

## **SCHEDULE A: Applications with Strategic Significance**

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<b>Application Reference Number:</b>	<b>23/0148</b>
<b>Application Type:</b>	Full Planning Permission
<b>Application Address:</b>	Land to the west of junction on Orton Road & Sandsfield Lane, Carlisle
<b>Proposal:</b>	Residential Development & Associated Infrastructure
<b>Applicant:</b>	Genesis Homes (North) Ltd
<b>Agent:</b>	Sam Greig Planning Ltd
<b>Valid Date:</b>	01/03/2023
<b>Case Officer:</b>	Barbara Percival

### **Cumberland Area and Carlisle Region**

**Ward/s:**  
Dalston & Burgh

**Parish/s:**  
Multiple Parishes  
Beaumont  
Cummersdale

### **ADDENDUM**

Members of the Planning Committee resolved at the meeting of the 31st January 2024 to defer consideration of the proposal in order to explore the potential for on-site open space (play area); footpath links; extra parking and information on the proposed location of 30 m.p.h. speed restrictions and to await a further report on the application at a future meeting of the Planning Committee.

The council has subsequently received the following drawing and supporting information consisting of:

'Site Framework Plan Alternative Maintenance Access & Play Space (drawing no. AFL-ZZ-XX-DR-A-20132 Revision P1); and an email from the Agent outlining proposed changes to the Site Framework etc plan. Further drawings have subsequently been received illustrating the re-location of the maintenance track / pedestrian footway on the remainder of the suite of submitted drawings.

The revisions to the originally submitted scheme primarily consist of:

- relocation of maintenance access track originally only serving the attenuation basin to also allow its use as a pedestrian footway
- track / pedestrian footway to be 3.5 metres wide surfaced with fine self-binding gravel designed to allow maintenance vehicles and pedestrians to pass one another in safety
- the track / pedestrian footway to be located within a 'landscape corridor' varying in width between approximately 10.5 metres and 11.5 metres

- a 'woodland play trail', aimed at younger children, to be formed within the landscape corridor adjacent to the track / footway
- the footway to ultimately connect the proposed development with existing pedestrian / cycle routes located to the north of the application site
- formation of pedestrian access link from Priorwood Close to the proposed footway / landscape corridor within the application site and existing pedestrian / cycle routes out with the application site
- extension of existing footway with dropped kerb at entrance to Priorwood Close.

Consultations have been undertaken with the relevant statutory consultees and third parties together with a Ward Councillor whom made representations on the original scheme.

The comments received by relevant statutory consultees to the revised details are summarised below:

Neighbourhoods - Health & Wellbeing: the pedestrian footway link to the cycle path to the north west is welcomed and potential green infrastructure and linking to wider walking and cycling network. The safety for pedestrian access to the SUDS will need to be considered. The cycle link to Priorwood Close is currently on to a highway with no footway and Priorwood Close is a cul-de-sac so limited benefit for accessibility to the wider neighbourhood. There is reference to a woodland play trail; this is likely to have limited play value and does not replace an off site play provision;

Cumberland Council - Highways & Lead Local Flood Authority: no objections with the revised drawings subject to imposition of previously recommended conditions.

As highlighted earlier in the report, consultations have also been undertaken with third parties in respect of the revised details. In response, 2no. third party responses have been received together with 4no. anonymous responses. In summary, the issues raised in the third party responses centre on:

- revised footpath would provide an amenity route to link nearby footpaths and cycle networks for residents
- scale of external private amenity space to serve each of the dwellings
- lack of in-curtilage parking provision to serve each of the dwellings
- ability of refuse vehicles to service the development
- Morton Academy is out with the school catchment area for the development with the secondary catchment school at capacity.
- Pupils attending secondary school would have to use private cars or public transport and there are no bus stops close to this development or the housing estate opposite. A bus lay-by and bus shelter should be provided as part of the development - changes to the routing of the bus service to access the city's amenities could then be subject of separate discussions with the public transport provider
- some documents refer to this application as 'Phase 1', the application should be submitted as a whole
- A survey undertaken with members of a social media page in respect of the revised plans voted 75% in favour of the scheme but need to ensure the developer provides the footpath

- detrimental impact on NHS services
- impact on highway safety
- loss of green fields

The Ward Councillor for Yewdale Ward has the following comments in respect of the revised scheme:

- since the previous application, encouraged to see that the developer has addressed many of the concerns that myself and the residents had
- provision of an access link to the site and existing cycle/pedestrian routes is appreciated and will allow young people to access the proposed Woodland play trail. This addresses the lack of play area in the previous application
- residents are encouraged that there will be an extension to the footway at the entrance of Priorwood Close
- there is a requirement for the provision of a zebra opposite the junction of Priorwood Close for the safety of residents
- the speed limit will need to be reduced on Sandsfield Lane to 30mph also for the safety of residents
- a bus stop should be provided at the top of Orton Road so that the residents of the new developments are not isolated. The reconfiguring of the bus route back to going down Orton Road by Stagecoach will assist in allowing a new bus stop to be provided next to the new development
- residents are generally happy with the plans for the development; however, residents are concerned that the developer has published a brochure advertising the development even though the planning application has not been approved
- further concerns raised is that the developer will seek to do a phase 2 development.

The application was deferred by Members of the Planning Committee at its last meeting to explore the potential for on-site open space (play area) and footpath links. Subsequently, revised details have been received which illustrate the relocation of the maintenance access track, originally intended to serve only the attenuation basin, to now provide a combined maintenance track / pedestrian footway along the southern and western boundaries of the undeveloped section of the application site to link with existing pedestrian / cycle routes located to the north of the application site. Along the route of the combined maintenance track / pedestrian footway a 'landscape corridor' with a 'woodland play trail' would also be provided. Pedestrian access from the extended footway at the junction to Priorwood Close onto the proposed combined maintenance track / pedestrian footway would also be provided.

The proposal would not provide a dedicated on-site play area within the built form of the development site; however, in mitigation the combined maintenance track / pedestrian footway would provide an amenity pathway to serve the proposed development together with a pedestrian link from existing residential developments ultimately linking to pedestrian / cycle routes located to the north of the application site. Furthermore, should Members resolve to approve the application a Section 106 Agreement would require the developer to provide financial contributions to enhance, increase accessibility, and upgrade existing recreation facilities within the locality and district wide. Cumberland Council's Neighbourhood and Highway

Sections have been consulted on the revised proposals and do not raise any objections.

