoor) are already full
- With the addition of more children it would change the School forever
- Will the School building be increased in size? And if so will that mean the taking away of parts of the School yard and field or even “building up”. Either way, this would be a great deal of unnecessary disruption for the children and their learning
- The impact would not only be felt in the village school but also on the main secondary catchment school – understand that Trinity's Year 7 intake has been at full capacity in recent years

### Flooding/Drainage

- The infrastructure of utilities will be unable to cope with the increase of drainage with an already overloaded system.
- On several occasions Houghton Road close to the proposed access to the site has flooded to hazardous conditions

### Hadrian's Wall/Archaeology

- Something should be done in way that more appropriately preserve its place in Roman and modern history

### Process

- This development may see the Council facilitating the land owners plans over what's actually necessary for the village and those who live there
- Poor communication to village residents about this proposed development
- There are numerous conflicts and inaccuracies in the documentation provided e.g. the Travel Plan Framework quotes "190 residential dwellings..."

4.4 The letters/e-mails of support centre on the following issues: may help to sustain the viability of the Post Office and The Near Boot PH; best possible use; site currently an eyesore; when Antonine Way/Tribune Drive were constructed people objected with similar points although it is now the occupants of those houses who are objecting; will give more regular business for a small local shop; would be very interested in this development as contrary to what's been said there is not a lot of houses for sale in the area.

## 5. Summary of Consultation Responses

**Cumbria County Council - (Highway Authority):** - the access onto Houghton Road which is proposed has restricted visibility to the south due to the overgrown hedgerow, significant pruning/removal of parts will be needed.

The submitted Drainage Statement refers to existing watercourses Gosling Sike and Brunstock Beck. Both are Main Rivers, the former should be ruled out as unsuitable due to existing flow/capacity problems, the latter is shorter but there have been flooding incidents with 2 properties, thus a full hydraulic analysis will be needed from mouth to source and EA discharge Consent will be required.

It is noted that this site does not cover the full extent of developable land; we normally look to 100 properties being the maximum served by a Minor Access Road/cul-de-sac layout. Thus we would look to limit the number of dwellings to 100.

Parking and servicing to properties, facilities shall be provided to meet the requirements of the Cumbria Parking Standards 1997.

The proposals for the widening of the existing access are very much Outline, as already noted visibility of 120m is needed and I would expect a pedestrian refuge island/crossing point to the immediate north of the right turn lane with footway connectivity to bus stop positions on either side of the road. This works will be subject to a Highways Act 1980 Section 278 agreement with this Authority.

It should be noted Centurion Walk (which is suggested as an Emergency Access) is a Private Street. this would need to be upgraded to adoptable standard as a formal secondary access point for more than 100 dwellings and should form part of a wider masterplan for the 'whole of Hadrian's Camp' site. I understand there are other issues which may preclude the level of housing indicated, so as this is Outline the Conditions provide adequate constraint.

No individual property accesses off Houghton Rd will be permitted, thus the first 3 dwellings proposed will need to take access off either the existing access ( pending construction of the new access and stopping up of the existing), or the new access must be constructed to serve them. Up to 5 properties can be served from a Private Shared driveway. No further properties should be allowed to be occupied until the Developer has produced a detailed Estate plan and entered into a Highways Act 1980 Section 38 agreement for the construction of the Estate roads to serve at least the new agreed Phase of the development.

The Traffic generation based on the adjacent Tribune Drive site is considered robust and accepted. The survey work was done on Tuesday 17 April 2012, which was after the Easter school recess and after the Carlisle Northern Distributor Route opened for traffic. Whilst a one day count is somewhat less than we would normally seek, given the close correlation between the site observations and TRICS rates, this is felt adequate. The junction assessments (B6264 Whiteclosegate/Houghton Rd; A689/Houghton Rd; and new Estate Road/Houghton Rd) show that these work well within capacity. It should be noted the Geometric parameter tables have incorrect Minor Road Widths, unless these relate to Lane widths. It is felt, in view of the small percentage additions to existing traffic flows on the A689/B6264, that the Transport Assessment need look no further along the network.

The assessment notes the poor footways on parts of Houghton Rd, for the avoidance of doubt widening/reconstruction to 1.8m for Footway (or 2.4m if 'joint use' cycle-path between Tribune Drive and the access to the southern part of the ex Hadrian's Camp, should be required, together with DDA compliant ramps at all accesses back to the B6264 junction and as far as Houghton Primary School. The existing street lighting system should also be upgraded to current standards.

Appendix 2 Accident plans is virtually illegible, but it is known that there are accidents between the B6264 junction and Houghton Village and a proper rigorous assessment of causation factors needs to be demonstrated, not a simple bland conclusion, there have been no accidents in the last 5 years at the Hadrian's camp access; and a similar "as can be expected there have been accidents at the Houghton Rd junctions with the A689 and Brampton Old Rd" (B6264).

Whilst there remains significant matters to be addressed for future Reserved Matters Applications, we are content from the information provided there is nothing to sustain a refusal on Highways/Traffic grounds for this development, assuming the appended Conditions area included in any Outline consent

**Housing Development Officer:** - under Policy H5 of the Carlisle and District Local Plan a contribution to affordable housing of 25% can be requested on large rural sites - 25 or more dwellings. In this instance, that works out at 24 units, however, if the developer was to involve a registered provider and allow some of the units to be for affordable rent then the number of units could be reduced, on the basis, that 2 affordable rented is worth 1 discount sale unit of Carlisle City Council's low cost housing scheme.

The housing strategy team note from the Planning Statement provided indicates that the proposed style of units will primarily consist of 2 to 5 bedroom properties. Still, with the proposed Welfare Reforms coming into effect in April 2013 we would request that the developer consider the inclusion of some 1 bed properties in the affordable housing contribution as existing tenants of social housing may want to downsize from larger properties in an attempt to avoid the bedroom tax.

The Housing Needs and Demand Study 2011 for Carlisle indicated that there's a net shortfall of 101 affordable homes in the Rural East Housing Market Area for the next five years which includes Stanwix Rural ward.

**Stanwix Rural Parish Council:** - in a letter dated the 13th September the Council confirmed that it had resolved to object to the proposal for the following reasons:

- the area is identified as a wildlife site and is adjacent to a newly created wetland area;
- in a recent survey undertaken by the Parish Council, 58% of respondents to the survey indicated that they were opposed to any further development;
- concerns over infrastructure capacity, safety, local amenities and extension of ribbon development;
- lack of detail in the outline application and what is offered may be different at the final planning stage i.e. the outline proposal is currently 96 houses but this may be subject to larger numbers in the future;
- major concerns over the capacity of the school to take any further pupils and a recognition that schools in the adjacent areas do not have spare capacity;
- requirement to meet social housing needs, an area where the Parish Council has long supported the need for development;
- absence of detailed plans relating to services provision and an inadequate travel plan; and
- the evidence of a range of current existing planning approvals and applications across the City to meet local need.

The Council is in support of residents letters of objection and also resolved to include with this response the notes of a public meeting held on the 29th August 2012.

In a letter dated the 24th October, the Parish Council made a further submission in support of its objections on the basis of the impact of the proposal on 1) the County Wildlife Site; 2) conflict with housing policy; 3) the use of previously developed/contaminated land; 4) Hadrian's Wall; 5) overall conflict with policies of the Local Plan; 6) conflict with the National Planning Policy Framework; and 7) problems associated with an outline application.

#### County Wildlife Site

- Policy LE3 Other Nature Conservation Sites of The Carlisle District Local

Plan 2001 – 2016 stresses the importance of County Wildlife Sites as *“...examples of important habitats with uncommon species of plants and animals.”*...and continues: *“The importance of sites such as these has become significantly greater in recent years, as changing agricultural practices and the disappearance of traditional management in the countryside have resulted in the loss or alteration of many sites.”*

- 1) The applicant's Ecological Assessment fails to mention the ponds and wetlands created by Cumbria Wildlife Trust, at Gosling Sike Farm, stating that no ponds occur within 500m of the proposal site boundary, [Ecological Assessment Para 6.3.13] These ponds and wetlands are intended to provide a habitat for colonisation by various species of protected wildlife, including UK Biodiversity Action Plan (BAP) Priority Species such as Great Crested Newts; Common Toads; Otter; Reed Buntings [Appn No 11/1078 Design & Access Statement].
- 2) The County Wildlife Site forms a vital corridor between the newly created wetland habitat and Brunstock Beck which, in turn, leads to the River Eden Special Area of Conservation (River Eden SAC). However; the Ecological Assessment fails to identify the presence of Gosling Sike, which traverses the County Wildlife Site, and forms an aquatic conduit linking these same locations.
- 3) No need has been established which would justify building a 96 unit housing estate on the County Wildlife Site and which would certainly set a precedent for further applications to develop the remainder of the site. (Ref. paragraphs 1.6 & 2.5 below).
- 4) Carlisle City Councils Strategic Housing Land Availability Assessment Update - September 2012 is dismissive of the County Wildlife Site, referring only once to the existence of *“wildlife concerns”*. At the same time the document clearly indicates an expectation of further development, the Houghton Settlement Map showing the entire area of the former Hadrian's Camp to be deliverable within 0-5 years after Local Plan adoption.
- 5) Any major built development on the County Wildlife Site would destroy the cohesion of its environmental integrity; greatly prejudice its value as a habitat; restrict the ability of wildlife to utilise the natural corridor between habitats, and; limit the preservation and enhancement of biodiversity.

#### Conflict with Housing Policy

- 6) The proposed development site lies outside the defined boundary of the settlement and constitutes a 'Major Development'. Supporting paragraph 2.27, of Policy DP1, of the Carlisle District Local Plan 2001 – 2016 states:

*“The focus for new development proposals should be the urban area of Carlisle, with limited rural development.”* Policy DP1 also states that the settlement boundaries are tightly drawn to limit development and; reflect

the extent of existing development and; that outside these locations development will be assessed against the need to be in the location specified. Paragraph 5.79 of the Carlisle District Local Plan 2001 – 2016 states: *“Within the rural part of the District housing land allocations will only be made in Longtown and Brampton as Key Service Centres.”...and: “Outside those Key Service Centres, new dwellings will be limited to infilling or small scale development in line with Policy H1.”*

- The Local Plan also notes, below paragraph 5.79 that the Brownfield rural target ‘has been exceeded; whilst supporting paragraph 5.80, of Policy H4, states that ...*“The remaining brownfield dwellings can easily be achieved through small-scale windfall during the Plan period.”* As a Major Development outside a Key Service Centre the proposed 96 residential units cannot possibly be considered to be ‘small scale development’; nor ‘limited’; nor ‘infill’; nor ‘small-scale windfall’.
- Supporting paragraph 5.5 of Policy H1, states: *“Proposals which will extend a settlement in such a way as to act as a precedent for the release of other land for development beyond the village limits will not be acceptable.”*
- The owner of the proposal site also owns the remainder of land edged blue on the site plan, which is described in application documents as being *“...part of a larger scope of development that could incorporate social housing, residential care homes and some light business use”* [Phase 2 Ground Investigation Report, para1.0];
- Whilst the Carlisle City Council Strategic Housing Land Availability Assessment Update - September 2012, also anticipates further development of the site. If permitted, the proposal would, therefore, most certainly act as precedent for the release of other land beyond the village limit and must be considered to be un-acceptable under Policy H1. The proposal site is not within the urban fringe and is **outside** rather than **in** the Local Service Centre.
- The site is well screened from the village of Houghton by the tree-line which defines the boundary of the settlement. This significant screening would effectively prevent the proposed development from relating well with the built environment of existing settlement causing it to appear as an intrusive ‘stand-alone’ housing estate.
- The development if permitted would also noticeably reduce, the distance between Houghton and the built frontage of Houghton Road, to the south, and which extends from the urban boundary. This, and the precedent for further development, would certainly lead to a loss of clear separation between, and a blending of, the urban and rural parts of the City.
- The County Wildlife Site contributes greatly to the character of Houghton and complements the neighbouring Gosling Sike wetlands. The proposal would significantly prejudice the character of these local landscape features and impede the integration of the Gosling Sike wetland habitat into the

wider ecosystem.

- No need for the proposed development is evidenced. Local services are already well supported; the proposed development would overburden the village school and add to existing traffic problems around the village shop, and school.
  - Local bus services are limited after 6:00pm, and at weekends, and can sometimes be erratic, often making impractical any realistic alternative to car travel. The proposal is therefore of an inappropriate scale and compromises the objectives of sustainable development.
  - Carlisle Strategic Housing Land Availability Assessment - Update September 2012, states:  
*"This version of the Carlisle SHLAA currently demonstrates enough deliverable and developable land to support 9,460 new houses over the 15 year plan period of the forthcoming new Local Plan."* The SHLAA Update also states that a number of possible housing targets of between 400 to 650 new dwellings per annum were considered i.e. a total of 6,000 to 9,750 new dwellings over the 15 year period of the new Local Plan.
12. The SHLAA Update also points out that available land falls just short of meeting the higher 650 target. This figure does not include a build capacity in respect of the 245ha developable site, south of Carlisle, identified as OC17 [Appendix B of the SHLAA Update] for which no projected capacity is indicated. 850 houses are approved to be built at Crindledyke (Appn No 09/0617) for which consent was given on 23 April 2012.
- Consent for a further 295 dwellings, including 59 affordable units, is now sought in respect of a site in the Upperby area.
  - A further 45 empty houses are to be brought back into use by Carlisle City Council.
  - An additional 100/150 houses are proposed for a site in Dalston.
  - Further applications for major developments i.e. 46 dwellings at Scotby Green Steading (Appn 12/0710) and; 32 dwellings and Broomfallen Road Scotby (Appn 12/0790); currently await determination.
- These proposals alone are likely to generate 752 new homes, not inclusive of the outstanding 666 at Crindledyke – a total of 1418 units likely to be delivered in the short to medium term. This capacity far exceeds the required 450 unit target of the most recent Housing Need & Demand Study [report PPP 13/12, Policy and Communications Manager 11 Oct 2012] as agreed by the Executive in March 2011 - and even that recently reported of 500 to 600 units per annum [Cumberland News 12 October 2012].
  - The Interim Planning Policy Statement for New Housing Development in Carlisle (adopted 1 May 2012) and which should only be used in the absence of a 5-year supply of housing land allows for the consideration, of proposals for new housing development on land currently excluded from

such development. It should be interpreted in conjunction with other saved policies in Local Plan and; proposals are required to demonstrate that the site will be deliverable within the five year supply period relevant to the date of application.

- As the SHLAA Update identifies sufficient land to accommodate 630 units per year over 15 years a number well in excess of the 450 target of the most recent Housing Need & Demand Study, the Interim Planning Policy Statement for New Housing Development in Carlisle should not be used.
- Further; the applicant, North Associates, has confirmed that the company acts for the landowner rather than a developer [Stanwix Rural PC consultation response 17 Sept 2012 - notes of public meeting, 29 August 2012]. Thus the application fails to demonstrate with any certainty that the proposal would be deliverable within the supply period relevant to the date of its submission. Therefore, the Interim Planning Policy Statement for New Housing Development in Carlisle is, again, inapplicable.

#### Previously Developed Land/Contaminated Land

1. The Local Plan's definition of what may constitute 'previously developed land' includes:  
*"Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)...There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed."*
2. Having reverted extensively to a natural state the County Wildlife Site, where remnant narrow roadways have become extensively degraded and overgrown with many of the disused metalled surfaces being; *"..Well covered with Bryophytes and Sedum sp."* [Ecological Statement Para 6.2.5]. The proposal site now typifies an area that has, *"...blended into the landscape in the process of time, to the extent that it can reasonably be considered as part of the natural surroundings..."*
3. Asbestos and heavy metal contamination has been recovered from test pits identified as 'hotspots'; one of these, approximately 50 feet from neighbouring residential property, being found to contain *"many/much fragmented asbestos sheets/tiles, some brick and rare metal"* [Phase 2 Ground Investigation Report: GEO2012-187: Area A, Hadrian's Camp, Houghton – TP12]
4. Gosling Sike which links the new wetland habitat with Brunstock Beck, a tributary of the River Eden SAC, provides a contaminant pathway to the SAC as receptor. The contaminants identified above have the potential to cause harm to the SAC, should they enter Gosling Sike. This linkage and the risk accruing from a breach of Gosling Sike's environmental integrity are not addressed by the Ground Investigation Reports.