A further issue raised by Members was the adequacy of the parking provision within the application site in respect of in-curtilage parking provision and visitor parking. The application was accompanied by a car parking plan (drawing no. AFL-ZZ-XX-DR-A-20120 Revision P6) which illustrates the provision of 219 in-curtilage parking spaces (excluding garage accommodation) and 18 visitor parking bays located throughout the development. The council's highway section, as local highway authority, was originally consulted on the application and did not raise any objections in respect of the adequacy of parking provision to serve the development. In light of the concerns of Members, further clarification has been sought from the local highway authority who have confirmed that in-curtilage parking provision and visitor parking provision complies with the objectives set out in the Cumbria Development Design Guide.

The final issue raised by Members in its reason for deferral was the location of the 30mph speed signs which would be subject of a Traffic Regulation Order should Members resolve to approve the application. The local highway authority has confirmed that the current 30mph speed restriction imposed by a Traffic Regulation Order for the Oakleigh Fields development opposite the site is located approximately at the proposed entrance into the application site subject of this application. The 30mph speed restriction is likely to be extended south west beyond the proposed access into the development site and would be subject of a further Traffic Regulation Order.

As highlighted earlier in the report, further consultations have been undertaken with third parties and a Ward Councillor in respect of the revised scheme. Some of the issues raised have previously been addressed in the committee report presented to Members of the Planning Committee at its meeting on 31st January 2024 and remain unaffected by the revised proposals. Other issues raised centre on provision of zebra crossing from junction of Priorwood Close to new pedestrian access onto proposed maintenance track / pedestrian footway; reduction of speed limit along Sandsfield Lane to 30mph; provision of bus stop / shelter to assist re-configuration of existing bus route to serve this development and existing developments; advertising of development prior to decision; potential other 'phases' of the development; and detrimental impact on NHS services. The views of the relevant statutory consultees have been sought in respect of these issues and are discussed in the paragraphs below.

#### Provision of Zebra Crossing across Sandsfield Lane linking Priorwood Close to the development site

The local highway authority considers that the provision of a zebra crossing is not warranted in this location. Subject to suitable visibility from the proposed pedestrian crossing location, the amount of traffic travelling along Sandsfield Lane would not be a significant barrier to allow pedestrians to cross Sandsfield Lane in safety or cause significant delays in crossing. This assessment, would apply for any formal, controlled pedestrian crossing, be that a Zebra / Penguin / Toucan etc. In overall terms, the request for the provision of a Zebra Crossing would be contrary to the



objectives of the Community Infrastructure Levy Regulations 2010 and the NPPF.

#### Reduction of speed limit along Sandsfield Lane to 30mph

The key factors that should be taken into account in any decisions on local speed limits are:

- history of collisions
- road geometry and engineering
- road function
- composition of road users (including existing and potential levels of vulnerable road users)
- existing traffic speeds
- road environment

The local highway authority could not support this proposal as the development would not contribute to the issues raised and would not comply with the normal 30mph speed criteria.

#### Provision of bus stop / shelter to assist re-configuration of existing bus route to serve this development and existing developments

The local highway authority advises that Stagecoach, as public transport provider, would have to be approached and agree to amend its service; however, currently there is no suitable turning route for a bus service until such time further developments are developed to the west.

#### Advertising of development prior to decision

This is not a planning issue and can not be considered as part of the determination of this application.

#### Potential other 'phases' of the development

As Members are aware, each application is dealt with on its own merits. The application before Members seeks permission for residential development and associated infrastructure. The submitted drawings illustrating the built development to be located in the southern section of the application site adjacent to Orton Road. Officers are unaware of any details relating to a second phase of development.

#### Detrimental impact on existing NHS services

It is acknowledged the pressures that NHS services are experiencing; however, this has to be addressed on a national level and is not for individual developers to address.

The originally submitted report is appended; however, for clarity and as previously outlined in the Update Report for the 31st January 2024 Members should be aware of the following corrections:

- 9 discounted sale properties would be provided by the development as opposed to the 8 stated in the report.
- the requirement for mitigation to deal with nutrient neutrality has also been included within the Section 106 obligations.
- the conditions attached in Appendix 1 of this report now include minor amendments as outlined in the Update Report of the 31st January Planning Committee meeting and revisions for the updated drawings now presented to this meeting.

It is recommended that “authority to issue” approval with the conditions listed in Appendix 1 be granted to the Assistant Director of Thriving Place and Investment subject to a satisfactory nutrient mitigation scheme to reduce the impact of nutrient pollution on the River Eden SAC and the completion of a satisfactory Section 106 legal agreement to secure:

- i. provision of affordable housing (9 discounted sale properties and 9 affordable rented properties);
- ii. the payment of £409,800 towards secondary education;
- iii. the payment of £6,500 towards a Traffic Regulation Order;
- iv. the payment of £6,600 towards a Travel Plan monitoring fee;
- v. the payment of £78,433.50 to enhance, increase accessibility, and upgrade existing facilities on Yewdale Road and Richmond Green;
- vi. the payment of £29,484 toward the provision of artificial pitches district wide;
- vii. the management of on-site open space; and
- viii. mitigation to deal with nutrient neutrality.

If the Section 106 legal agreement is not signed or a satisfactory resolution to nutrient pollution through an appropriate mitigation scheme is not agreed, authority be given to the Assistant Director of Thriving Place and Investment to issue refusal.

### **The original committee report follows with new Appendices 1 and 2**

#### **Relevant Development Plan**

Carlisle District Local Plan 2015-2030

#### **Reason for Determination by the Planning Committee**

This application is of strategic significance and is reported to Planning Committee as the application is for a housing development which covers an area exceeding 2 hectares.

## Recommendation

It is recommended that “authority to issue” approval with the conditions listed in Appendix 1 be granted to the Assistant Director of Thriving Place and Investment subject to a satisfactory nutrient mitigation scheme to reduce the impact of nutrient pollution on the River Eden SAC and the completion of a satisfactory Section 106 legal agreement to secure:

- i. provision of affordable housing (9 discounted sale properties and 9 affordable rented properties);
- ii. the payment of £409,800 towards secondary education;
- iii. the payment of £6,500 towards a Traffic Regulation Order;
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- v. the payment of £78,433.50 to enhance, increase accessibility, and upgrade existing facilities on Yewdale Road and Richmond Green;
- vi. the payment of £29,484 toward the provision of artificial pitches district wide;
- vii. the management of on-site open space; and
- viii. mitigation to deal with nutrient neutrality.