5. As the ground investigation has, quite literally, only scratched the surface of the entire site, and *"it should always be considered that ground conditions have the potential to vary between the exploratory hole locations to those identified"* [paragraph 2.2 Limitations of Use, of Phase 2: Ground Investigation Report], there may also be a need for an Environmental Statement and/or Environmental Impact Assessment. A full remediation strategy may also require to be submitted prior to the determination of the application.
6. Though contaminated the land very efficiently serves an existing, and highly beneficial, use as County Wildlife Site, which functions as an important biodiversity enabler. These sites are described in the Carlisle City Council Contaminated Land Strategy as *"important nature conservation sites"*, which may contain a rich biodiversity not found in protected sites.
7. The Carlisle City Council Contaminated Land Strategy suggests several ways of remediating contaminated land, but states that *"...these may not always represent the optimum solution for a contaminated site."* The Strategy also states the City Council's belief that: *"land should be made fit for its present use, not fit for any use"* [Paragraph 10.1]. A possible coincident benefit of maintaining the sites present use, should it remain undisturbed, may be the avoidance of need for the remediation of subsurface contamination.
8. The site is in the rural area and therefore is not prioritised for re-development by Carlisle District Local Plan 2001 – 2016. [Para 6.112]. Nor, merely by virtue of its previously developed status, can it, or any part of its curtilage, simply be presumed to be suitable for housing development. The proposal does not constitute an appropriate use of an important County Wildlife Site.

#### Hadrian's Wall World Heritage Site

1. English Heritage has stated that the site is of high archaeological sensitivity and an outline application makes it difficult to confirm that the proposal would have no unacceptable impact upon the World Heritage Site. It also states that a full planning application for the site would be more appropriate and that even the imposition of binding parameters in respect of heights and materials, at this stage, would not be ideal.

#### Conflict with Carlisle District Local Plan 2001-2016

1. Having regard to Carlisle District Local Plan 2001 – 2016 Appn No 12/01610 should be refused consent for the following reasons:
2. The proposal conflicts with Policy DP1, Sustainable Development Locations, in that:
  - There is no 'need' for the proposed development to be in the location specified.
  - Infrequent public transport links exist therefore realistic travel

alternatives mean the use of a private motor vehicle.

- The proposed development cannot be considered to be 'Limited,' as it constitutes 'Major Development' as defined by the City Council's Statement of Community Involvement - quoting the Town & Country Planning (General Permitted Development) Order 2010.
  - Local services are already well supported;
  - The proposed development would overburden the village school,
  - The proposed development would exacerbate existing traffic problems around the village shop and school;
  - Poor bus services mean that, for all practical purposes, few journeys can be made by local residents without reliance upon car travel.
  - The proposed development is outside the defined boundary of the village and is not 'limited' but constitutes a 'Major Development' as defined by the City Council's Statement of Community Involvement - quoting the Town & Country Planning (General Permitted Development) Order 2010
  - The Brownfield rural target has been exceeded
3. The proposal conflicts with Policy LE3 Other Nature Conservation Sites, in that:
- The proposal site is defined by the LPA as an important habitat for uncommon species of plants and animals.
  - The proposal threatens the cohesive integrity of an "important habitat," the significance of which has greatly increased in recent years.
  - The proposal impacts heavily upon County wildlife Site where replacement /relocation of species is impractical due to the frequent failure of translocation.[Cumbria Wildlife Trust, consultation response]
  - There is no overriding need for the proposed development of an important County Wildlife Site, in order to respect the importance of which permission should not be granted.
  - The proposal site constitutes an important of the County Wildlife Site of local significance which makes an important contribution to nature conservation and bio-diversity.
4. The proposal conflicts with Policy H1, Location of New Housing Development, in that:
- The proposal site lies outside the defined boundary of the village and is not contained by the existing landscape features of the area;
  - being isolated from the village by an existing screen of trees it does not relate well to the form, scale and character of the rest of the village;
  - If permitted the proposed development would have adverse impact upon the neighbourhood amenity of the village through overburdening the village school, and adding to existing traffic problems around the village shop and school.

- As the applicant owns the remainder of the site (edged blue on the site plan) the proposal, if permitted, would act as precedent for the release of other land beyond the village limit. As such it must be considered to be un-acceptable.
  - Though not an integral part of the village the proposal site constitutes a County Wildlife Site which contributes to the character of Houghton and complements the neighbouring Gosling Sike conservation area.
5. The proposal conflicts with Policy H4, Residential Development on Previously Developed Land and Phasing of Development, in that:
    - The proposed development is unsustainable within the context of Policy DP1 - see above.
    - Because of its non-compliance with Policy DP1 the proposed site fails to provide an opportunity for rural brownfield residential development.
  6. The proposal conflicts with Proposal H16, Residential Allocations, in that:
    - The proposal site is outside a Key Service Centre and is not a small scale infill site but a 'Major Development'
    - The rural the brownfield target has been exceeded
    - The proposal site is not a small scale windfall site but a 'Major Development'
  7. The proposal conflicts with Policy LE29 Land Affected by Contamination in that:
    - The site is in the rural area and therefore is not prioritised for re-development, by Carlisle District Local Plan 2001 – 2016.
    - The land is already serving an existing, very efficient, and highly beneficial use as County Wildlife Site.
    - A remediation strategy is required due to contamination by *"many/much fragmented asbestos sheets/tiles, some brick and rare metal"* proven to exist approximately 50 feet from neighbouring residential property, [Phase 2 Ground Investigation Report: GEO2012-187: Area A, Hadrian's Camp, Houghton – TP12]
    - Due to proven contamination of the site there may be a need for an Environmental Statement and/or Environmental Impact Assessment.
  8. The proposal conflicts with Policy LE30 Derelict Land; in that:
    - As a former War Office/MOD site there is high possibility of, perhaps extensive, un-remediated ground contamination. A factor acknowledged at paragraph 2.2 of Geo Environmental Assessment: Phase 2: Ground Investigation Report: *"It should always be considered that ground conditions have the potential to vary between the exploratory hole locations to those identified"*
    - The proposal does not constitute an appropriate use of an important County Wildlife Site.
    - The County Wildlife Site has reverted extensively to a natural state where even the remaining narrow and decaying roadways are becoming extensively degraded and overgrown.
    - As a County Wildlife Site the land constitutes an important enabler of biodiversity and should be safeguarded.

- Should it remain undisturbed, as a wildlife habitat, extensive remediation of subsurface contamination may not prove necessary.
9. Therefore; Policy LE5 Hadrian's Wall World Heritage Site, in that:
    - The site is of high archaeological sensitivity and;
    - an outline application makes it difficult to confirm that the proposal would have no unacceptable impact upon the World Heritage Site and;
    - that a full planning application for the site would be more appropriate and;
    - that even the imposition of binding parameters in respect of heights and materials, at this stage, could not be relied upon to protect the World Heritage Site from potential unacceptable impact.
  10. The proposal conflicts with Policy LE7 Buffer Zone on Hadrian's Wall World Heritage Site, in that:
    - The proposal is not consistent with other important Local Plan policies
    - The proposal site is heavily screened from the village by the trees which define the boundary of the settlement.
    - This significant screening would effectively isolate the proposed development thus preventing it from adequately reflecting the scale and character of the settlement.

#### Conflict with the National Planning Policy Framework

1. The proposal conflicts with paragraphs 111; 114 and 118 of The National Planning Policy Framework, in that:
  - The site has an existing and effective use as a County Wildlife Site
  - The existing County Wildlife Site has a high environmental value.
  - The existing use is an example of positive planning "for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure".
  - The proposed mitigation measures are identified as being "wholly inadequate" [Cumbria Wildlife Trust]
  - There exists "abundant evidence" that translocations often fail and should be considered only as a last resort. [Cumbria Wildlife Trust]
  - As a County Wildlife Site, of high environmental value, the proposal site constitutes part of a network of green infrastructure.
  - There is no need or benefit for the proposed development of the County Wildlife Site that would clearly outweigh its loss.
  - The nature of the outline application prohibits the safeguarding of any currently proposed mitigation measures.

#### Outline Application

1. English Heritage's material concerns, regarding the outline nature of the application, reflect those voiced by the community and held by the Parish Council. The reasons for these concerns are well evidenced by recent precedent following a recent application to vary a condition of a previously approved permission - Appn No12/0495 This revision allowed houses to be built to a lower sustainability code standard than that specified in the outline

application, the developer asserting that the higher standard would be un-viable in the present economic climate.

2. Members expressed dissatisfaction regarding the application to amend the condition, one requesting that a further condition be imposed to ensure that future phases of the scheme remained at higher standard. Another stated that she would not be happy to approve the application; whilst the ward councillor commented that allowing the variation may encourage the applicant to take a similar approach on subsequent phases. Officer advice was that, under the provisions of National Planning Policy Framework, *"Members had to make the concession as requested"* [Development Control Committee minutes Friday 13 July 2012].
3. This concession amply illustrates the inherent risk of ultimate failure when attempting to condition outline applications and; supports the view of English Heritage that a full application should be submitted.
4. In consideration of the precedent outlined above, and; in order to ensure the greatest likelihood of success in enforcing conditions in respect of the County Wildlife Site and the World Heritage Site, Stanwix Rural Parish Council urges that this, and/or any other, proposal for a built development, on any part of the former Hadrian's Camp, should be made subject of a full application.

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** - following observations regarding this application, which have been considered from a crime prevention and community safety perspective.

#### Layout

Generally, the proposed layout is acceptable from a crime prevention perspective, in that the (indicative) dwellings tend to overlook each other and are orientated to address the vehicular/pedestrian routes. All designated routes should be within clear view so that users shall feel safe and reassured as they move around the development.

Noted from the submitted Design and Access Statement that '....all open spaces are overlooked by housing ensuring that open spaces are safe and feel safe....' Although this is an application for outline permission, this concept needs to be carried through to the final design, in the event of this application being approved.

#### Permeability

Noted that the intention to link the development to Tribune Drive, via the Public Open Space. Unfortunately, the dwellings in Tribune Drive have their backs to this space (with consequent reduction in passive surveillance opportunities) which compromises overall security. From a community safety perspective, this space should be more formally addressed by new dwellings, thereby enhancing enclosure to this space, yet emphasising the link to

Tribune Drive beyond.

The DAS refers to opportunities for further development within the Hadrian's Camp site, referring to 'networks of open spaces, ecological corridors and local and commuting routes'. Care should be taken to avoid excessive permeability, which has been shown to be a crime generator. Vehicle routes, footpaths and cycle-ways must provide direct links to support each development. Superfluous routes that merely provide shortcuts or unrestricted access for non-residents should be avoided.

### Site Perimeter

Clarification required regarding the proposed site perimeter treatment, in order to protect the adjacent Cumbria Constabulary asset from intrusion.

### Definition of Space (Landscaping)

The use of new and existing hedging to define space is welcomed. Thresholds between public and semi-private space must be obvious, so that householders retain control and ownership of their own curtilage. (Spaces that are not clearly defined are prone to misuse and abuse).

Utilising landscaping elements for this purpose (where appropriate) has obvious additional benefits in respect of colour, texture, visual interest and wildlife habitat.

However, this method also creates maintenance issues. Regular ground maintenance and trimming of shrubs and trees is required to demonstrate care and ownership. The choice and location of species is essential to maintain passive surveillance opportunities (not just from ground level), complementing street lighting schemes and avoiding the unintentional creation of hiding places.

The DAS highlights the desire 'to provide a green framework for the housing development', but it would be helpful to ascertain how this concept shall be sustained.

### Further Consultation

If this application is successful, further consultation would be welcome prior to any application for Full permission. In order to comply with National Planning Policy Framework and Policy CP17 of the Local Plan, the applicant must demonstrate how crime prevention and community safety measures have been incorporated into the design.

Guidance is also available from the Supplementary Planning Documents 'Designing Out Crime' and 'Achieving Well Designed Housing'.

### Secured by Design Compliance

The applicant may also wish to consider applying for Secured by Design accreditation. Compliance with the national police initiative could enhance the market appeal of the development, but will also attract credits under the Code

for Sustainable Homes scheme.

**Natural England - relating to protected species, biodiversity &**

**landscape:** - In relation to drainage it is noted that foul water will be drained via the public sewerage system and surface water will be managed either via soakaways or discharge to watercourses. The watercourses - Brunstock Beck and Gosling Sike - both discharge in to the River Eden and Tributaries SSSI and SAC. We advise that sufficient pollution prevention measures will need to be designed into the detailed drainage design, and employed on site during the construction period, in order to not impact on the interest features of the designated river.

The submitted Drainage Statement recognises that a greenfield rate of discharge will be required by the Environment Agency for a new discharge, with suitable levels of treatment prior to discharge. We are satisfied that appropriate avoidance and/or mitigation can be designed in to the drainage scheme, at the reserved matters stage, in order to avoid impacts on the designated site.

In relation to ecology the updated Ecology Report by Hesketh Ecology identifies likely impacts on protected species, and advise that the recommendations and enhancements outlined should be conditioned as part of any planning permission.

**Cumbria County Council - (Archaeological Services):** - the site lies 160 metres north of Hadrian's Wall and is located in the visual impact zone of the World Heritage Site. However, our advice relates specifically to the heritage assets that survive on the site.

The site has been the subject of an archaeological desk based assessment. The results show that it is unlikely archaeological remains survive below ground due to its location and the extensive disturbance that occurred during the construction of the 20th century military camp. The military camp itself is of some interest however, particularly in reference to the social history of Carlisle, and although much of it has been cleared away, its overall layout and the foundations of some of the buildings do survive.

It is therefore recommended that the remains of the 20th century military camp are photographed and recorded prior to their demolition as part of the proposed development. This programme of work should be commissioned and undertaken at the expense of the developer and advise that it can be secured through the imposition of a relevant condition.

**Local Environment (former Community Services) - Drainage Engineer:** - no comments received.

**Environment Agency (N Area (+ Waste Disp & Planning Liaison Team):** - we have considered the Level 1 Flood Risk Statement (dated 09.03.12) produced by GEO Environmental Engineering and can confirm that we agree with Section 5.0 (Conclusions) which states that the site may require the completion of a full Flood Risk Assessment.

We therefore consider that outline planning permission could be granted to the proposed development subject to the imposition of relevant conditions.

**English Heritage - North West Region:** - originally commented that this application lies in an area of high archaeological sensitivity, 150m to the north of the line of Hadrian's Wall, giving it a potential impact on the archaeology and setting of this World Heritage Site. EH defer in general to the advice of the County Archaeologist with regard to direct archaeological issues, but would ask for details/commitments with reference to services and drainage to either ensure that these do not have any impact on the line of the Roman frontier, or to allow such an issue to be addressed prior to determination. With reference to setting impacts, although it is likely that this site can be developed without unacceptable impact on the World Heritage Site, the outline nature of this application makes it problematical to confirm this. As such, we have to advise a preference for a full planning application for this site, or if this is not supported for parameters to be agreed on issues such as height, to give sufficient confidence as to the acceptability of any impact on setting.

Subsequently, following the suggestion of restricting the height of any development, English Heritage has responded by explaining that the suggestion of limiting development to no higher than 2 1/2 storeys would be very useful. This parameter would ensure that future reserved matters applications would not be based on unrealistic expectations about the height of development possible in this location only 150m to the north of Hadrian's Wall. Ideally they would like to see some details on the materials to be used, although it does seem likely that a very considerable palette of materials could be used here without impact on the setting of the WHS: on balance they are content for approval of this issue to be a Reserved Matter subject to careful consideration at a later stage.

English Heritage's comments on the need for service/drainage information at pre-determination stage remain.

**Hadrians Wall Heritage Limited:** - no comments received.

**United Utilities Water PLC:** - no objection to the proposed development providing specific conditions are included in the planning permission concerning: only foul drainage connected into the foul sewer - foul water must discharge into the manhole located at Brampton Old Road; surface water drainage to discharge into either a soakaway/infiltration or watercourse; land drainage or subsoil drainage water must not be connected into the public sewer; and the connection of highway drainage from the proposed development to the public wastewater network will not be permitted.