If the Section 106 legal agreement is not signed or a satisfactory resolution to nutrient pollution through an appropriate mitigation scheme is not agreed, authority be given to the Assistant Director of Thriving Place and Investment to issue refusal.

## 1. Site and Location

- 1.1 The application site, equating to approximately 5.83 hectares, of agricultural land is located to the west of the junction of Orton Road and Sandsfield Lane, Carlisle; however, the area of land on which the proposed dwellings are to be sited extends to 3.3 hectares with the remainder of the land to the northwest to include land used for the provision of an attenuation basin for the disposal of surface water and the associated outfall into an unnamed watercourse located to the west of the site. The site gradually falls from south to north with its boundaries consisting of a combination of post and wire fencing, mature trees and hedgerows. A line of electricity pylons also crosses the northwestern, proposed undeveloped section of the site, on a north-south axis. There is an existing field access off Orton Road approximately 70 metres from the junction of Orton Road and Sandsfield Lane.
- 1.2 Located on the western periphery of the city, the proposed built form of the application site, is bordered on its north eastern boundary by Sandsfield Lane beyond which is the residential housing estate of Holmrook Road. The proposed attenuation basin, located in the northern section of the application site, would be opposite Priorwood Close separated by Sandsfield Lane. Immediately to the south east of the proposed housing, adjacent to Orton Road, is Oakleigh Fields a housing development of 156 dwellings currently being developed. A cluster of residential properties at Bunkers Hill is located

adjacent to the south western boundary of the application site which includes a terrace of three Grade II listed properties and a Grade II listed Dovecote. Views of the heritage assets are largely restricted by mature landscaping which separates the existing dwellings from the application site.

## **2. Proposal**

- 2.1 The proposal is seeking full planning permission for residential development and associated infrastructure. The submitted documents illustrating the development of 90 dwellings on the southern section of the site immediately adjacent to Orton Road with an attenuation basin located within the northern part of the site. The development would consist of 10 different house type and these would include: 6no. two storey terraced / semi-detached 2 bedroom dwellings; 3no. single storey detached two bedroom dwellings; 11no. two storey detached 3 bedroom dwellings (with / without attached garage); 13no. two storey detached 4 bedroom dwellings (with attached garage); 7no. two storey 4 bedroom detached dwellings (with attached garage); 20no. two storey 3 bedroom semi-detached dwellings; 9no. two storey 3 bedroom semi-detached dwellings; 2no. storey and half detached 3 bedroom dwellings (with attached garage); 7no. two and half storey 5 bedroom dwellings (with / without attached / detached garages); and 12no. two storey detached 4 bedroom dwellings (with attached garage).
- 2.2 In-curtilage parking provision and external amenity space to serve each of the dwellings would be provided together with visitor parking spaces throughout the proposed development.
- 2.3 The dwellings would be constructed from a palette of materials including red, buff and brown facing brick and render under Anthracite concrete tiled roofs. The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of; sills and lintels; quoins; brick detailing: open porches; bay windows; two-storey projecting gables; single-storey projections; with some dwellings having integral garages, attached garages or detached garages.
- 2.4 Vehicular access to the site would be taken from Orton Road along the southern site boundary. A 2 metre wide pedestrian footpath would be formed from the site access to the junction of Sandsfield Lane and Orton Road to provide a continuation of the existing footpath positioned on the opposite side of the junction of Sandsfield Lane. An Emergency Vehicle Access would be provided onto Sandsfield Lane.
- 2.5 An attenuation basin SUDS pond linked to the built form of the development by a maintenance track would be provided in the northern section of the application site to accommodate surface water from the proposed development.

### 3. Relevant Planning History

3.1 There is no relevant planning history.

### 4. Consultations and Representations

**Local Education Authority:** - this is full application for 90 houses at the west of the junction on Orton Road and Sandsfield Lane, Carlisle. The development site is 5.83 hectares, but the houses are only on 3 hectares of that site.

A dwelling-led model has been applied to the housing mix of 9 x 2 bed, 42 x 3 bed, 39 x 4+ bedroom houses, which theoretically estimates a yield of 36 children: 21 primary and 15 secondary pupils for the schools. The primary catchment school for this development is Great Orton (3.11 miles measured from approximate centre of the site of the proposed houses) and Caldew is the catchment secondary for this development (3.39 miles). The next nearest schools are Yewdale (1.1 miles) for primary and Morton (1.27 miles) for secondary, both of which are closer than the catchment schools.

The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are five developments affecting the primary schools used for this assessment and seven affecting the secondary schools. The table attached shows both the catchment, and nearest, primary and secondary schools and the developments that will affect them.

**PRIMARY** - there are no places available in the catchment school of Great Orton to accommodate the primary yield once development is first considered. There are 7 other primary-age schools within the walking threshold of 2 miles (and closer to the development) which can accommodate all of the required 21 primary age children an education contribution would not be sought

**SECONDARY** - after development is first considered there are currently 23 available places in the catchment school of Caldew Academy, to accommodate the secondary pupil yield. However, when taking into consideration Morton Academy which is nearer to the development, there are no secondary places available. A contribution of £409,800 (15 x £27,320) would be required for secondary education

**NOTE:** Projections represent a snapshot in time and all figures can be subject to change as further information becomes available. It should be noted that there may be other potential developments that may affect these schools, but as they haven't been approved at this stage, have not been included in the calculations.

**Local Highway Authority:** - following the receipt of additional information raise no objections subject to the imposition of pre-commencement conditions and a financial contribution to a Traffic Regulation Order and Travel Monitoring Plan. The recommended pre-commencement conditions would require the submission of further details in respect of: carriageway, footway, footpaths, cycleways etc design; provision of visibility splays; height of boundary treatment at entrance to development; provision of footways; provision of base course level and street lighting prior to occupation; provision of Construction Traffic Management Plan; submission of Travel Plan; and an annual report reviewing the Travel Plan. The financial contribution towards a Traffic Regulation Plan would fund revisions to the speed limit order, moving the 'village gateway' sign and other traffic calming measures. A further financial contribution would fund a monitoring of the Travel Plan.

**Lead Local Flood Authority:** - The proposed drainage scheme is satisfactory and raise no objections subject to the imposition of a pre-commencement condition requiring the submission of a surface water drainage scheme.