A separate metered supply to each unit will be required at the applicant's expense.

**Northern Gas Networks:** - no objections;

**(Former Comm/Env.Services) - Green Spaces - Countryside Officer** - the treatment of public open space seems to offer sufficient space and diversity for a range of recreational objectives. From the information available it looks to be adequate to service the development and supportive of the protection of trees and hedgerows indicated on the plan. The Soft Landscape Strategy seems to be suitable for the extent and diversity of the site.

I would prefer to see some natural play facilities provided on a site of this scale, commensurate with the scale of development (Policy LC4 of the Local Plan applies).

It is not envisaged that the public open space will be transferred to the Council.

**Local Environment - Environmental Protection (former Comm Env Services- Env Quality):** - no objections but should be noted that the site was historically used by the military as a camp. As the site is to be used for a "sensitive development" (residential) the applicant should provide with the application sufficient information to determine the existence or otherwise of contamination and the nature and risks it may pose. The minimum requirement should be a report of a desk study and site reconnaissance (walk over). If this were to indicate the need for further investigation, this should also be carried out and the information supplied.

**Cumbria County Council - Transport & Spatial Planning:** - Cumbria County Council's Development Control and Regulation Committee resolved that no objection is raised to the strategic principles of the development, provided that the Local Planning Authority:

- is satisfied that there exists a shortfall of housing land that can be met by the proposal when considered against their housing land requirement;
- secures an appropriate supply of affordable housing proportionate to local needs from the development; ensures that full and detailed consideration of ecological issues are carried out prior to determination;
- is satisfied that the development reflects and protects the character of the site and its surroundings; and
- seek a financial contribution via a S106 agreement for additional capacity at a local school, in order to provide the required additional education facilities, or failing that option funds for the transportation of the 17 pupil yield.

**Cumbria Wildlife Trust:** - the proposed development is a County Wildlife Site and the development will result in the loss of almost 5 ha of this 40ha site. The mitigation proposed is wholly inadequate. The proposed translocation of grassland and SUDS appears to be on the adjoining land which itself is likely to be developed in a few years time. This is not sustainable and not

acceptable. There is also abundant evidence that translocations of this kind often result in failure and should only be used as a last resort. The method proposed gives few details and does not provide any reassurance that the proposed translocation has been considered in a professional way and is likely to be successful. We would also question whether the location of the SUDS requires planning permission in itself?

The applicant provides no information as to how the species rich grassland retained will be managed. Without appropriate management the interest of the grassland will be lost.

There is inadequate mitigation provided for the breeding birds on site. The 2003 survey identified the site as being of high value for birds. Despite this, no systematic survey has been carried out as part of this application and no mitigation proposed.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan currently comprises the Regional Spatial Strategy (RSS), saved policies of the Cumbria and Lake District Joint Structure Plan (2001-2016) (JSP), and the Carlisle District Local Plan 2001-2016 (CDLP). The Localism Act 2011 has now been passed and the revocation of the RSS and JSP is anticipated.
- 6.2 In April 2012 the government published its National Planning Policy Framework. As up-to-date government advice, this is clearly a highly material consideration in the determination of the application. The NPPF seeks sustainable development/growth in economic, environmental and social respects. The NPPF *“does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”* (para 12).
- 6.3 Members also need to have regard to the Cumbria Community Strategy 2008-2028; the Cumbria Strategic Partnership Sub-Regional Spatial Strategy; Community County Council Local Transport Plan; “Travel Plans and the Planning Process in Cumbria: Guidance for Developers” (March 2011); Carlisle Strategic Housing Land Availability Assessment (SHLAA); the City Council's 2011 Housing Needs and Demand Study; and the City Council's “Five Years Housing Land Supply: Position Statement” (30.09.12).
- 6.4 When assessing this application there are considered to be eight main issues, namely:

- Whether or not the scale and type of development is appropriate and/or lead to any significant adverse effect on housing policies (the NPPF; the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008-28 Development Principles; saved JSP Policy ST5; and CDLP Policies DP1, H1 and H4).
- Whether it is sustainable in terms of transport and accessibility (saved JSP Policy T31; and CDLP Policies DP1 and CP16).
- Implications for local community infrastructure – education (Cumbria Spatial Strategy 2008-28 Development Principles) and public open space/play equipment (CDLP Policies LC2 and LC4).
- Whether the proposal meets the objectives of saved Policy H19 of the JSP and Policy H5 of the CDLP regarding the provision of affordable/social housing.
- Whether there are any significant adverse effects on ecology/County Wildlife Site and the historic environment (the NPPF, Circular 06/2005; JSP Policies E35 and E38; CDLP Policies CP2, LE3, LE5 and LE9).
- Whether the proposal would be detrimental to the living conditions and security of local residents, and highway safety/capacity (CDLP Policies CP17 and H1).
- Whether the proposal would be detrimental to the landscape and visual character of the area (saved Policies E34 and E37 of the JSP; and CDLP Policies CP1, CP3, H3 and LE7).
- Whether the proposed residential development is appropriate in the light of Hadrian's Camp former use as a military camp and proximity to Brunstock Beck (drainage) (CDLP Policies LE27, LE29 and LE30).

**1) Whether or not the scale and type of development is appropriate and/or lead to any significant adverse effect on housing policies (the NPPF, the Cumbria Strategic Partnership's Sub Regional Spatial Strategy 2008-28 Development Principles; saved JSP Policy ST5; and CDLP Policies DP1, H1 and H4).**

6.5 Paragraph 47 (point 2) of the NPPF states that Local Planning Authorities should:

*"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land."*

6.6 Paragraph 47 (point 3) then adds that Local Planning Authorities should:

*"..identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15."*

6.7 Paragraph 49 of the NPPF states that:

*‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites’.*

- 6.8 Under the NPPF “*deliverable*” means a site that is available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the site is viable. To be considered “*developable*”, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged (Footnotes 11 and 12).
- 6.9 The NPPF contains a requirement, that where a plan is silent, or there is a shortage deliverable and developable land to meet needs, then a presumption in favour of sustainable development comes into force. In effect, local planning authorities should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits associated with it.
- 6.10 At the County level the Cumbria Strategic Partnership Sub-Regional Spatial Strategy (SRSS), a supporting document to the Community Strategy for Cumbria 2008-2028, sets out the spatial framework for Cumbria. The Community Strategy and the SRSS recognise that a key challenge is to secure a sustainable level and pattern of development that creates balanced communities and meets need – including the need for jobs. The SRSS Development Principles require that most development is located in designated Key Service Centres and Local Service Centres to assist in reducing the need to travel. When considering sites, the SRSS’s Development Principles states that sites should be considered in the following order of priority: (a) the appropriate reuse of existing buildings worthy of retention; (b) the reuse of previously-developed land; and only then (c) the use of previously undeveloped land. Development in the open countryside is to be considered an exception (para. 5.3).
- 6.11 The SRSS states that the role of key and local service centre within Carlisle’s rural hinterlands will be sustained by making them the focus of an appropriate scale of housing, local employment, retailing and community development. The SRSS identifies that Carlisle is a major service centre within Cumbria and as such should act as a focal point for development in the County allowing it act as a catalyst for the whole of the Cumbrian economy (para. 4.4).
- 6.12 Saved JSP Policy ST5 requires that new development is focused on key service centres; the scale of development should be appropriate to the size and role of each centre; and that there should be a supply of new housing over the plan period.
- 6.13 Under the current adopted CDLP 2001-2016 it is important to recognise that the application site is not within the Settlement Boundary. Policies DP1 and

H1 of the Local Plan identify Houghton as a Local Service Centre.

- 6.14 However, the application site has been identified within the Carlisle Strategic Housing Land Availability Assessment (SHLAA) (September 2012), which forms part of the evidence base for the emerging replacement Carlisle District Local Plan. The SHLAA, whilst not allocating land, identifies that this site would be deliverable within the first five-year period of the Local Plan and thus able to contribute to meeting Carlisle's housing requirements.
- 6.15 Using the 5-year target of the adopted Regional Spatial Strategy (RSS) means that the annual target for Carlisle is 450 net dwellings per year, i.e. 2,250 residential units over 5 years. There is also a requirement to have a 5% (equivalent to 112 dwellings) additional "buffer" unless there has been a record of persistent under delivery of housing when it should be increased to 20% (i.e. equivalent to 450 dwellings). In the case of Carlisle, since 2006/07 there has been an annual shortfall in delivery of target which cumulatively equates to 583 dwellings. This is deemed to be persistent and therefore an additional 20% buffer is required equivalent to 90 dwellings per year. On the basis of the foregoing the annual requirement is 2700 dwellings.
- 6.16 On 1<sup>st</sup> May 2012 the Council approved an Interim Planning Statement which sought to address the shortage in five-year housing supply and identified that applications on the edge of existing service centres would be considered favourably provided they could satisfy other planning considerations. This proposal was brought forward as a means of addressing the shortfall in supply of new housing.
- 6.17 The City Council's "Five Years Housing Land Supply: Position Statement - As of 30 September 2012" gives an overall figure of 2,765 dwellings which equates to 6.14 years supply and, against a figure of 2,700, gives 102.4% of requirement. As such there is currently sufficient supply of specific deliverable sites to provide five years worth of housing to meet the housing requirement of 450 dwellings per year with an additional buffer of 20%.
- 6.18 In summary, the current application site is not within the settlement boundary of Houghton and the latest figures indicate that there is six years supply of deliverable sites. Conversely, the site represents a logical extension of Houghton which is a Local Service Centre, and involves the re-development of brownfield land. The SHLAA, whilst not allocating land, identifies that this site would be deliverable, although likely to be at the latter end of the five year period. Considering the existing size and role of Houghton as a Local Service Centre (together with its relationship to Carlisle), the scale of development proposed (i.e. a 20% increase in dwellings) is considered proportional.

**2) Whether it is sustainable in terms of transport and accessibility (saved JSP Policy T31; and CDLP Policies DP1 and CP16).**

- 6.19 The Local Transport Plan 2006-2011 identifies, amongst other things, the need to improve accessibility by reducing the need to travel by guiding

development to Key Service Centres that are accessible by public transport, on foot and by cycle.

- 6.20 Policy T31 of the Structure Plan requires travel plans for “*development that would otherwise generate local traffic problems*”. In “Travel Plans and the Planning Process in Cumbria: Guidance for Developers” (March 2011) the County Council stipulate that a travel plan should have a minimum 10% target for reducing private vehicle trips, and that as part of a travel plan there should be a guaranteed travel plan contribution paid upfront but repaid dependent upon whether the modal shift targets are met.
- 6.21 Under the CDLP 2001-2016 Policies DP1 and CP16 are of direct relevance. Policy DP1 identifies Sustainable Development Locations of which Houghton is designated a Local Service Centre. Policy CP16 requires new development to offer a realistic choice of access by public transport, walking and cycling.
- 6.22 Houghton has its own facilities and is only 3km from Carlisle City Centre. The submitted Travel Plan Framework (TPF) highlights the distance of the access to the Camp to the centre of Houghton as approximately 350 metres. The bus routes directly passing the site are: route 64A (Kingstown Asda, The Beeches, City Centre) and routes 179/279 (Carlisle – Annan). Routes 64A and 179/279 are hourly services in each direction Monday to Saturday. The TPF raises targets regarding walking, cycling, car sharing, and the use of public transport; and the appointment of a Travel Plan Co-ordinator to organise steering group meetings and the monitoring/reporting of targets.
- 6.23 Nevertheless, the submitted TPF is considered to be generic, and does not include any clear objectives, targets or actions that are specific to the development. The TPF is considered unacceptable in its current form; however this can be addressed by the submission and agreement of a revised Travel Plan at the Reserved Matters stage. The revised Travel Plan needing to include a stated target reduction in vehicle trips generated by the development of 10% in accordance with the County Council’s “Travel Plans and the Planning Process in Cumbria: Good Practice Guidelines”.
- 6.24 In order to ensure that the Travel Plan is implemented effectively, it will also be necessary to secure the following through a S106 Agreement:
- Appointment of a Travel Plan Co-ordinator (with sufficient time, budget and management support available to successfully implement the Travel Plan)
  - A Travel Plan contribution will be required (based on the cost of an annual Carlisle Megarider Plus bus ticket multiplied by the proposed reduction in the number of vehicle trips multiplied by five years, plus a fee to cover the County Council's costs incurred in identifying, developing and implementing any potential measures) in favour of the County Council to be used in the event that the targets have not been achieved. Based on the estimated trip generation set out in the Transport Assessment submitted with the Planning Application, a 96-dwelling development is

predicted to generate 58 vehicle trips in the AM peak and 60 vehicle trips in the PM peak, a total of 118 trips. A 10% reduction in the AM and PM peak hour vehicle trips generated by the development would therefore equate to a total of 12 trips. Based on this, therefore, the Travel Plan Contribution would be £54,640 plus an additional contribution of £6,600 in respect of County Council staff administration time.

6.25 The level of Travel Plan bond would vary depending on the ultimate scale of development to be provided at this site and at this stage the S106 can set out in detail the calculation used to derive the Travel Plan contribution, with an actual amount to be finalised once the final number of dwellings is known.

6.26 In overall terms, the application site is considered to be sustainable in terms of its location, and the proposed development would be capable of contributing to the ongoing sustainability of the area based on the foregoing.

### **3) Implications for local community infrastructure – education (Cumbria Spatial Strategy 2008-28 Development Principles) and public open space/play equipment (CDLP Policies LC2 and LC4)**

6.27 The County Council has confirmed that a housing development of 96 dwellings would be projected to yield 20 primary aged pupils. The application site is within the catchment area of Houghton Primary School, which has a Pupil Admission Number of 20 for entry in September 2012. It is projected that a number of classes within the School will be full without any further development, and with this development the School will go over its net capacity. The next nearest school is Stanwix School which has a PAN of 60, but will have no spaces.

6.28 The projected pupil yield from this development would mean that on average Houghton Primary School will exceed its capacity by 17 pupils.

6.29 The County Council is therefore seeking mitigation of the effects of development through the provision of a financial contribution, which will be used to provide additional school places. Using a DfE based multiplier (£12,051 per pupil); the County Council is requiring the developer to provide a contribution of £204,867.

6.30 Options for the use of this money will be looked so as to best meet the needs of the pupils, the school, the community and the County Council. In the event that an expansion of Houghton or other nearby Primary Schools to facilitate the necessary capacity to accommodate the expected yield of primary aged children from this development is not feasible, it will be necessary to provide school transport for children who cannot get a school place locally. If this option was to be pursued it would require the developer to pay a financial contribution of £199,500 (inclusive of an administration fee) for the transportation of the 17 pupil yield.

6.31 In relation to the provision of public open space and the provision of play

equipment, the City Council's Open Spaces Manager has not raised any objections although this is on the proviso that subsequent maintenance is undertaken by a management company.

**4) Whether the proposal meets the objectives of Saved Policy H19 of the JSP and Policy H5 of the CDLP regarding the provision of affordable/social housing.**

- 6.32 Saved JSP Policy H19 requires that the provision of affordable housing in the County should meet local need within residential or mixed-use development of sites of more than 0.4ha, or which would contain 10 or more dwellings. Policy H5 of the CDLP explains that in the urban area 30% of the residential units will contribute towards affordable housing; in the rural area 25% will be the contribution towards affordable housing. Where intermediate affordable housing is to be provided at a discounted market value a discount of 25-30% is to be sought.
- 6.33 The City Council's 2011 Housing Needs and Demand Study identified an annual need for 101 affordable homes within the Rural East Housing Market Area in which the application site is located. This figure forms part of a total annual need of 708 across the entire authority area.
- 6.34 The outline details of the application indicate that a mix of 2-5 bed dwelling types may be provided. In the context that the applicant is agreeable to provide a proportion of affordable housing in accordance with Policy H5 of the CDLP 2001-2016, it is apparent that the proposal will assist in delivering and meeting the recognised needs for the provision of affordable housing.