**United Utilities:** - whilst the strategy for the disposal of foul and surface water is acceptable in principle, there are elements of the detailed drainage design that may not be acceptable to United Utilities (UU) from an adoptability point of view, and will require resolution by the applicant if they intend to offer the wastewater assets for adoption by UU. These elements include: access for maintenance whilst a vehicular access to the basin appears to have been provided, UU would also need a footpath/maintenance track around the perimeter of the basin (with 2m easement). Erosion protection at inlets and silt protection required this should be provided in the form of a sediment forebay which should be sized at least 10% of the basin size; side slopes are not confirmed these should vary between 1:3 and 1:5 (1:5 required at the headwalls); the shape of the basin should attempt to mimic natural shapes as much as possible, avoiding straight lines. A 3:1 length:width ratio is required, with flow path maximised.

Accordingly, UU request that the proposed drainage strategy is not approved until such time as all concerns are resolved or the applicant confirms they do not intend to offer the wastewater assets for adoption by UU. It is also The applicant should contact our Wastewater Developer Services team regarding this matter.

**Sport England North West:** - the proposed development does not fall within Sport England's statutory remit, therefore, Sport England has not provided a detailed response in this case;

**Northern Gas Networks:** - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail;

**Natural England:** this proposal potentially affects European Sites vulnerable to nutrient impacts as advised in Natural England's overarching advice sent to local planning authorities in March 2022. When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our Natural England's overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts. Natural England advises that its Standing Advice should be used to assess any impacts on protected species and ancient woodland / veteran trees;

**Beaumont Parish Council:** - objects to the proposal on the following grounds:

- over development of the site - over 40% of the houses have a garden size of less than 80m<sup>2</sup>;
- there is no communal green space or children's play areas
- visitor parking - only 18 visitor parking places for 90 houses which will result in cars being parked in such a way ie on roadside/pavement that could restrict emergency services, service vehicles, and pedestrians walking on the road
- the land has not previously been earmarked or designated as building land in any recent Council documentation. Instead this is currently prime agricultural land which would be lost
- pressure on local schools - an additional 246 homes (90 on this proposed application on top of the 156 Story Homes already being built) will put unsustainable pressure on local Junior schools. The parish council have recently experienced this as Burgh by Sands and having lobbied the local MP and been informed by the local council that there is no funding available to increase classroom sizes

**Cummersdale Parish Council:** - object to this application and would like the opportunity to raise concerns and request refusal of the application:

- Local Plan, this site was not included in the Carlisle & District Local Plan and should be considered with the developments in Carlisle West included in the proposed Morton Development 722 dwellings and the Garden Village, delivering 10,000 homes. This development should be subject to public consultation, as such included for consideration in the new local plan for Cumberland Council. This is an example of the development considered individually not the cumulative effect on the area as with other recent developments in this vicinity
- Lack of infrastructure, traffic flows at the existing junction of Orton Road/Wigton Road is over capacity, this was outlined in the Oakleigh Fields application, this development adds stress to the junction taking it over capacity. The members request a revised traffic flow assessment, as they do not reflect the movements that Oakleigh fields will generate or the proposed James Rennie Sixth form. Sandsfield lane, has major issues with speeding vehicles and volume of traffic. The application indicated 2% of traffic will use this lane, currently the volume of traffic has increased with the direct link to the CNDR, linking Kingstown & Kingmoor

for employment. This lane should be assessed, with revisions to improve its safety as it would anticipate more than 2% use.

- School places, secondary school places at Morton Academy is at capacity, primary school provisions at Yewdale as has available places, however the development is outside the catchment area for the school (on the boundary), places are not guaranteed. With 284 pupils on roll, the school has a major problem with a demand for parking at drop off and pick up times currently, this would exacerbate if the school was to capacity with the influx of children from the nearby developments
- Water discharge, there is an issue with the highway gullies between the site and the entrance to Prior wood Close which regularly overflows and the camber directs this across the road. The increase in discharge may affect this gully, the rainwater study was undertaken in January 2022, during a light period of rain, this may not be a true reflection of the impact of the development
- Section 106 funds, this funding should be allocated to the local area, Yewdale Community Centre require capital to improve and invest in the early years provision, this should be included in the legal agreement

**Place, Sustainable Growth & Transport - Climate & Waste:** - raise no objections to the proposal;

**Neighbourhoods - Health & Wellbeing:** have the following comments

- General. A development of this size needs to provide onsite and/or access to high quality green space to meet a range of recreational needs.
- Quantity. It is not clear from the Design and Access statement or the landscaping plans the amount of accessible and useable public open space. The Local Plan target of 3.6Ha/000 population which equates to 1.1 Ha based on an occupancy of 307. 0.09 Ha is being provided on site therefore a contribution to the upgrade of the nearby open spaces in Yewdale and Richmond Green would be required. As 9% is being provided on site this equates to £80,945.
- Layout. The proposed layout does not appear to put green space at the heart of the development as per the design and access statement. The green space at the entrance to the development is small and has less amenity value than of a Neighbourhood Green as described by the agent.
- Accessibility. There is walking and cycling access via both Orton Road and Sandisfield Lanning.
- Play Provision. There is no play provision proposed on site. A contribution towards nearby facilities to enhance, increase accessibility and upgrade would be sought. This would be split between Yewdale Road and Richmond Green. The total for new facilities is £156,867 – as there are existing facilities which only require upgrading this would be reduced by 50% to £78,433.50.
- Sports Pitch Provision. A contribution towards District Wide provision (artificial pitches) would be required of £29,484.
- Management. The developer will be required to ensure appropriate measures are put in place for the management of any new open space provided through this development.



**Environmental Health:** - no objections subject to imposition of conditions to ensure that there is no adverse impact on the occupiers of residential properties through unacceptable construction hours, noise/vibration, disturbance and dust. Recommends additional conditions be included in respect of unidentified contamination and electric vehicle car charging points;

**Environment Agency (N Area (+ Waste Disp & Planning Liaison Team):** - no objections or comments regarding the proposal subject to informative advising applicant of the requirement to obtain necessary permits under its legislation;

**Cumbria Fire & Rescue Service:** - no objections;

**Cumbria Constabulary - Designing Out Crime Officer:** - no objections;

**Historic Environment Officer:** - the applicant has commissioned an archaeological geophysical survey of part of the development area. The results indicate that there is a low potential for archaeological assets to survive within the site, therefore, confirm there are no objections to the application and that do not wish to make any further comments;

**National Grid:** - no National Grid Electricity Transmission assets affected in this area.

**Electricity North West:** comments awaited;

**Housing Development:** in overall terms raise no objections to the development; however, Cumberland Council expectations are that affordable properties will meet the space standards adopted by legacy Councils. The minimum size for a 3 bed 4 person home is specified in section 9.2 of the legacy Carlisle Council's Affordable and Specialist Housing SPD as 80 m<sup>2</sup>. The Council's expectations are that the developer will amend their plans to ensure that properties that do not meet the Council's standards are not used for social or affordable rented properties. There may be some leeway for properties allocated as discounted sale.