**5) Whether there are any significant adverse effects on ecology/County Wildlife Site and the historic environment (the NPPF, Circular 06/2005; JSP Policies E35 and E38; and CDLP Policies CP2, LE3, LE5 and LE9)**

- 6.35 The key issues in this case relate to the possible impacts of the proposal on nature conservation interests "off-site" together with the "on-site" effects upon features and habitats, including protected species. Although the application site does not lie within the major international or nationally designated areas such as the River Eden Special Area of Conservation or either the Whitemoss SSSI or the River Eden & its Tributaries SSSI, Brunstock Beck and Gosling Sike both discharge into the River Eden SAC/SSSI and is directly affected by the former Camp's non-statutory status as a County Wildlife Site (CWS).
- 6.36 In relation to off-site interests, the Drainage Statement highlights that the intention is for foul water to be drained via the public sewerage system and surface water to be managed either via soakaways or discharge to watercourses. Natural England appreciate that the submitted Drainage Statement recognises that a "Greenfield" rate of discharge will be required with *"with suitable levels of treatment prior to discharge"*. On this basis Natural England are satisfied that appropriate avoidance and/or mitigation can be designed in to the drainage scheme, a reserved matters stage, in order to

avoid impacts on the designated site.

- 6.37 In relation to the impacts on the CWS, designated for its mosaic of habitats, including orchid rich grassland, the key concern is the development of the existing grassland resulting in habitat clearance and permanent loss. Policy E35 of the Structure Plan seeks to protect those areas and features of nature conservation importance other than those of national and international conservation importance e.g. CWS, UK Biodiversity Action Plan Priority Habitats that occur in Cumbria and Species of Conservation Importance in the North West Region that occur in Cumbria. Policy E35 clearly states that development that is detrimental to these interests is not permitted *“unless the harm caused to the value of those interests is outweighed by the need for the development”*. It adds that the *“loss of interests should be minimised in any development and where practicable mitigation should be provided”*. Under Policy LE3 of the Local Plan 2001-2016 development that would have a detrimental impact on a County Wildlife Site should be resisted unless, where practical, any feature lost is replaced by an equivalent feature.
- 6.38 The “Ecological Assessment” prepared by Hesketh Ecology on behalf of the applicant recommends that the species rich turfs are relocated to an area to the east of the application site which are currently under metalled road surfaces - the surfaces having been broken up and removed beforehand. In relation to protected species, the Assessment explains that: no bat roosts have been identified on the site; recommends that a strip of trees is maintained along the northern boundary and mature trees already present on the site maintained where possible to retain foraging habitat and features for any bats; the risk of great crested newts, reptiles and red squirrels occurring on the site is considered to be negligible; and there is a low risk of individual otters and badgers crossing the site but measures can be undertaken during construction to minimise any risks. The Assessment considers that the site offers high potential for breeding birds and recommends that all vegetation is cleared outside of the breeding bird season (March to September inclusive), and the site maintained in a bare condition to deter breeding birds.
- 6.39 Cumbria Wildlife Trust has objected to the proposal on the grounds that part of the CWS will be lost and that inadequate mitigation for the loss has been proposed.
- 6.40 In this context the Council has appointed an independent ecological consultancy (Lloyd Bore) to advise and undertake an “Ecological Mitigation Opinion”. The Opinion highlights that the translocation of the species rich grassland to land north-east of the application site is already part of the CWS. On the basis of the information accompanying the application it is considered likely that the CWS would be detrimentally impacted by the proposed development, with 5ha of the CWS being lost, including areas of species rich grassland. Furthermore, it is considered unlikely that the mitigation as proposed would adequately mitigate for the impacts on the CWS. This is because of: the potential failure of grassland translocation; the potential impacts of new residents; potential lack of appropriate long-term management of the retained and translocated grassland; and lack of mitigation for impacts on the CWS due to 5ha being developed.

- 6.41 Lloyd Bore has identified alternative options for mitigation/compensation the most appropriate is considered to be a financial contribution from the developer that could enable Cumbria Wildlife Trust to purchase additional land to extend the nearby Gosling Sike Farm by 5ha (already owned and managed by the Trust as an organic farm) and to restore a species rich grassland on that site. The figure would be dependent upon the current market value but it could be in the region of £60,000 for 5 hectares; and the costs for grassland restoration costing about £1,000 per hectare.
- 6.42 In relation to the potential effect of the development on protected species, as well as other wildlife interest, Lloyd Bore note that bird survey work does not appear to have been undertaken as part of the 2012 ecology survey. The Ecological Assessment by Hesketh Ecology does not mention whether or not the site has potential for any bird species listed on Schedule 1 of the Wildlife and Countryside Act and it does not include reference to any records of Schedule 1 bird species that may have been included in data provided by the Cumbria Biodiversity Data Centre. However, the species observed on the site during previous survey work (in 2003 and 2011) do not include any species listed in Schedule 1, they include one species (song thrush) on the red list of birds of conservation concern and two species (dunnock and whitethroat) on the amber list.
- 6.43 Lloyd Bore, nevertheless, recognise that the proposed open space and native tree/shrub planting, the retention of the existing tree belts/woodland located along the northern and western boundaries, and the creation of gardens are likely to go some way to replace the breeding bird habitat that would be lost. On the basis of the mitigation included in the Ecological Assessment and the landscaping proposals Lloyd Bore consider it unlikely that the proposed development would have a significant impact on breeding birds.
- 6.44 In summary, providing that the Lloyd Bore recommendations are followed and the issues as outlined in this report are adequately conditioned in any planning permission that may be granted and made subject of a Section 106 Agreement, it is concluded that the proposed development is unlikely to significantly impact on the CWS; and populations of protected species and other wildlife.
- 6.45 The Ancient Monuments and Archaeological Areas Act 1979 is the basis for the protection of nationally important archaeological sites. Saved and extended JSP Policy E38 is relevant to the proposal. Policy E38 requires measures to be taken to identify record, protect, conserve or enhance area, sites, buildings and setting of archaeological, historic and architectural importance. Where harm occurs, an exception is made where the harm is outweighed by the need for the development. Policy LE5 of the CDLP seeks to avoid any unacceptable impact on the Hadrian's Wall Military Zone World Heritage Site, and Policy LE9 concerns the preservation or recording of other known sites of archaeological significance.
- 6.46 The Archaeological Desk Based Assessment accompanying the application points out that the former presence of the army camp, in particular its drainage system, may have had a detrimental effect on any archaeological

remains that pre-date the early 20<sup>th</sup> century. It is possible that pockets of land survive between the locations of the former huts that could potentially provide information on the use of land immediately north of Hadrian's Wall.

- 6.47 English Heritage has indicated that the application site appears to lie too far north of the Roman frontier to be likely to have an impact on it. However, and in the absence of specific details on service and drainage provision, there could be a need to bring these into the site from the south, and therefore across the line of the Roman frontier. In response, the applicant's agent has confirmed that the intention is for the site to be developed by utilising the existing infrastructure and therefore should not have any material impact upon the World Heritage Site.
- 6.48 The County Archaeologist/Historic Environment Officer has explained that the military camp itself is of some interest however, particularly in reference to the social history of Carlisle, and although much of it has been cleared, its overall layout and the foundations of some of the buildings do survive. It is therefore recommended that the remains of the 20th century military camp are photographed and recorded prior to their demolition as part of the proposed development. This programme of work should be commissioned and undertaken at the expense of the developer and advise that it can be secured through the inclusion of a condition.

**6) Whether the proposal would be detrimental to the living conditions and security of local residents, and highway safety/capacity (CDLP Policies CP17 and H1).**

- 6.49 When assessing the impact of the proposal on the living conditions of existing residents Members will appreciate that this is an outline application with subsequent details (such as layout and design) subject to subsequent approval as reserved matters. It is also evident that the existing amenity strip that runs along the southern boundary of Tribune Drive/Antonine Way is retained.
- 6.50 General concerns regarding the large scale imposition of any sort of development on a community seeking to preserve its identity are understandable. The problems associated with the "swamping" of an existing community usually manifest themselves through pressures on existing services/facilities, and/or the creation of social instability. In this case there is no evidence that facilities would be overwhelmed and/or there is an overall lack of community spirit. Furthermore, there is no reason to believe that residents would cause, or make worse, any social discord.
- 6.51 Concerns relating to construction noise and the hours of construction can be addressed through the imposition of relevant conditions.
- 6.52 In relation to highway safety, and based upon the submitted Transport Assessment, the County Highways Authority has (amongst other things) made the following points:
- The proposed widening of the existing access will require visibility of 120m;

- A pedestrian refuge island/crossing point to the immediate north of the right turn lane with footway connectivity to bus stop positions on either side of the road is required;
- No individual property accesses off Houghton Rd will be permitted;
- The Traffic generation based on the adjacent Tribune Drive site is considered robust and accepted; The junction assessments (B6264 Whiteclosegate/Houghton Rd; A689/Houghton Rd, and new Estate Road/Houghton Rd) show that these work well within capacity - It is felt, in view of the small percentage additions to existing traffic flows on the A689/B6264, that the Transport Assessment need look no further along the network;
- The assessment notes the poor footways on parts of Houghton Rd, for the avoidance of doubt widening/reconstruction to 1.8m for footway (or 2.4m if 'joint use' cycle-path) between Tribune Drive and the access to the southern part of the ex Hadrian's Camp, should be required, together with DDA compliant ramps at all accesses back to the B6264 junction and as far as Houghton Primary school; and
- The existing street lighting system should also be upgraded to current standards.

6.53 In overall terms, the County Highways Authority is aware that there remains matters to be addressed for future reserved matters applications, but is satisfied from the information provided that there is nothing to sustain a refusal on highways/traffic grounds for this development.

**7) Whether the proposal would be detrimental to the landscape and visual character of the area (saved Policies E34 and E37 of the JSP; and CDLP Policies CP1, CP3, H3 and LE7).**

6.54 In this case a distinction needs to be drawn between three elements, namely the setting of Hadrian's Wall and the ability to appreciate Roman military planning; landscape impacts that relate to the characteristics of the landscape; and visual impacts on receptor points (houses and rights of way etc) effects that relate to individual views within that landscape. The policies of particular relevance are therefore E34 and E37 of the JSP; and CP1, CP3, H3 and LE7 of the Local Plan.

6.55 As already identified, the proposal is set within the Buffer Zone of the Hadrian's Wall World Heritage Site. Having assessed the submitted material, English Heritage consider that the main built element, by virtue of its location and scale, will be unlikely to have an adverse impact on the ability to comprehend and appreciate Roman military planning and land use in relation to Hadrian's Wall. This is with the proviso of imposing a condition restricting the height of the dwellings to less than two and half storeys.

6.56 The Cumbria Landscape Character Guidance and Toolkit (March 2011) prepared jointly for Local Planning Authorities in Cumbria describes the site as lying within the Cumbria Landscape Character Sub-Type 5b – 'Low Farmland'. The toolkit advises that much of this landscape type is intensively farmed agricultural land with a rolling topography; patchy areas of woodland; and hedges, hedgerow trees and fences bounding the fields. The Toolkit advises

that when new development takes place within this landscape area, there will need to be consideration of opportunities to enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside. Reinforcing woodland belts, enhancing water and soil quality and the provision of green corridors from and between settlements could all help reinforce landscape and biodiversity features. It also seeks to ensure new development respects the historic form and scale of villages creating new focal spaces and using materials that are sympathetic to local vernacular styles.

- 6.57 The submitted Design and Access Statement explains that at the local level the landscape differs from the “Low Farmland” description in the Toolkit (2011) in that the application site’s character, although set within agricultural land, is influenced by the adjacent housing, the motorway and its historic use as a military camp. At the local level the site has more an urban fringe character. The intention with the proposal is to retain almost all the significant trees and provide open spaces with footpaths that would provide a strong visual link to the neighbouring development. The Hadrian’s Camp Tree Survey considers the site to be of very limited value in terms of landscape character to the wider area because of its flat topography and the screening on all sides by trees. The Planning Statement also states that the density of the proposal will accord with the character of the surrounding area; and would not result in Houghton merging with Carlisle.
- 6.58 When assessing the impacts on the landscape character of the area, it is appreciated that the proposed development will have a noticeable visual presence. However, in the context of the site already having the hallmarks of an urban fringe character it is considered that the outlined development of this site is generally consistent with the Toolkit (2011). Those elements where potential concerns remain such as the need for the dwellings to provide a frontage to Houghton Road and trying to minimise any road(s) cutting through areas of open space) can be resolved at the reserved matters stage.
- 6.59 In relation to visual amenity, the submitted Design and Access Statement highlights that there is already a band of trees between the houses on Tribune Drive and Antonine Way and the site. These trees are such that views of the proposed development would either be screened or substantially filtered.
- **Whether the proposed residential development is appropriate in the light of Hadrian’s Camp former use as a military camp and proximity to Brunstock Beck (drainage) (CDLP Policies LE27, LE29 and LE30).**
- 6.60 The “Preliminary GEO Environmental Appraisal” accompanying this application explains that the Camp was constructed circa 1939 and included self-contained huts, cook houses, baths, gymnasium, and a hall. The site was no longer in use from circa 1969 and the buildings demolished during 1971.
- 6.61 The “Preliminary (Intrusive) GEO Environmental Assessment Phase2: Ground Investigation Report” concludes that no elevated levels of generic

contaminants were recorded for the soil and leachate samples screened and therefore the generic made ground materials on site are not considered as posing a significant risk to the proposed end users or to controlled waters. Elevated levels of organic contamination (soil and leachate) were noted in three trial pits that will require delineation and removal to a suitably licensed waste facility. In addition, asbestos containing materials were noted in three trial pits that will require delineation and removal to a suitably licensed waste facility. The Report also recommends that additional investigation works are required when the final proposed layout plan is determined.

- 6.62 The undertaking of the further investigation works and the removal of the identified contaminants can be the subject of an imposed condition(s) should permission be granted.
- 6.63 The application site falls within Flood Zone 1 (Low Probability suitable for all uses). The main risk of flooding from this site is to third party land. The Flood Risk Statement confirms that Brunstock Beck is present approximately 180 metres east/north-east, flowing in a south-easterly direction; and that a small issue is noted as emerging from Houghton Road opposite the site entrance. The beck that is formed then runs away to the south-west away from the site. The Statement concludes by recognising that whilst the proposed development may result in a slight increase in the potential risk for surface water run-off, it is considered that an appropriate design of SUDS in combination with a surface water management system that could incorporate permeable surfacing for driveways, pavements and access roads may negate any risk to adjacent areas.
- 6.64 The submitted Drainage Statement, having looked at the implications of the proposed residential development, considers there to be two viable options for discharging the surface water either to soakaway or infiltration system; or to a watercourse subject to the prior approval of the Environment Agency. There should not be a need to discharge surface water to the existing public sewerage system.
- 6.65 In response, United Utilities has not raised any objection to the proposed development providing specific conditions are included in the planning permission concerning only foul drainage connected into the foul sewer. The Environment Agency has confirmed their agreement with the conclusion in the Flood Risk Assessment which states that the site may require the completion of a full Flood Risk Assessment but that outline planning permission could be granted subject to the imposition of relevant conditions.

### **Conclusion**

- 6.66 The current application site is not within the settlement boundary of Houghton and the latest figures indicate that there is six years supply of deliverable sites.
- 6.67 Conversely, the site represents a logical extension of Houghton which is a Local Service Centre, and involves the re-development of brownfield land. The SHLAA, whilst not allocating land, identifies that this site would be

deliverable, although likely to be at the latter end of the five year period. Considering the existing size and role of Houghton as a Local Service Centre (together with its relationship to Carlisle), the scale of development proposed (i.e. a 20% increase in dwellings) is considered proportional.