- 4.1 This application has been advertised by the direct notification of twenty-six neighbouring properties and the posting of site and press notices. In response, eighteen representations of objection have been received. The Councillor for Yewdale, Councillor Miss Jeanette Whalen has also made a representation.
- 4.2 The representations have been reproduced in full for Members, however, in summary the issues raised are:
1. impact on highway safety arising from extra traffic and location of proposed junction with other road junction;
  2. development would result in extra traffic using Sandsfield Lane where

- there is no footpath or street lighting;
- 3. questions findings of traffic survey;
- 4. construction traffic from an adjacent development currently use Sandsfield Lane, therefore, construction traffic management plan ensure construction traffic avoid Sandsfield Lane;
- 5. exacerbate poor conditions of existing highway surfaces within the vicinity;
- 6. suitability of road design and parking provision within the development;
- 7. adequacy of access roads to accommodate refuse vehicles;
- 8. questions how emergency vehicle access would operate and whether it would set a precedent for further accesses onto Sandsfield Road;
- 9. Police are aware of speeding traffic along Sandsfield Lane;
- 10. current speed restriction along Sandsfield Lane should be reduced from 40mph to 30mph;
- 11. development would take agricultural land out of production;
- 12. unallocated site within the local plan;
- 13. overdevelopment of site;
- 14. no social or play spaces within the development;
- 15. potential noise and disturbance from the development should be controlled;
- 16. communications between developer and residents should be pro active;
- 17. exacerbate existing noise and disturbance experienced by residents which has arisen from nearby development;
- 18. potential exacerbation of flooding within the vicinity;
- 19. area around SUDs basin should also provide wildlife and public amenity feature;
- 20. loss of trees and hedgerows;
- 21. detrimental impact on biodiversity;
- 22. adequacy of school places to accommodate children from the development;
- 23. distance from service provision;
- 24. development in vicinity of power lines.

#### 4.3 The Councillor for Yewdale Ward expressed the following comments:

- 1. the road at the top of Orton Road and Sandsfield Lane is a dangerous junction. Cars are coming from the A689, and many cars are not at the speed limit at this point in the road. Even though there have only been two crashes in 5 years, for residents who live in the area, it is surprising that there have not been more accidents. As a local resident, I am aware of many near misses here.
- 2. regarding the bus service, the statement in the report that there are 6 per hour is unreliable. Many residents have made me aware that buses are often cancelled due to bus driver shortages and sometimes there is a wait for up to 40 minutes for a bus into town. This is not ideal for a housing site for people who wish to come into the town centre to work or shop using sustainable transport.
- 3. regarding the previous build of Story Homes, Residents at St Edmunds Park experienced disruption due to noise and dust that came on to their homes. If this development is to be accepted, I would urge that the noise

and emissions of dust would be kept to a minimum. The times of work should be restricted at weekends and need to be specified as per building regulations. The communication between the developer and the local residents needs to be proactive and considerate of how the building work will affect the day to day lives of those who live nearby. I support the residents in the area but realise that housing developments will come into the area but it is paramount that the safety and day to day life of the residents is taken into account when these decisions are undertaken.

## **5. Planning Policy**

- 5.1 Section 70(2) of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 5.2 The relevant national planning policies against which the application is required to be assessed are the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG).

## **Development Plan**

Carlisle District Local Plan 2015-2030

- SP2. Policy SP 2 - Strategic Growth and Distribution
- SP6. Policy SP 6 - Securing Good Design
- SP7. Policy SP 7 - Valuing our Heritage and Cultural Identity
- HO1. Policy HO 1 - Housing Strategy and Delivery
- HO2. Policy HO 2 - Windfall Housing Development
- HO4. Policy HO 4 - Affordable Housing
- IP2. Policy IP 2 - Transport and Development
- IP3. Policy IP 3 - Parking Provision
- IP4. Policy IP 4 - Broadband Access
- IP6. Policy IP 6 - Foul Water Drainage on Development Sites
- CC5. Policy CC 5 - Surface Water Management and Sustainable Drain

- CM4. Policy CM 4 - Planning Out Crime
- CM5. Policy CM 5 - Environmental and Amenity Protection
- HE3. Policy HE 3 - Listed Buildings
- GI1. Policy GI 1 - Landscapes
- GI3. Policy GI 3 - Biodiversity & Geodiversity
- GI4. Policy GI 4 - Open Space
- GI6. Policy GI 6 - Trees and Hedgerows

## **6. Other Material Planning Considerations**

- 6.1 The 'Cumbria Landscape Character Guidance and Toolkit (March 2011)', The Cumbria Development Design Guide together with Carlisle City Council's Supplementary Planning Documents 'Achieving Well Designed Housing', 'Affordable and Specialist Housing'; 'Designing Out Crime'; and 'Trees and Development'.
- 6.2 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA) which is a further material planning consideration.
- 6.3 Also relevant in the determination of this application are the Conservation of Habitats and Species Regulations 2017 and the Nation Design Guide (2021).

## **7. Assessment**

7.1 The following are the main issues in the consideration of this application:

1. Principle Of Development
2. Layout, Scale, Appearance, Access And Landscaping
3. Impact Of The Proposal On Existing Trees and Hedgerows
4. Impact Of The Proposal On The Amenity Of The Occupiers Of Neighbouring Properties
5. Impact Of The Proposal On The Nearby Listed Buildings
6. Highway Issues And Accessibility
7. Affordable Housing, Education And Recreational Provision

8. Impact Of The Proposal On Archaeology
9. Contaminated Land
10. Effect Of The Proposal On Biodiversity And Nature Conservation Interests
11. Flood Risk and Proposed Drainage Methods
12. Crime and Disorder
13. Waste/ Recycling
14. Other Matters