- 6.68 The application site is considered to be sustainable in terms of its location, and the proposed development would be capable of contributing to the ongoing sustainability of the area.
- 6.69 In the case of education, the County Council is requiring the developer to make a payment of up to £204,867 to provide the required additional school places or (that option failing) a financial contribution of £199,500 (inclusive of an administration fee) for the transportation of the 17 pupil yield. The City Council's Open Spaces Manager has not raised any objections although this is on the proviso that subsequent maintenance of open space etc is undertaken by a management company.
- 6.70 In this case there is no evidence that facilities would be overwhelmed and/or there is an overall lack of community spirit. Furthermore, there is no reason to believe that residents would cause, or make worse, any social discord. Concerns relating to construction noise and the hours of construction can be addressed through the imposition of relevant conditions.
- 6.71 The County Highways Authority is aware that there remain matters to be addressed for future reserved matters applications, but is satisfied from the information provided that there is nothing to sustain a refusal on highways/traffic grounds for this development.
- 6.72 Based on the submitted information, the proposal is not considered to be detrimental to the landscape and visual character of the area sufficient to merit the refusal of permission; and will assist in delivering and meeting the recognised needs for the provision of affordable housing.
- 6.73 Those matters relating to contamination and the potential risk of flooding from this site to third party land can be addressed through the imposition of relevant conditions.
- 6.74 On balance, having weighed up the arguments for and against the proposal, it is concluded that any harm is outweighed by the benefits.

## **7. Planning History**

7.1 The available records indicate that the site has not previously been the subject of an application.

## **8. Recommendation: Grant Permission**

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of

the following dates:

- i) The expiration of 5 years from the date of the grant of this permission, or
- ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

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

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

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

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

- The provision of pedestrian, cyclist and vehicular connectivity;
- 7) The provision of foul and surface water drainage infrastructure;
- 1. The delivery of other services such as gas, electricity and telecommunications; and
- 2. The provision of storage receptacles for waste and recyclable materials for each residential unit including suitable accessing arrangements for recyclable/waste collection vehicles.

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

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

5. The approved documents for this planning consent comprise:

1. The Planning Application Form dated the 19th July 2012;
2. The site location plan (drawing number 11/35/06B);
3. Planning Statement (July 2012 Version 2);
4. Transport Assessment (reference: K29170/DH/AG);
5. Travel Plan Framework (reference: K29170/DH/AG);
6. Level 1 (Preliminary) Flood Risk Statement prepared by GEO Environmental Engineering;
7. Drainage Statement (reference number RO/11042.1) prepared by RWO Associates;
8. A Tree Survey of Hadrian's Camp, Houghton (completed by Julian Russell);
9. Preliminary GEO Environmental Appraisal prepared by GEO Environmental Engineering;
10. Preliminary (Intrusive) Geo Environmental Assessment: Phase 2: Ground Investigation Report prepared by GEO Environmental Engineering;
11. Design and Access Statement prepared by Eden Environment Ltd;
12. Archaeological Desk-Based Assessment (reference: CP10192) prepared by Wardell Armstrong;
13. Ecological Assessment prepared by Hesketh Ecology;
14. The Notice of Decision; and
15. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

6. Samples or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.

**Reason:** To ensure the materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

7. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning Authority.

**Reason:** To ensure the materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

8. No development shall take place until full details of the proposed 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. The proposed landscaping scheme shall include the retention (where practical) of the existing trees and hedgerows. Any trees or other plants which die or are removed within the first five years

following the implementation of the landscaping scheme shall be replaced during the next planting season.

**Reason:** To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

9. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around those hedges and trees to be retained in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. If any trenches for services are required in the fenced off area, they shall be excavated or back filled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered. The fence shall thereafter be retained at all times during construction works on the site.

**Reason:** In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To mitigate the impact of the development upon wildlife in the vicinity and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

13. Prior to the commencement of development a Construction Environmental

Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread of invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

The agreed scheme shall be implemented upon commencement of development and shall not be varied without prior written agreement of the Local Planning Authority.

**Reason:** To safeguard the living conditions of neighbouring residents, prevent pollution, mitigate impacts on wildlife and any adverse impact upon the River Eden and Tributaries Special Area of Conservation in accordance with Policies CP2, CP5, CP6, LE2 and LE4 of the Carlisle District Local Plan 2001-2016.

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

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

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

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

16. No development approved by this permission shall be commenced until a Full Flood Risk Assessment together with a fully developed Drainage Strategy has been submitted to and approved in writing by the Local Planning Authority. The Flood Risk Assessment and Drainage Strategy shall provide:

3. details of the surface water drainage scheme that ensures that for a

range of annual flow rate probabilities up to and including the 1% annual probability (1 in 100 year event), the developed rate of runoff into a receiving watercourse should be no greater than the undeveloped rate of runoff for the same event. The volume of run-off should be ideally dealt with at source primarily by the use of Sustainable Drainage Systems (SUDS), which could effectively negate any need to discharge to a watercourse.

4. details of flood resilience measures including site levels, landscaping levels, highways and habitable floor levels above and identified flood level and or flood storage/flow route levels.
1. sufficient pollution prevention measures are designed into the Drainage Strategy in order to avoid impacts on the River Eden and Tributaries Site of Special Scientific Interest (SSSI) and Special Area of Conservation (SAC).

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure adequate means of surface water disposal; to prevent and reduce the risk of flooding; and avoid impacts on a designated site in accordance with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.

17. No development shall commence until a comprehensive foul drainage scheme identifying the location of the proposed connection point(s) into the existing foul drainage system, and a flow and load impact assessment to demonstrate that the existing foul drainage system has the capacity to cope with the increased load, have been submitted to and agreed, in writing, by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.

18. No dwelling shall be occupied until the respective foul and surface water drainage works, submitted under the above conditions 16 and 17, have been completed in accordance with the details approved by the Local Planning Authority.

**Reason:** To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.

19. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected (inclusive of the proposed perimeter treatment in order to protect the adjacent Cumbria Constabulary depot and the closure of the existing access onto Houghton Road) have been submitted to and approved, in writing, by

the Local Planning Authority. All works comprised in the approved details of means of enclosure and boundary treatment for the constituent phases of development shall be carried out contemporaneously with the completion (i.e. by the plastering out) of each residential unit.

**Reason:** To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.

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

**Reason:** The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.

21. No residential unit hereby permitted shall exceed two and half storeys and the details of their heights in relation to the existing and proposed ground levels and the height of the proposed finished floor levels (inclusive of any 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 overcomes any problem associated with the topography of the area, safeguards the living conditions of neighbouring residents, and the setting of Hadrian's Wall in accordance with Policies H1 and LE7 of the Carlisle District Local Plan 2001-2016.

22. No development shall commence until further investigation works have been undertaken to assess the nature and degree of contamination and a consequent report prepared and submitted to the Local Planning Authority. Should any contamination be identified a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the approved remediation measures, a remediation report must also be submitted to the Local Planning Authority for approval in writing.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

23. In the event that contamination is found at any time when carrying out the

approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the condition above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

**Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

24. The carriageway, footways, cyclepaths, provision of ramps on each side of every junction, and, the junction of any distributor/estate road with Houghton Road shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details (including Safety Audited Designs) with levels and full constructional details, shall be submitted to the Local Planning Authority for prior written approval before any other work other than site clearance, drainage and advance service works, 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 progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the phasing plan and/or programme required to be submitted by condition 3.

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

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

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

26. No development shall commence until visibility splays providing clear visibility of 90 metres measured along the nearside channel lines of the public road from a position 4.5 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting

that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

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

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

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

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

**Reason:** The carrying out of this development without provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.

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

In providing such ducts the developers shall co-ordinate the provision of such services with the respective undertakers.

Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (b) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local Planning Authority.

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

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

**Reason:** To maintain the visual character of the locality in accord with

Policy CP5 of the Carlisle District Local Plan 2001-2016.

31. Prior to any works starting on site, the developer shall prepare and submit to the Local Planning Authority for their approval, in writing, a Travel Plan which shall identify the measures that will be undertaken by the developer to encourage the achievement of a modal shift away from the use of private cars to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer within 12 months of the Travel Plan being approved or where measures are identified within the Annual Review, within 12 months of the Review.

**Reason:** To aid in the delivery of sustainable transport objectives and to support Local Transport Plan Policies WS1 and LD4, and "saved" Policy T31 of the Cumbria and Lake District Joint Structure Plan 2001-2016.

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

**Reason:** To aid in the delivery of sustainable transport objectives and to support "extended" Policy T31 of the Cumbria and Lake District Joint Structure Plan 201-2016 and Local Transport Plan Policies WS3 and LD4.

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

**Reason:** In the interest of accessibility by public transport and provide a safe means of pedestrian access in accordance with saved Policies T25, T27 and L53 of the Cumbria and Lake District Joint Structure Plan.

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

**Reason:** To afford reasonable opportunity for the examination and recording of remains and in accord with Policy LE8 of the Carlisle District Local Plan 2001-2016.

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 ARCHITECTS

**SITE AREA**  
**= 4.997 ha**  
**= 12.348 acres.**



B. 2012-07-12 Boundary Updated.  
 A. 2012-02-15 First Issue.  
 Revisions:

09/01/12

**MANNING ELLIOTT**

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 and Designers  
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 pmr@manning-elliott.co.uk

**Hadrians Camp,  
 Houghton, Carlisle, Cumbria.**

**Planning Drawing**

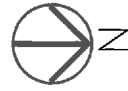
**LOCATION PLAN**

SCALE: 1:2500@A3	DATE: Feb 2012	DRAWN BY: DMC/RJF
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1: Airphoto taken on 14th May 1977 (Aerialphoto Ltd)  
 2: Aerialphoto taken on 14th May 1977 (Aerialphoto Ltd)  
 3: Aerialphoto taken on 14th May 1977 (Aerialphoto Ltd)  
 4: Aerialphoto taken on 14th May 1977 (Aerialphoto Ltd)  
 5: Aerialphoto taken on 14th May 1977 (Aerialphoto Ltd)

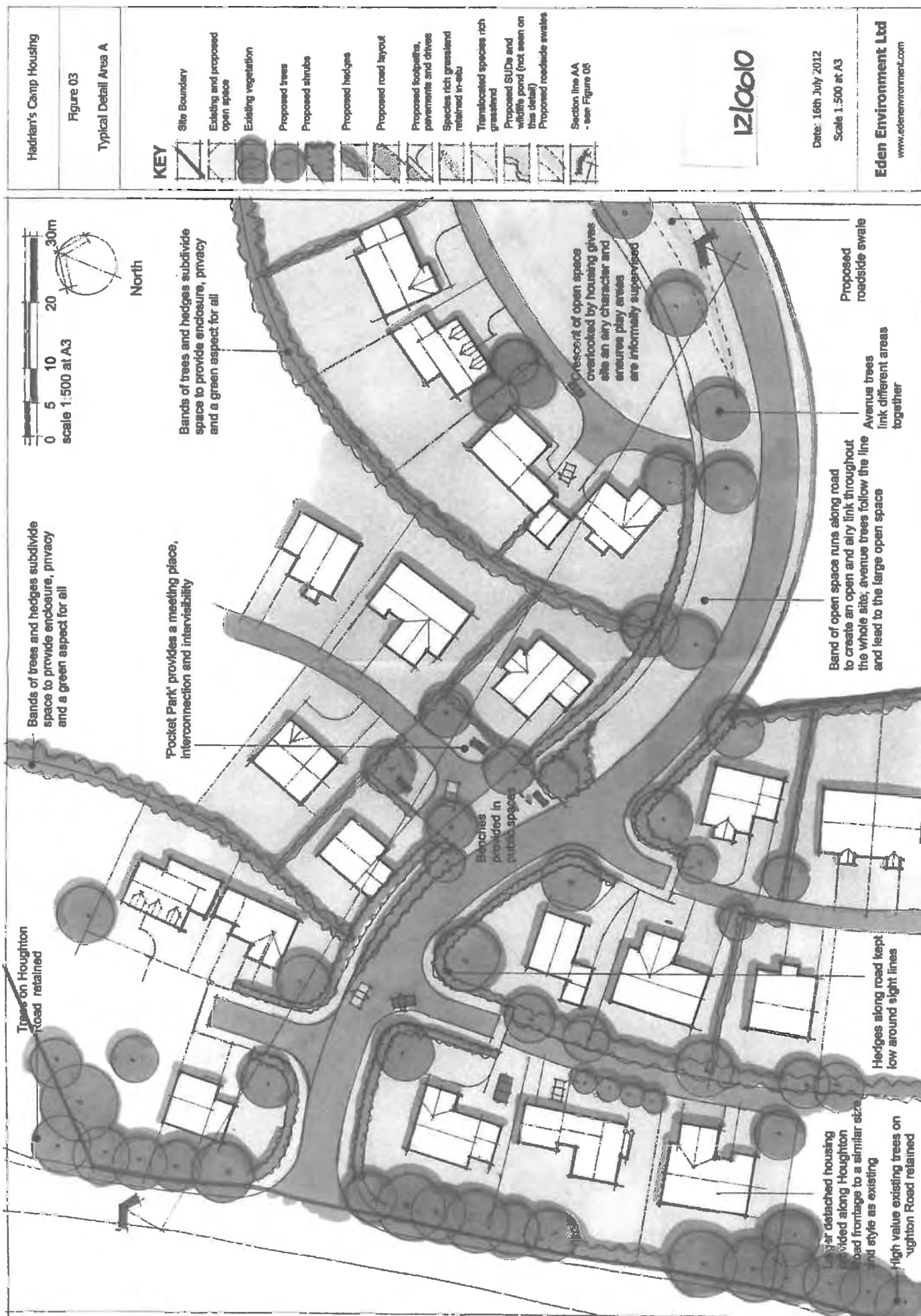
**Site Area**  
 = 4.997 ha  
 = 12.368 acres.

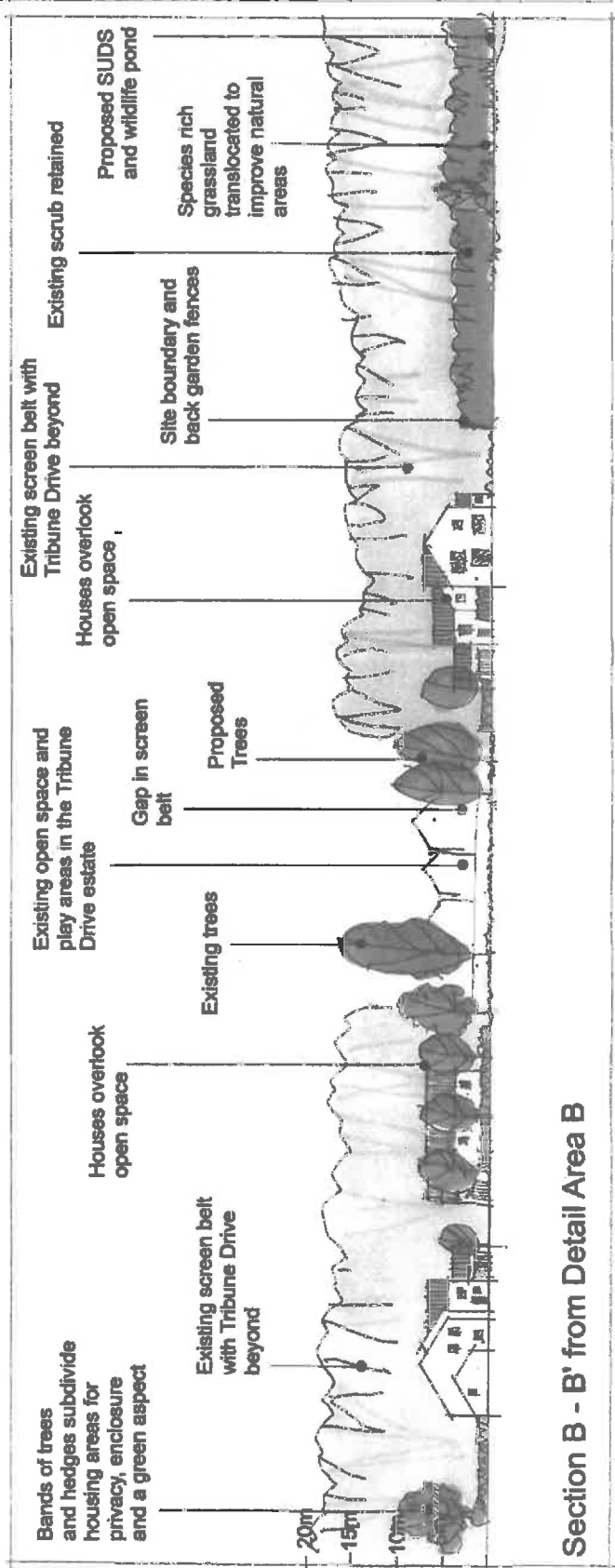
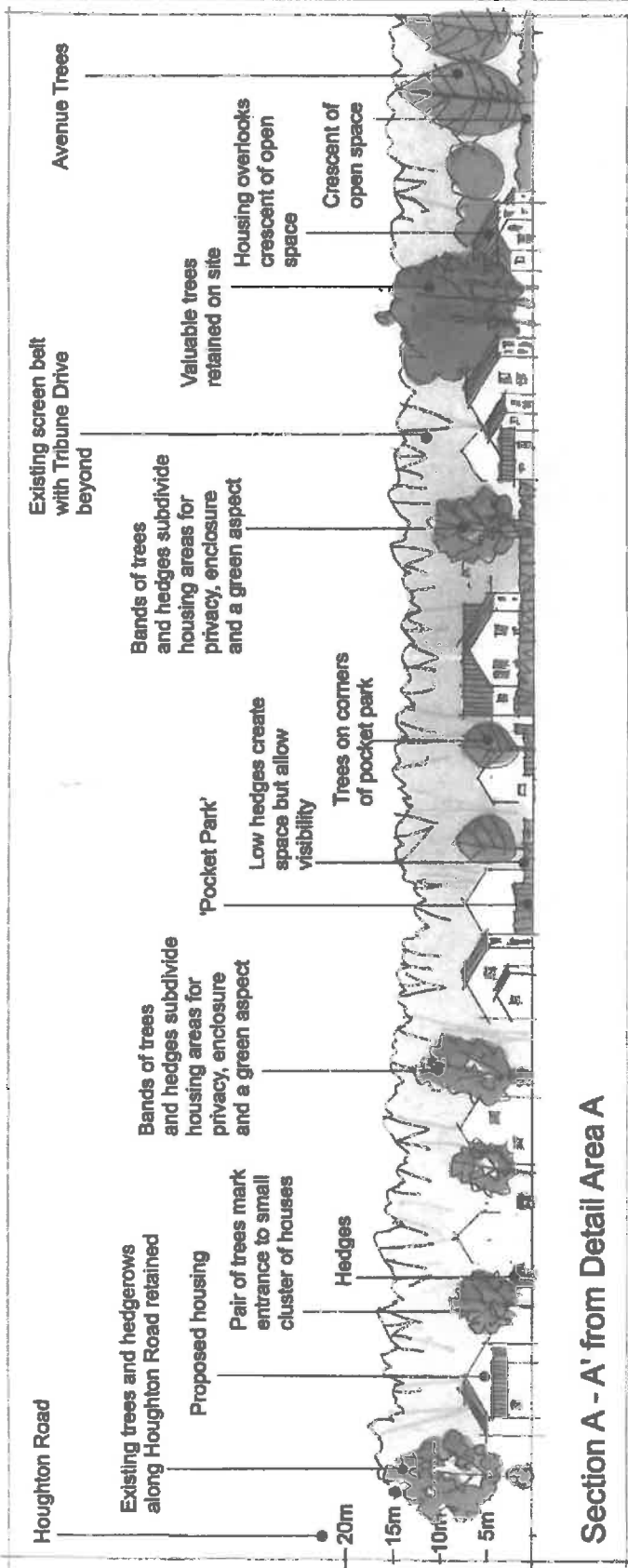


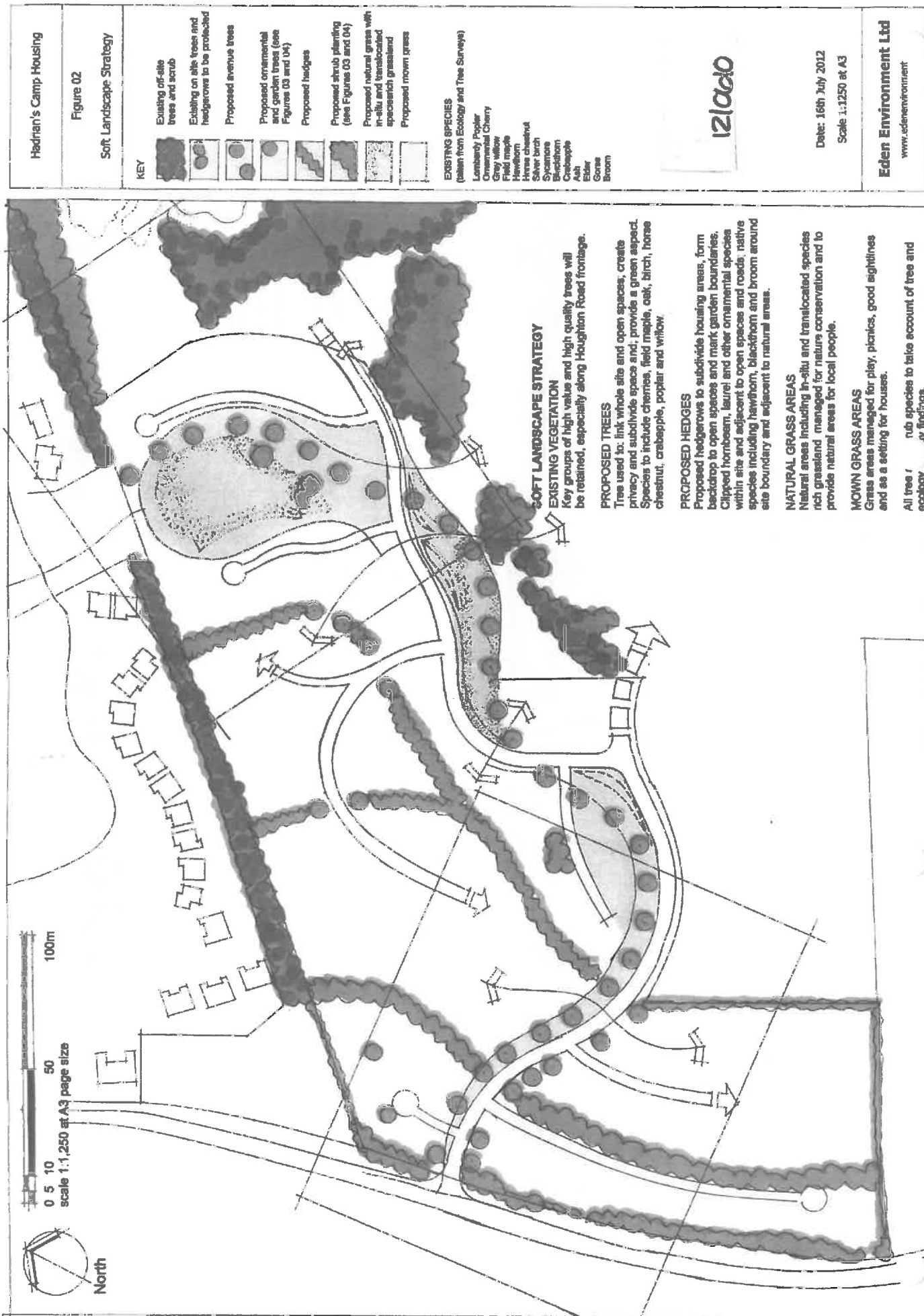
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**Hadrians Camp,**  
**Houghton, Carlisle, Cumbria.**  
**OVERALL SITE PLAN**  
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 11/2009/01

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**KEY**

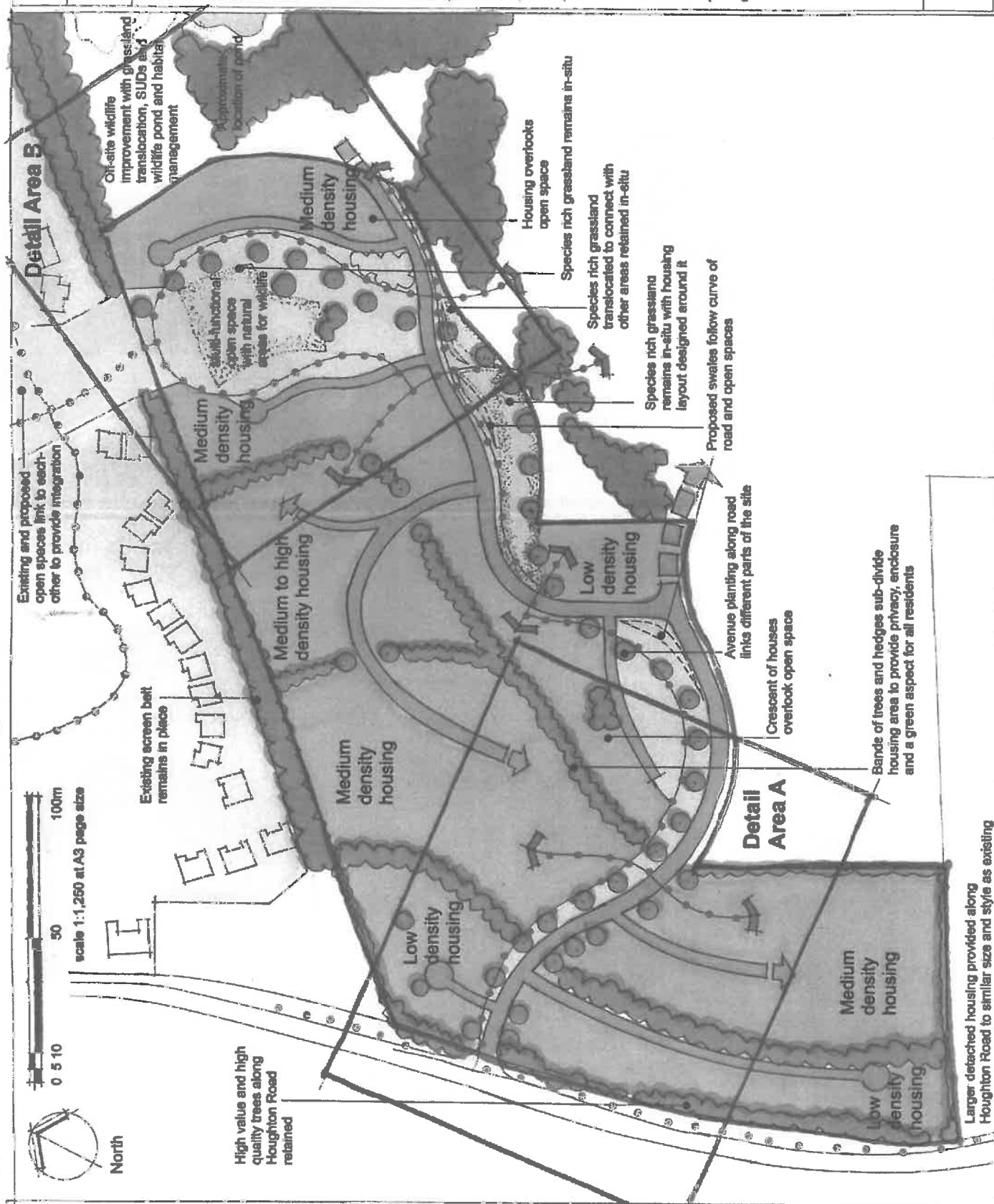
Site Boundary	Existing Vegetation	Proposed Vegetation	Proposed Housing	Existing Housing	Public Open Space: existing and proposed	Proposed road layout	Existing Pedestrian Routes	Proposed Pedestrian Routes	Potential Pedestrian Routes	Species-rich grassland retained in-situ	Translocated species-rich grassland	Proposed SUDs and wildlife pond	Proposed roadside swales	Typical Areas shown in detail on Plans 03 & 04