1. Principle Of Development

- 7.2 The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans can provide for sufficient housing and other development in a sustainable manner (paragraph 1 of NPPF). To achieve sustainable development paragraph 7 of the NPPF outlines: *"the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs ... "* Paragraphs 10 stating: *"so that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** "*. In respect of decision taking Paragraph 11 c) highlighting: *"approving development proposals that accord with an up-to-date development plan without delay"*.
- 7.3 The achievement of sustainable development is reiterated at a local level in the Carlisle District Local Plan 2015-2030 (local plan). The local plan seeking to ensure the provision of a range of new housing to help meet the needs of the whole community and to create opportunities for better neighbourhoods. The application site is not an allocated site under Policy HO1 of the local plan; however, this does not preclude the development of unallocated sites. Policy HO2 of the local plan recognising that windfall housing contributes in a positive way to the supply of housing over the plan period. Within the built-up areas of Carlisle, Brampton and Longtown, particularly but not exclusively within the Primary Residential Areas, there are likely to be opportunities for new residential development, either through the development of vacant sites, the conversion of vacant buildings, or as part of a larger mixed use scheme.
- 7.4 Policy HO2 of the local plan outlining that:
- "New housing development on sites other than those allocated will be acceptable within or on the edge of Carlisle, Brampton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the local plan and:*
1. *the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;*

2. *the scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement where the housing is proposed;*
3. *on the edge of settlements the site is well contained within existing landscape features, is physically connected, and integrates with the settlement and does not lead to an unacceptable intrusion into open countryside;*
4. *in the rural area there are either services in the village where the housing is proposed, or there is good access to one or more other villages with services, or to the larger settlements of Carlisle, Brampton and Longtown; and*
5. *the proposal is compatible with adjacent land users.*

*Within rural settlements applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural communities.*

*Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community."*

- 7.5 In respect of the application before Members, the application site is located on the edge of Carlisle which, the largest urban area in Cumbria, and can sustainably support this scale of windfall housing schemes. The proposal is appropriate to the scale, form, function, and character of this part of Carlisle, which is characterised by large-scale, urban housing estates. The built part of the site contained within existing landscape features, therefore, would not constitute an unacceptable intrusion into open countryside especially when considered within the context of recent construction that has taken place on the opposite side of Orton Road.
- 7.6 As to the potential for the development to prejudice the delivery of the spatial strategy of the local plan, the council's Planning Policy Officer has been consulted on the application and considers that the scale and character appropriate to the scale, form, function, and character of surrounding development in this part of Carlisle. The council has seen good take and build-out up of the housing allocations in the local plan, and the council has evidence of developer interest in the remaining, unimplemented sites in this part of the city. Accordingly, the proposal will not prejudice the delivery of the spatial strategy of the local plan.
- 7.7 In summary, the land is not allocated in the local plan for housing development; however, this does not preclude the development of unallocated sites. It is a well-established planning principle enshrined in current planning policies transparent at both national and local level that windfall sites contribute in a positive way to the supply of housing. Furthermore, the proposal would not prejudice the delivery of the spatial strategy of the local plan. In overall terms, the principle of development accords with both national and local planning policies, therefore, the principle of housing on this site is deemed acceptable.

## 2. Layout, Scale, Appearance, Access And Landscaping

- 7.8 Paragraph 6 of the National Design Guide refers to the expectations of good design in the NPPF. Paragraph 131 of the NPPF outlining that: *"the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities"*. To achieve well-designed and beautiful places paragraph 135 of the NPPF highlights that: *"Planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience"*.
- 7.9 It is further appropriate to be mindful of the requirements in paragraph 139 of the NPPF which states: *"development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes"*.
- 7.10 High quality design is also a key thrust of the local plan's strategic overarching strategy. Policy SP6 of the local plan seeking to ensure that proposals respond to the local context taking account of established street patterns, making use of appropriate materials and detailing, and reinforcing local architectural features to promote and respect local character and distinctiveness. Policies HO2 seeking to ensure that the scale and design of development is appropriate to the scale, function and would not result in a cramped form of development out of character with the surrounding environment.
- 7.11 When assessing the character of the area, the proposed development is appropriate to the scale, form, function and character of this part of Carlisle, which is characterised by large-scale, urban housing estates of differing ages and styles. The built form of the development following that of this section of the application site enclosed by existing and reinforced landscaping together

with green spaces at the entrance to development and landscaping within the development itself. This would help to soften and settle the development into the landscape character of the area and not constitute an unacceptable intrusion into open countryside.

7.12 The development would consist of 10 different house types each served by in-curtilage parking provision and external amenity space with the submitted documents detailing that: *"90 new homes will be provided to allow a mix of unit types, sizes and tenures, thereby meeting the requirements of a wide range of residents of varying family size, age and income. In this way all members of the community can be provided for and the allowance is created for residents to move between different homes as personal circumstances change, without having to leave their neighbourhood to do so ...the housing mix aims to strike a balance between meeting the housing needs of existing local residents and providing a wider choice of aspirational housing in terms of size, type, tenure and price which enables both the existing community to relocate within the neighbourhood and also to attract new residents to the area"*.

7.13 The dwellings would be constructed from a palette of materials including red, buff and brown facing brick and render under Anthracite concrete tiled roofs. The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of; sills and lintels; quoins; brick detailing: open porches; bay windows; two-storey projecting gables; single-storey projections; with some dwellings having integral garages, attached garages or detached garages.

7.14 Turning to the issue of density and the most effective use of land, the Planning Practice Guidance (PPG) provides guidance to assist local councils in developing policies and identifies planning considerations. In respect of supporting more effective use of land Paragraph 005 Reference ID: 66-005-20190722 Revision date: 22 07 2019 of the PPG states that:

*"How can density be measured for planning purposes?"*

*Different measures of density can be used to help make effective use of land, including optimising the housing potential of particular areas or sites by identifying appropriate building forms:*

- *Plot ratio measures can help to indicate how a development will relate to its surroundings and the provision of open space within the site. For example the site coverage ratio (gross external ground floor area ÷ site area) indicates the ratio of building cover to other uses.*
- *Bedspaces per hectare: indicates the density of potential residential occupation.*
- *Dwellings per hectare: measures the number of homes within a given area.*

*Dwellings per hectare, used in isolation, can encourage particular building forms over others, in ways that may not fully address the range of local*



*housing needs. For example, an apartment building containing one person studios could deliver significantly more dwellings per hectare, but significantly fewer bedspaces per hectare, than a terrace of family-sized townhouses on a similarly sized site. It is therefore important to consider how housing needs, local character and appropriate building forms relate to the density measures being used".*