Typical Areas shown in  
Detail on Flats 03 & 04

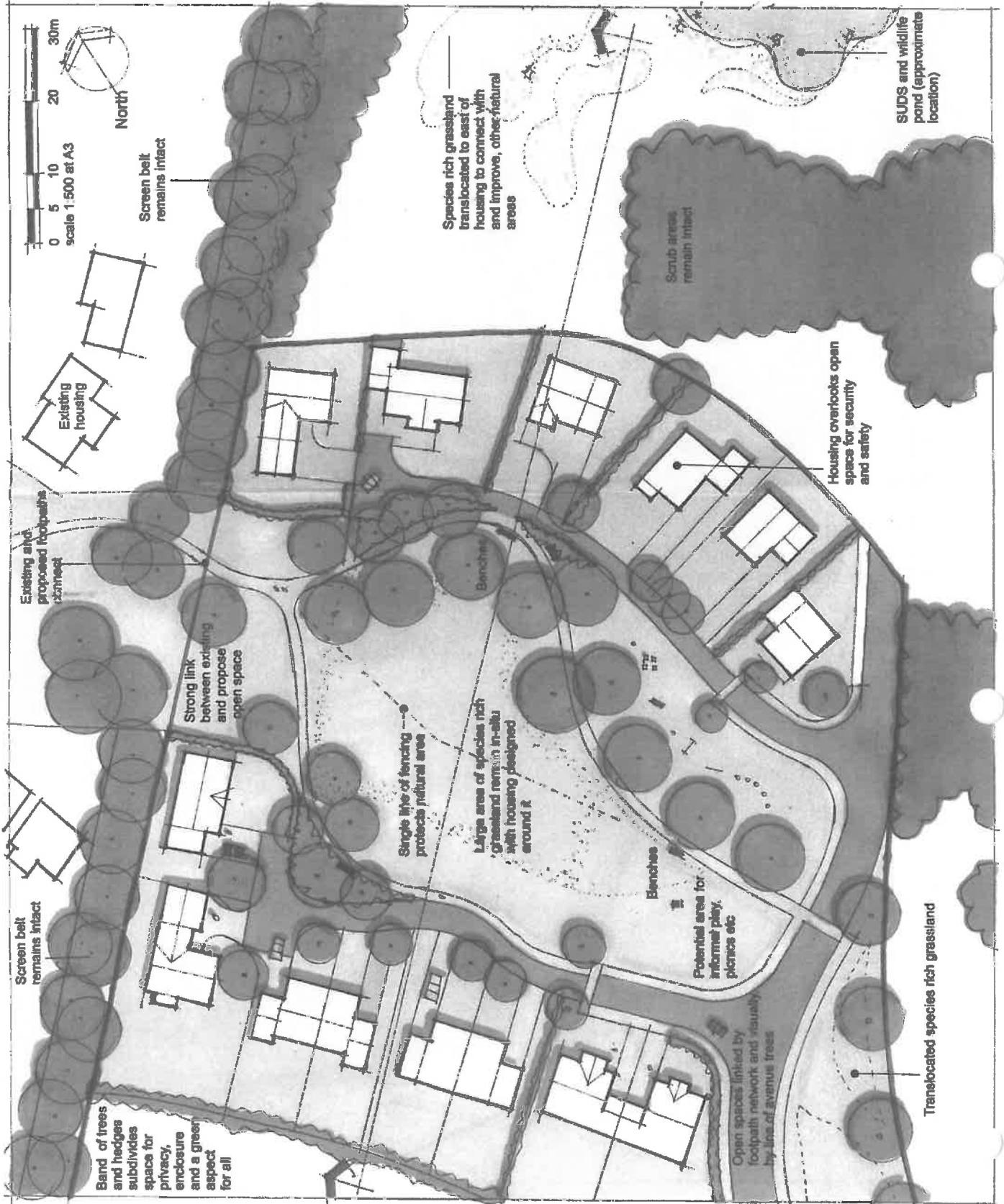
12/2010

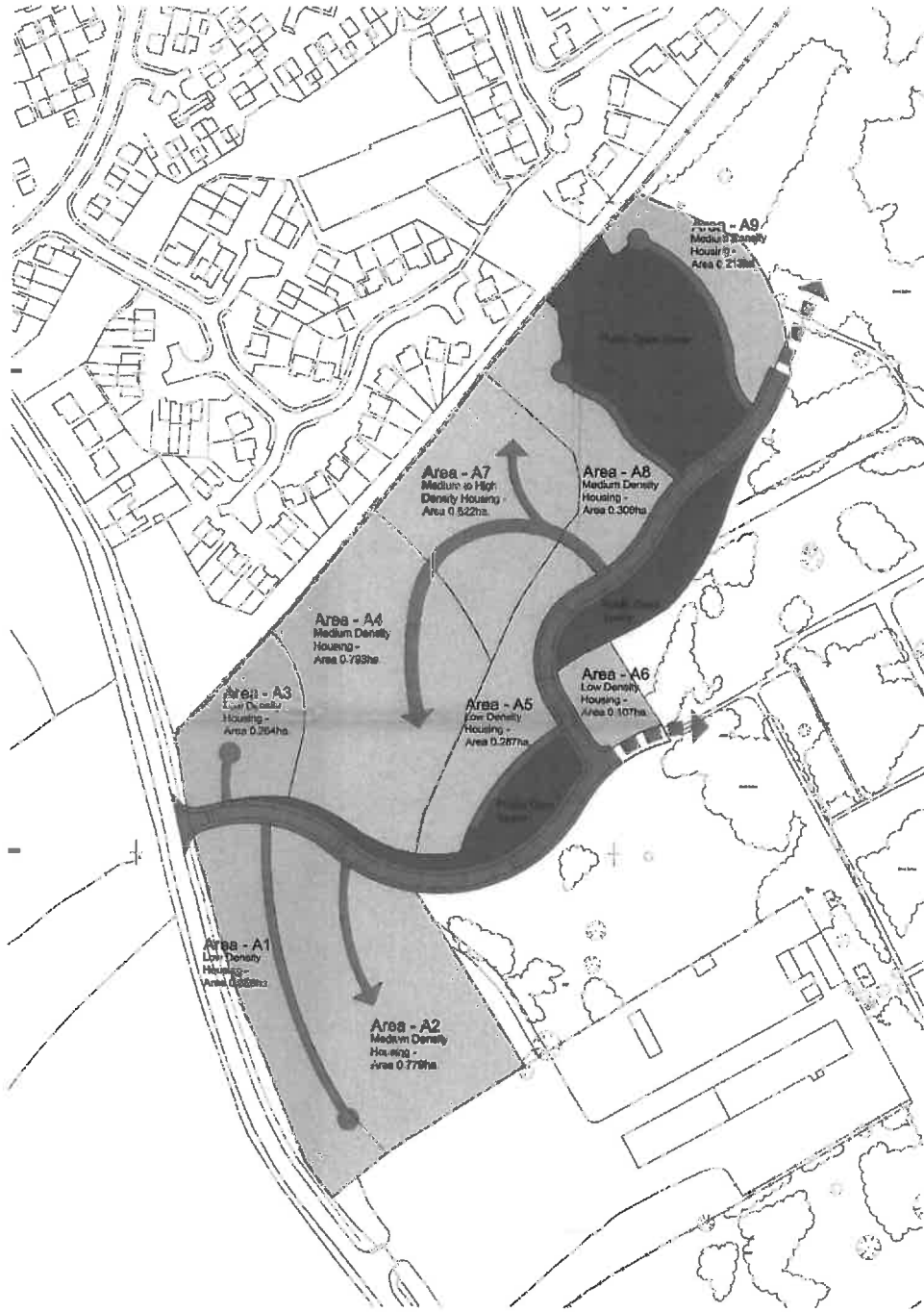
Date: 16th July 2012

Scale 1:1250 at A3



Hadrian's Camp Housing	Figure 04	Typical Detail Area B																									
<b>KEY</b>			Site Boundary		Existing and proposed open space		Existing vegetation		Proposed trees		Proposed shrubs		Proposed hedges		Proposed road layout		Proposed footpaths, pavements and drives		Species rich grassland retained in-situ		Translocated species rich grassland		Proposed SUDs and wildlife pond		Proposed roadside swales		Section line BB - see Figure 05
																											
		Date: 16th July 2012 Scale 1:500 at A3																									
		Eden Environment Ltd www.edenenvironment.com																									





DEVELOPMENT DENSITY PLAN



**Development Statistics -**

Total Site Area - 4.997ha.

Area A1 - 0.304ha  
 Area A2 - 0.778ha  
 Area A3 - 0.304ha  
 Area A4 - 0.793ha  
 Area A5 - 0.287ha  
 Area A6 - 0.107ha  
 Area A7 - 0.522ha  
 Area A8 - 0.300ha  
 Area A9 - 0.219ha

Total of Developed Areas - 3.653ha.

Residual area taken up by Public Open Space and main access roads.

16 July 2012, For Drawing Issue.  
 Drawing Number

**MANNING 12**

Chartered Architects  
 and Draftsmen

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 E-mail: info@manning12.co.uk

Madriana Camp,  
 Houghton, Carlisle, Cumbria.

Planning Drawing

DEVELOPMENT DENSITY PLAN

Scale	Date	Drawn By
1:1000@A1	Jul 2012	RJF

12/10/10



# STANWIX RURAL PARISH COUNCIL

Chairman: Cllr. Craig Nicholson    Clerk: Andrea McCallum, 21 Cawflands, Durdar, Carlisle, CA2 4UH

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Angus Hutchinson  
Carlisle City Council Development Services  
Planning & Housing Services  
Development Control  
6<sup>th</sup> Floor – Civic Centre  
Carlisle  
CA3 8QG

22<sup>nd</sup> March 2013

**Proposal:** Residential Development (Outline)  
**Location:** Land at Hadrian's Camp, Houghton  
**Appn No:** 12/0610

At its meeting of 13 March 2013 Stanwix Rural Parish Council expressed grave concerns regarding the City Council's handling of the above departure planning application. The Parish Council believes that the City Council failed to apply its own guidance for dealing with Major Applications and also failed to comply with other areas of its published guidance and procedure.

## **Non-Compliance with Carlisle City Council Statement of Community Involvement and Inadequate Consultation**

Carlisle City Council Statement of Community Involvement is an adopted Local Development Document forming part of the Carlisle Local Development Framework. Section 6, Planning Applications and Consultation, of The Statement defines Major Developments as including:

- Housing development sites where 10 or more dwellings proposed, or consideration of housing on sites of more than 0.5 ha in size
- Development that does not accord with the Development Plan;

Appn No: 12/0619, which proposes 96 dwellings over a site area of 4.997 hectares, is almost 10 times larger than the minimum criteria and has been advertised as Departure, i.e. it does not accord with the Local Plan. It is, then, a Major Application which the officer report states would enlarge the village by 20%.

Under the heading 'What the Council will do' The Statement of Community Involvement states that, with regard to a major development, it may further involve stakeholders and the community; and that; "Cases where such consultation may be needed are given in the context of three tiers". The 3 tiers of application and corresponding methods of consultation appear below.

Tier	Consultation
Tier 1 - Applications where they do not accord with Carlisle District Local Plan (in the future the Carlisle Local Development Framework) policies or are of a large scale or controversial	Website information, letters, publications, elected representatives, stakeholder meetings
Tier 2 - Applications broadly in accordance with the Carlisle District Local Plan but raising controversial issues or detail, including sites 'sensitive' to development pressures.	Open days, road shows, website information, letters, publications, elected representatives, stakeholder meetings
Tier 3 - Large applications, which require wider community consultation as the site is 'sensitive' to development pressure and/or raises significant objections	Open days, road shows, website information, letters, publications, elected representatives, stakeholder meetings

Application No: 12/0610 is therefore a Major Application that, as a Departure, does not accord with Local Plan Policy. The proposal site is a County Wildlife Site harbouring protected Red and Amber List species and is therefore sensitive to development and; it raised significant objections from the local community, the Parish Council and the Member of Parliament.

Carlisle City Council therefore failed to comply with its own guidance in respect of major and departure applications.

The Council entirely failed to identify the proposal as a Major Application; neither of the site notices published by the LPA (dated 03 August 2012 and 01 March 2013) informs the reader of major Application Status, nor did public notices appearing in the local press. No wider community consultation was undertaken; no open days, road shows and or stakeholder meetings were arranged.

Save for a small note appearing in minutes of the site visit, and possibly the unpublished site visit agenda – if there was one, members appear not to have fully alerted to the proposal's Major Application status either prior to, or during, the determination of the application.

In a significantly material omission from the consultation process Houghton C of E School, which is already over-subscribed, was not directly consulted regarding the application.

The City Council's independent ecological advice commissioned from Lloyd Bore was not published on The City Councils website leaving the Parish Council, objectors and members of the public ignorant of its existence and therefore unable to consider and perhaps respond to its content.

### **Concerning the Members Code of Conduct**

On Wednesday 6 March 2013 a site visit was held in respect of Appn No 12/0610. Stanwix Rural Parish Council Cllrs present at the site visit, advised that, at the commencement of the visit a long standing member of the DCC was seen to warmly greet and embrace the applicant.

At the subsequent meeting of the Development Control Committee, of Friday 8 March 2013, during which the application was determined, the same member then failed to declare any personal or prejudicial interest whatsoever; spoke during the meeting; and voted to approve the application.

These actions constitute serious breaches of the Members Code of Conduct and the Members' Planning Code of Good Practice.

The actions described above give rise to grave concerns regarding the possible validity of the approval. Perhaps, through being a long standing member of the DCC, the member's opinions may have acquired the ability to influence those of fellow members.

### **Non-compliance with Approved Action Plan (Carlisle City Council Minute C.134/11)**

At its meeting of 13<sup>th</sup> September 2011 Carlisle City Council received an Audit Commission Report into the handling of planning application 08/105, in respect of Carlisle Airport.

The report was critical of The Council's procedures and concluded that:

*"... there are aspects of the handling of these high profile applications which may have undermined public confidence in the Council. There is a need to put in place added safeguards to protect the Council's reputation when handling major planning applications in the future."*

The report made several recommendations which The City Council resolved to approve as an action plan, in order; *"To ensure that the Council properly acknowledges the Audit Commission report and acts upon the recommendations contained therein."* [Report GD55/11]

Audit Commission Recommendation R 9 (approved as Action Plan Recommendation 9), states:

*"Avoid tabling important documents in Committee meetings. If, exceptionally, documents cannot be circulated in advance members must take sufficient time to properly read and consider all new information".*

At the Development Control Committee meeting of 8 March 2013 proposed revised conditions relating to Appn No 12/0610 were presented as 'power point slides'. These alternated back and forth on the screen, each appearing too briefly to be properly comprehensible and causing members to inquire as to the availability of printed copies of the document. Printed copies were then circulated to members just minutes prior to the vote being taken.

A total of 34 detailed conditions appear in the Draft Decision Notice. Members could not possibly have had the opportunity to read and fully comprehend the content and implications of the document handed to them before being called upon to determine the application.

This last minute circulation of revised information, especially of detailed conditioning relating to a major departure application, entirely fails to comply with the Audit Commission's recommendation with regard to the tabling of important documents at committee meetings; and is also non-compliant with the City Councils approved Action Plan that resulted from those recommendations.

### **Lack of Due Consideration**

Members failed to give due consideration to the majority of issues presented by the application, instead concerning themselves with securing, as a first option, a 'front loaded' contribution towards the provision of an additional classroom; the removal (at no cost to The City Council) of contamination, and the provision of affordable housing.

### Houghton C of E Primary School

In demanding the provision of an additional classroom as a first option members did not seek clarification as to the possibility that the existing school site may not be able to accommodate an additional building without re-locating its play ground losing a significant portion of its playing field. Nor is this possibility addressed by the officer's report.

Nor did members consider the possibility that staff and governors of the already over-subscribed school, and the parents of its pupils, may object to the notion of losing a significant part of the outdoor sports and play area in order to accommodate an enforced 20% increase in its pupil roll, emanating from a development unwanted by the local community. Nor is this possibility addressed by the officer's report.

Nor did members address the uncertainty regarding the use of the developer's contribution. Paragraph 6.30 of the officer's report states;

*"Options for this money will be looked so (sic) as to best meet the needs of the pupils, the school, the community and the County Council.*

The £204,867 required by the County Council appears not be ring fenced for the exclusive use of Houghton Primary School which eventuality is also mentioned in Para. 6.30:

*"In the event that an expansion of Houghton or other nearby primary Schools to facilitate the necessary capacity to accommodate the expected yield of primary aged children from this development is not feasible, it will be necessary to provide school transport for children who cannot get a school place locally."*

### Contamination of The Site

The Health & Safety Executive is the national independent watchdog for work-related health, safety and illness; it is an independent regulator acting in the public interest. In respect of asbestos the HSE states:

*"Asbestos is only dangerous when disturbed - **avoid unnecessary disturbance**"* [HSE emphasis]

And:

*"The duty to manage does not require asbestos removal"*

The site has lain undisturbed for almost 40 years during which time the Parish Council has no record of any report of contamination from the site affecting nearby water courses, or the environmental integrity of the County Wildlife Site.

Notwithstanding these considerations a DCC member declared that he had never agreed with the Health and Safety Executive's advice stating;

*"I'd feel easier if this development went ahead rather than leaving the asbestos alone. I will support this development on the understanding that we will be watching it."*

Another member also expressed concerns regarding contamination of the site, stating:

*"We need to make absolutely sure we monitor it and remove it. We need to make absolutely sure we monitor it and remove it."*

The member also asserted that if there was any asbestos left it could contaminate a nearby beck and the area was a habitat for wildlife.

The reasons given by these members for their approving the application seem to arise from subjective bias influenced by a misinformed desire to grasp an opportunity to unearth and remove asbestos, at the expense of a developer, rather than by relevant material planning considerations. These reasons for approving the application are contrary recommendation 10 of the Approved Action Plan referred to above which states that it is the responsibility of the Chair to ensure that decisions only take into account relevant considerations.

### Affordable Housing

A member expressed concerns regarding the provision of affordable housing, stating:

*"It's suggested that the developer might involve a registered social landlord to provide units*

*at affordable rents because people just can't afford to buy now because they have to get a deposit."*

However, the member did not address the following material concerns relating to the provision of affordable housing:

- The draft decision notice would allow up to 99 houses to be built – 3 more than the applicant desired.
- The response to consultation of the City Council's Housing Development Officer stating that a 25% contribution to affordable housing can be requested on large rural sites of 25 or more dwellings (in this case 24 units). However; should the developer involve a registered provider, and permit some of the units to be for affordable rent, then the number of affordable units could be reduced on a 2 for 1 basis.

The member therefore not only advocated the building of more houses than were sought by the applicant, but also advocated a significant overall reduction in the developer's obligation to provide affordable housing whilst allowing a greater proportion of houses for sale. This contribution was made by the member referred to above in connection with the code of conduct.

At no point did members seek clarity regarding the officer's report, which asserted the need approve in order to secure an enhanced 20% 'buffer stock' of housing when the district already has a 6 year supply, i.e. it already has a 20% buffer above the required 5 year supply.

By urging co-operation between the developer and the community a member displayed significant lack of awareness regarding the level of community objection to the proposal i.e. 58% of the community being opposed to any further development in Houghton, with the exception of affordable housing; 42 formal objections, including from the Parish Council and the Constituency Member of Parliament, the latter remaining un-published.

The member also seemed unaware, probably because it was not referred to in the officer report, of a public meeting hosted by the Parish Council on 29 August 2012. This meeting amply reflected the general level of community opposition to the proposal when more than 70 of over 100 local residents attending objected strongly to the proposal.

Allowing for insignificant asides the areas of debate outlined above constitute the sum of deliberation in the determination of the major departure application.

Notes of the public meeting referred to above formed part of the Parish Council's initial consultation response; the Parish Council is uncertain as to the reason why the officer's report fails to include reference to this significant material information the omission of which is contrary to Paragraph 6.18 of the Statement of Community Involvement, which states: *"A summary of all consultees' comments is included in Development Control Committee reports. They are weighed up against a background of planning policy and taken into account by officers in reporting recommendations and by the Committee in deciding planning applications."*

At its meeting of 13 March 2013 Stanwix Rural Parish Council heard Ward Cllr James Bainbridge, a former substitute member of the DCC; state that he felt that his own comments had made no impact. He also expressed the belief that due to the unusually lengthy Schedule of Applications, of which Appn No 12/0610 formed a part; members of the Development Control committee may well have been unable to properly acquaint themselves with the detail of the application. A view afforded some weight by the pertinent note on the City Council website:

*\*\*\* N.B. – In view of the volume of business to be transacted, proceedings will continue into the afternoon. Members may therefore wish to consider making their own arrangements for lunch.”*

The provisions demanded by Cumbria County Council Highway Authority e.g. bus stops, pedestrian refuge, widened footways, right turn lane etc, and which would have a profoundly urbanising effect upon the rural character of the area were not considered by members - perhaps because they had not been granted sufficient time to link the revised conditions to the provisions required in the Highway Authority consultation response.