- 7.15 The application site equates to approximately 5.83 hectares of agricultural land is located to the west of the junction of Orton Road and Sandsfield Lane, Carlisle; however, the area of land on which the proposed dwellings are to be sited extends to 3.3 hectares with the remainder of the land to the northwest to include land used for the provision of an attenuation basin for the disposal of surface water from the development. The proposal seeks to erect 90 dwellings on a site of 3.3 hectares (excluding the area set aside for the attenuation basin) which equates to 28 dwellings per hectare with each of the dwellings served by in-curtilage parking and external amenity space. As Members are aware, each application is dealt with on its own merits; however, and by way of background information the proposed housing density equates to that of the housing development, Oakleigh Fields, currently under construction on the opposite side of Orton Road previously accepted by Members of Carlisle City Council's Development Control Committee.
- 7.16 As highlighted earlier in the report, the area is characterised by large-scale, urban housing estates of differing ages and styles. The built form of the development would be enclosed by existing and reinforced landscaping together with green spaces at the entrance to development and landscaping within the development itself. This would help to soften and settle the development into the landscape character of the area and not constitute an unacceptable intrusion into open countryside.
- 7.17 The development would consist of 10 differing house types and tenures constructed from a palate of materials with a range of features adding visual interest and variety to the proposed development each served by its own in-curtilage parking provision and external amenity space. Furthermore, public and private spaces are considered to be well defined and overlooked. The layout of the proposed dwellings are such that each dwelling has space to accommodate refuse / recycling bins.
- 7.18 Well-defined streets and spaces would be formed, which would be easy to navigate and not encourage inappropriate vehicle speeds integrating resident and visitor parking. An Emergency Vehicle Access would be provided onto Sandsfield Lane. In addition, a 2 metre wide pedestrian footpath would be formed from the site access to the junction of Sandsfield Lane and Orton Road to provide a continuation of the existing footpath positioned on the opposite side of the junction of Sandsfield Lane.
- 7.19 An attenuation basin SUDS pond linked to the built form of the development by a maintenance track would be provided in the northern section of the application site to accommodate surface water from the proposed

development.

- 7.20 In overall terms, the proposal would maximise the use of the site and would be of an appropriate density taking into account the character and nature of dwellings in the vicinity of the site and that of modern housing. The proposal would achieve adequate amenity space and off-street parking and incorporate existing and proposed soft landscaping. In overall terms, the proposal would respond to the local context and would not be disproportionate or obtrusive within the street scene. Accordingly, there is no conflict with planning policies.

### 3. Impact Of The Proposal On Existing Trees and Hedgerows

- 7.21 Paragraph 136 of the NPPF recognises the importance of trees by outlining that: *"trees make an important contribution to the character and quality of urban environments and can also help to mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are trees lined"*. The aim of the NPPF is reiterated in Policy GI6 of the local plan which seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the city council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further endorsed in Policy SP6 which requires all developments to consider important landscape features and ensure the enhancement and retention of existing hedges.
- 7.22 Furthermore, the Carlisle City Council's SPD 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 7.23 The application refers to the retention / reinforcement of the hedgerows to the periphery of the site (with the exception of vehicular and Emergency Vehicles Accesses) together with specimen trees within the development site itself. The Arboricultural Impact Assessment, submitted as part of the application, includes a Root Protection Area and Barrier Specification. No specific details have been provided in respect of the species / size to be used in the reinforcement of boundary hedgerows or the specimen trees within the development. Accordingly, should Members resolve to approve the application it would be appropriate to impose a condition requiring the submission of a detailed landscaping scheme together with a further condition ensuring the protection of the retained trees and hedgerows prior to commencement of development.

#### 4. Impact Of The Proposal On The Amenity Of The Occupiers Of Neighbouring Properties

- 7.24 Development should be appropriate in terms of quality to that of the surrounding area. Policy SP6 of the local plan seeking to ensure that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments through unacceptable loss of light, overlooking or over-dominance. This is echoed and reinforced in the City Council's SPD 'Achieving Well Designed Housing'.
- 7.25 On the matter of privacy, Carlisle City Council's SPD "Achieving Well Designed Housing", states that:
- "Where a development faces or backs onto existing development, in order to respect privacy within rooms a minimum distance of 21 metres should usually be allowed between primary facing windows (and 12 metres between any wall of the building and a primary window). However, if a site is an infill, and there is a clear building line that the infill should respect, these distances need not strictly apply. (paragraph. 5.44). While it is important to protect the privacy of existing and future residents, the creation of varied development, including mews style streets, or areas where greater enclosure is desired, may require variations in the application of minimum distances" (paragraph. 5.45).*
- 7.26 In this respect, the closest residential dwelling to the application site, Sanjo Bunkers Hill, is located to the southwest of the development. The submitted drawings illustrate that the rear elevation of Plot 54 would be located 17.9 metres from the gable elevation of Sanjo; however, the orientation of Sanjo is such that the primary windows of Plot 54 would face onto a blank gable elevation of Sanjo which exceeds the minimum distance of 12 metres as outlined in the SPD to protect against loss of privacy. Furthermore, the orientation of Sanjo together with the separation distances between the existing and proposed dwellings would not result in loss of light or over-dominance.
- 7.27 When considering the living conditions of the neighbouring residents it is appreciated that the proposal, when compared to the existing use, is likely to lead to an increase in noise and disturbance although the significance of such is not considered sufficient to merit the refusal of permission. The increase in traffic is also likely to lead to a greater degree of inconvenience for residents within the vicinity but this is also not considered in itself to be sufficient to merit the refusal of permission. As such, the current proposal is acceptable in terms of any impact on the occupiers of the neighbouring properties.
- 7.28 Whilst it is acknowledged that during the construction phase neighbouring residents and will experience effects such as dust and noise/ disturbance. Should Members resolve to approve the application, conditions are recommended requiring the submission of a Construction Method Statement and a restriction on construction hours.
- 7.29 In overall terms, taking into consideration the scale and position of the

proposed application site in relation to neighbouring properties, the living conditions of the occupiers of the surrounding properties will be compromised through loss of light, loss of privacy or over dominance.

## 5. Impact Of The Proposal On The Nearby Listed Buildings

- 7.30 Paragraph 6 of the NPPF states that:  
*"The purpose of the planning system is to contribute to the achievement of sustainable development"*.
- 7.31 Pursuing sustainable development involves seeking positive improvements in the quality of the historic environment (paragraph 8).