Also omitted from discussion were the low success rate in the translocation of orchids, despite mitigation, and the presence on the site of protected red and amber list bird species.

## **Conclusion**

Recommendation 1 of the Action Plan, approved following the previously mentioned Audit Commission Report states that The Council should:

*“Strengthen arrangements for safeguarding and demonstrating the integrity and transparency of the regulatory planning process and ensuring it is not unduly influenced by economic development aspirations”*

In summary; in consideration of the foregoing the Parish Council believes that the decision to approve the Major Application (Departure) No 12/0610 fails to demonstrate the integrity and transparency of the regulatory planning process and may, in part, have been influenced by economic considerations, contrary to the Approved Action Plan:

- Failure to implement extended community consultation in line with the Statement of Community Involvement;
- The late tabling of the revised conditions, its self contrary to Audit Commission recommendation;
- Failure to declare interest;
- Decisions based on personal bias rather than material considerations;
- Narrow parameters of debate, largely concerning the securing of financial contributions whilst neglecting to address other significant material considerations;
- Failure of members to acknowledge and address extensive community concerns and objections;
- The possibility that the unusually lengthy Schedule of Applications denied members sufficient time to properly read and consider all the information relating to the application

The Parish Council believes the decision to grant planning consent to be fundamentally unsound and that it should be called in for scrutiny by the relevant committee of Carlisle City Council with a view to its being revoked.

Yours sincerely,

**A McCallum**

Clerk to the Council

# **PUBLIC MEETING – HADRIAN’S CAMP HOUSING DEVELOPMENT**

**Houghton Village Hall – 29<sup>th</sup> August 2012 – 7:30 p.m.**

An open public meeting was facilitated by Stanwix Rural Parish Council to gauge public opinion on the proposed development. The developers of the site were also available for members of the public to ask questions. The meeting was chaired by Cllr C Nicholson, Chairman of Stanwix Rural Parish Council.

## **Attendees**

Seven members of the Parish Council and the Clerk to the Parish Council;  
City Cllr James Bainbridge;  
County Councillor John Mallinson;  
Approximately 111 members of the public;  
Mr B Taylor, Planning Consultant, Taylor & Hardy Ltd, Carlisle (on behalf of the applicant);  
Mr A Ross, North Associates, Wigton (on behalf of the applicant).

## **Outline**

Mr A Ross (AR) advised that the application submitted is an outline application, North Associates acting on behalf of the landowner. Stressed that it is an outline application only and as is, gives an indication of the type of development that may result in the future. However, this may be subject to amendment at a later stage. Commented that it was good to see so many attendees at the meeting. He then requested questions.

### **What demand for housing has been identified in the area?**

AR – a shortfall for housing within Carlisle has been identified by Carlisle City Council. North Associates have not undertaken their own investigation.

B Taylor (BT) – It is Government policy to encourage housing development for the next 5 years. The Local Plan identified that the Carlisle area needs an extra 450 residences built every year. Carlisle City Council interim housing policy advises that it is an appropriate site for development.

AR – interest from developers received also indicates that a demand exists. At this stage, there are no further plans to develop any more of the site, only this corner.

BT – City Council identified a larger area was suitable for development, on the Strategic Plan, than what is planned in this development.

AR – it would be a phased development over a period of, say 2 years, with 30-40 houses being built to begin with.

### **Asked to confirm the number of houses planned for the site**

AR – 96 houses on current application and there is no requirement for an emergency access.

### **Have utilities e.g. sewage, water, electricity services been checked for capacities?**

AR – full assessment of all services will be undertaken when the full application is submitted, subject to approval of the outline application.

### **How many houses on the development would be housing association properties?**

BT – City Council require that 20% of houses would need to be affordable housing.

### **Have highways responded as yet?**

BT – Not as yet, highway assessments will be undertaken.

Cllr J Mallinson (JM) advised that the application will be considered by the County Council at its meeting to be held in October.

### **If the plans are likely to change, why submit the application as it is?**

AR – the outline application gives the City Council an idea of the future development before a further detailed application is submitted.

So the incorporated ponds, trees, etc will not stand?

AR – certain elements such as these will be included in the further application, these will be made conditions of the detailed application by Carlisle City Council.

Comments were then made on how the developer could double the number of houses on the site, the stalling of existing housing developments in Carlisle and that it was an effort by the owner of the land to increase the value of the land, prior to selling it.

Cllr C Nicholson (CN) was asked for his opinion on the development?

CN – advised that he was keeping an open mind on it at the moment so that he would not prejudice opinion.

Asked that a definition of affordable housing was given and how this was likely to be incorporated into the plans?

AR – affordable housing tends to be of high density design. Tribune Drive is considered to be of medium to high density. Affordable housing can be in many formats i.e. social rented, shared ownership schemes, etc. Carlisle City Council will decide how affordable housing will be incorporated in the development, although they generally like to create a good mix.

Will the houses be given to a housing association?

AR – Not sure.

Were will all the children from these houses go to school as school places are currently at a premium in the area?

AR – the future developer of the site pays a financial contribution to the Council, under a Section 106 agreement for the school.

Where will the children go if there are no places and the local school is oversubscribed?

AR – consideration of this will be made by the County Council when considering the application, this being an area that is looked into at the detailed planning application stage.

Resident advised that she had lived in the village for 25 years opposite the site and the area has always been an identified brown field site and therefore expected to be developed. People completed their national service on the site and this should be remembered. Fantastic wildlife now on the site and a detailed assessment of this needs to be undertaken.

A green belt exists at the top of Tribune Drive. Is this likely to be lost and who is the owner of this land?

AR – an ecological assessment has been undertaken on the site and species identified. The current owner of the site wishes the green belt to remain and it does in the current outline application.

Attendee advised that bats had been sighted on the site but diggers had been seen on the site destroying habitat. AR advised that the owner had a problem with trespass on the site and had increased security following a court case.

Attendee advised the meeting that part of the planning conditions on the original Tribune Drive development, had placed a restriction on how far down Houghton Road development could go. No-one felt able to comment on this.

Would this land be donated to the village?

AR – highly unlikely.

Who was the owner of the site?

CN – Miss Nanson & Mr Milbourne, Brunstock House, Carlisle.

How long will it take?

AR – this will be driven by the level of demand, this in-turn being driven by the product and the location. It will be up to the developer who buys the land to drive the development of it. This is not his decision, Ross Associates just employed to obtain the principle of residential development on the site.

AR then outlined again, that this was only the outline design and the site would be sold subject to a detailed planning application being to follow. Then the buyer/developer would submit a detailed design, when residents would be given another opportunity to comment.

CN advised that when outline consent is granted it is more difficult for the application to be turned down at the detailed design stage.

BT – it is up to the City Council to seek and influence the design by the inclusion of conditions on the outline application.

Earlier it was advised that the City Council has targets on the supply of housing, is there a penalty on the City Council if these targets are not reached?

BT – there are penalty's enforced in the form of policy and process's if targets are not achieved.

If the purpose of this meeting is to gauge public opinion, how is this going to be achieved?

It was then suggested that a vote was undertaken, by a show of hands. A show of hands was requested. Three attendees indicated that they were in support of the development, six attendees abstained and approximately seventy one attendees indicated that they were against the development.

If social housing is to be incorporated would drug addicts, etc be living on the site?

AR – it is a requirement of any development to have affordable housing. If a registered social landlord own's/controls houses on the site, they decide the criteria of who will live there. Ross Associates just have to incorporate affordable housing in the design.

City Cllr J Bainbridge (JB) advised that on the Crindledyke development of 184 units, 42 have been allocated for affordable housing. Some properties are sold at a discount to local people, some rented, etc. People who live locally usually have a better chance of getting affordable housing.

AR – it is thought that approximately 20 houses would be of affordable housing criteria.

JB – has looked at the City Council website and has seen that 21 responses have been received to date on the application. He urged people to make a formal response; the more responses received leading to City Councillors being more informed to make a decision. A meeting attendee also advised that Cllr Bainbridge had sent him a list of criteria that needs to be considered when making your response and this was available on the web site.

Have traffic considerations been considered?

AR – a traffic assessment has already been carried out, with traffic counts being undertaken at certain times of the day. Attendee commented that this did not seem to identify that there was no bus service after 6 p.m.

What is the deadline for comments?

JB – Wednesday 6<sup>th</sup> September is the deadline for comments that will be included in the City Councils reports. However, responses received after these dates are still forwarded on to Cllrs for consideration. It is thought that the application will be included in the November planning meeting, if not, then Decembers, this not always being watertight due to requests for further information from the developers often being necessary.

It was also requested that respondents copy the Parish Council into their responses to the City Council, in order to gauge opinion.

JM – anyone can also register the 'right to speak' at a planning meeting and make comments at the planning meeting on the application. Would also like to add that he lives on Wolsty Close and this area has affordable housing residents, his experience of affordable housing is that it causes no social problems whatsoever.

Further comments made from attendees included that it was felt that Houghton was being faded into Carlisle.

The meeting finished at 8:40 p.m.

I am concerned to read of an application for permission to build on land at Hadrian's Camp, near Houghton. I enclose below an email indicative of constituents' concerns, and wish to highlight these.

With all good wishes,

Rory

Rory Stewart MP  
Penrith and The Border  
[www.rorystewart.co.uk](http://www.rorystewart.co.uk)

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----- Forwarded message -----

This is an enquiry e-mail via <http://www.rorystewart.co.uk/> from:  
Dr Chris Savory <[chrisandbarbarasavory@btinternet.com](mailto:chrisandbarbarasavory@btinternet.com)>

Dear Mr Stewart

Carlisle City Planning Application 12/0610 – outline planning application for land at Hadrian's Camp

I write to draw your attention to the above about which you are probably already aware. I am concerned about this application for outline planning which if granted could lead to significant future residential building both on this site and the adjacent parts of Hadrian's Camp. Such development will put increased pressure on local services (e.g. all local primary schools are full) as well as exacerbating existing traffic problems and raising serious safety concerns relating to the proposed access to the development.

As you may already know, the feeling at a recent open meeting organised by the Parish Council was overwhelmingly against the proposals. Many could see it as a first step towards a much greater development, dwarfing the current size of the village. One of the speakers representing the landowner told the meeting that at present they were only considering part of Hadrian's Camp. The plans as currently presented will not necessarily bear any resemblance to what any developer buying the site might propose. Granting permission could well lead to ribbon development along Houghton Road, effectively destroying Houghton as a separate village entity as well as damaging the environment, wildlife and historic sites. Indeed with other current housing development in Carlisle (Cumberland News, 31st August 2012) it is difficult to see a real need for this application to be approved.

I was grateful for the interest shown by your predecessor when a scheme by Cumbria Police to build a custody suite on adjacent land was rejected. I look forward to hearing your views.

Yours sincerely

Dr. Chris Savory

Allendale  
16 Houghton Road  
Carlisle  
CA3 0LA

Tel: 01228 401647

In reading through the correspondence from residents and the feedback I have received as a ward Councillor, the general areas of objection and concern relate to the impact the development will have on village services (notably the primary school) and the concern that supporting documentation relates to 190 properties rather than the 96 outline properties that have been applied for in this application. This has led to the view being formed that if granted the land would be sold on to a developer who would then apply for further houses and seek to vary the current application.

Given this view I would hope that in considering the application, and if minded to approve, then the firmest and most binding conditions are attached to prevent a future developer from creeping differing elements into any possible approvals.

Houghton has prided itself on being a village community only a short distance from Carlisle. There is a concern in the village that applications such as this one will become ribbon developments and result in the joining of the two, which is a happening I think that most of the village would oppose.

### **Education:**

In terms of the Primary School, like a lot of village schools at the moment it is operating at capacity. The addition of further housing at this level without any expansion to the school will cause problems with families unable to send children to the village school. Given that the neighbouring schools are also at capacity and that any new school at Crindledyke is some years away (and will be able to set its own entrance policy), the solution is not readily at hand.

Personally I am concerned that should the site be expanded on further than the 96 properties, or if other housing applications in the village become developed then the physical plot the current school occupies will not be enough. As this is just one of several similar applications in villages such as Dalston and Wetheral, then the Educational Authority might be better placed trying to acquire space and funding for new build schools rather than trying at present to build a little add on to an existing village school every time a housing application is approved. The submission from the County Council in paragraph 3.34 that transporting up to 17 pupils elsewhere (should a physical build solution not be found), I view as an abhorrent idea and one which would not be supported by the village in the long term.

### **Traffic and Highways:**

The main point of access to the site lies on a bend after a long period of straight road as you drive up Houghton Road from the Near Boot Inn. It is very easy to pick up speed as you drive along this stretch, which could prove problematic if you then encounter traffic turning onto the road or slowing down to turn off. I understand that there may be a 'ghost space' for traffic turning onto the development; if this is the case then I think it is a good idea, if not then I hope it might be considered favourably. I also think that the stretch of road from the Near Boot to the site would

benefit from additional traffic calming measures such as repeater signs, or Colourtex Red Asphalt to make road users aware of the required traffic speed. In addition the current properties on this stretch often have to reverse on to the road as their properties tend to have been built before car ownership was commonplace. As an additional hazard on this road I am not sure it has been assessed in the application. However I am content that the plans submitted show that none of the properties proposed have direct driveway access to Houghton Road and hope that this could be conditioned to prevent direct driveways appearing at a later date.

Lastly in terms of highways a lot of debate has been generated over some of the supporting information showing access going from the site via Centurions Walk. I would like to point out that this road is unadopted, not in good condition and ownership rests with the property owners there.

### **Green spaces and Recycling service:**

Whilst the site will have no play area provision there is the proposal to open up an entrance with Tribune Drive to access the play area there. I hope that on the site visit members might take particular interest in this area. I feel if this does occur then the opening needs to be as natural as possible, with the least impact on the property owners in Tribune Drive as well as pedestrian only.

The play area as it currently stands dates from the 1990's. It is starting to show its age, though is not obsolete. Drainage at the present site is an issue and the site after rainfall is often waterlogged for a number of days. This limits the appeal of the site to the user and causes frustration from neighbouring properties. Planning guidance as to the distance of play areas from properties has also changed since it was established. My understanding is that the current distance would not be permissible now. I feel that given the issues with water logging and location that the best use of 106 money would be to relocate this equipment and refresh it (with for example modern flooring as opposed to the current wood chippings), rather than go for 'all singing – all dancing' equipment.

The site if approved also deserves to be added to the current refuse recycling service. It would generate a sizeable New Homes Bonus for the Council and I feel that Carlisle City Council would be derelict to not add it to the recycling service.

### **Allotment Provision**

Allotment provision has been a recent topic within the village. The Parish Council has been in receipt of the required 10 letters needed to investigate allotment provision. At that time no sites came forward. In terms of the 106 agreement I hope that some consideration could be made for either land or funding to become available for the Parish Council to draw down within a reasonable time frame to establish a site to meet this need within Stanwix Rural Parish.

### **Tree barrier at Tribune Drive and Antoine Way:**

Currently there is a tree barrier between the site and the neighbouring housing, save for the proposed opening. I very much hope that this green barrier could be preserved as it would be more **aesthetically** pleasing and a better definition between the two housing developments.

### **Street Naming:**

Whilst this is not a direct feature of this planning application, I have received comment/plea (which I agree with), that in naming any streets some regard to the military history of the site as an army training camp until 1969 should be given. The site does rest in the area of Hadrian's Wall and there is always a temptation to find a Roman-esque name. At some point this will be done to death. I am sure given the closeness of the Solway Air Museum and a Hadrian's 'old boys' Association, there would be many possible suggestions provided, if the developers are willing to ask.