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

- 7.32 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of local planning authorities whilst exercising of their powers in respect of listed buildings. The section states that:
- "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.
- 7.33 Accordingly, considerable importance and weight to the desirability of preserving the adjacent listed buildings and their settings when assessing this current application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 7.34 Protecting and enhancing the historic environment is also an important component of the National Planning Policy Frameworks drive to achieve sustainable development. Paragraph 195 highlights that: *"heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations"*.
- 7.35 Paragraph 201 of the NPPF requires local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 7.36 *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification" (paragraphs 205 and 206 of the NPPF). "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use" (paragraph 208).*
- 7.37 The aims of Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and the NPPF are reiterated at a local level. Policies SP7 and HE3 of the local plan seeking to ensure that listed buildings and their settings are preserved and enhanced. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweigh the harm.
- 7.38 As highlighted earlier in the report, the local planning authority need to have cognizance of: a) the significance of the nearby listed buildings at Bunkers Hill and their contribution made to that significance by their settings; and then assess b) the effect of the proposal on the listed buildings and their settings (inclusive of their significance and on the appreciation of that significance).
- a) the significance of the listed buildings and the contribution made by their settings
- 7.39 As previously highlighted in the report, a cluster of houses at Bunkers Hill lie to the southwest of the application site. Within Bunkers Hill, there is a terrace of three Grade II listed residential properties, West End, Centre House and East End, together with a Grade II listed Dovecote. By way of background, listed buildings within England which are categorised as Grade I, Grade II\* and Grade II. Grade I are of exceptional interest, sometimes considered to be internationally important, only 2.5% of listed buildings are Grade I. Grade II\* listed buildings are particularly important buildings of more than special interest, 5.8% of listed buildings are Grade II\*. The final tier of listed buildings are Grade II listed buildings are of special interest; 91.7% of all listed buildings are in this class and it is the most likely grade of listing for a homeowner. Historic England's website details that: *"surprisingly the total number of listed buildings is not known, as one single entry on the National Heritage List for England (NHLE) can sometimes cover a number of individual units, such as a row of terraced houses. However, we estimate that there are around 500,000 listed buildings on the NHLE".*
- 7.40 The terrace of residential properties was listed by Historic England (formerly English Heritage) as Grade II Listed Buildings in 1957. The listing details for West End, Centre House and East End is as follows:

*"House and stables, now 3 dwellings. Probably 1797 for John Milbourn. Painted rendered walls on chamfered painted plinth, raised V-jointed quoins, moulded cornice and parapet; graduated greenslate hipped roof, hidden by parapet, rendered chimney stacks. Originally 2 storeys, 8 bays, now 11 bays, 3 bays right being formerly blank wall for stables now with matching C20 windows. Central C20 door in eared architrave, side lights and moulded triangular pediment. 2 C19 canted bay windows, all other windows being single-pane sashes in painted stone architraves. C20 door to former servants' quarters to extreme left, now West End. C20 door in end wall right to East End, formerly stables. Centre rear has different roof line: 2 storeys, 4 bays, C20 windows. This could be an earlier house, the deeds in the County Record Office going back to 1770".*

- 7.41 The Dovecote was listed by Historic England as a Grade II listed building in 1976. The listed details is as follow:

*"Former Dovecote. Late C18 or early C19. Mixed river cobbles and red sandstone rubble, graduated Welsh slate roof and glover. 2 storeys, circular plan. Plank doors on ground floor and loft to rear. Roof re-slatted in early 1970s, glover with louvred wooden slats. Interior retains its original brick boulders for approximately 500 nests. See Cumberland & Westmorland Antiquarian & Archaeological Society, old series, ix, pp424-5".*

- 7.42 The terrace, formerly one dwelling, is still largely read as one dwelling and is set within substantial mature grounds. Public viewpoints of the terrace; however, is restricted as it is set back from the county highway partially screened by mature landscaping along the boundaries. The Dovecote is not visible from public viewpoints due to its location to the rear of the terrace.

b) the effect of the proposed development on the listed buildings and their settings

- 7.43 As previously highlighted in the report, Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight need to be given to the desirability of preserving the adjacent listed buildings and their settings when assessing this current application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1). This aim being reiterated in policies within the NPPF and local plan.

- 7.44 Historic England has produced a document entitled 'The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning: 3 (Second Edition)' (TSHA). The document sets out guidance, against the background of the NPPF and the related guidance given in the PPG, on managing change within the settings of heritage assets, including archaeological remains and historic buildings, sites, areas, and landscapes.

- 7.45 The TSHA document details the definition of the setting of a heritage asset as

that contained within Annex 2: Glossary of the NPPF as: *"the surroundings in which heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*.

- 7.46 The document acknowledging that conserving or enhancing heritage assets by taking their settings into account need not prevent change and recommends a staged approach to proportionate decision taking. The TSHA stating that: *"all heritage assets have significance, some of which have particular significance and are designated. The contribution made by their setting to their significance also varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. It can also depend on the location of the asset: an elevated or overlooked location; a riverbank, coastal or island location; or a location within an extensive tract of flat land may increase the sensitivity of the setting (i.e., the capacity of the setting to accommodate change without harm to the heritage asset's significance) or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis"*.
- 7.47 East End, the closest of the Grade II listed buildings to the application site is located approximately 45 metres from the application site and is enclosed by a belt of mature trees and shrubs. Beyond the trees lies a vehicular access track serving Sanjo with a further belt of trees along the shared boundary of the application site. The Dovecote is approximately 75 metres from the application site but by virtue of its location to the rear of the Grade II listed terrace and mature landscaping is largely obscured from public viewpoints with only glimpses of the upper walls and roof visible from within the application site. Accordingly, the proposal will have a less than substantial harm to the significance of the heritage assets and their settings and would not compete or dominate the listed buildings or their settings to detract from their importance.
- 7.48 In accordance with the objectives of NPPF, PPG, Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 and relevant local planning policies, this less than substantial harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use.
- 7.49 In the context of the foregoing, the benefits of the proposal would: a) contribute to achieving the council's housing targets through the development of a windfall site; and b) provide 18 affordable housing units within the development. On balance, the benefits of the proposal outweigh any perceived harm to the listed buildings and their settings.

## 6. Highway Issues And Accessibility

- 7.50 Paragraph 108 of the NPPF outlines that transport issues should be considered from the earliest stages of plan-making and the development proposals so that the potential impacts of developments on transport networks can be addressed. Paragraph 115 expanding by stating that: *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*. Paragraph 117 highlighting that *"all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed"*.
- 7.51 These aims are reiterated in Policies SP6, IP1, IP2 and IP3 of the local plan which seek to ensure that sufficient infrastructure is in place to support development proposals, including adequate highway capacity and achievable access. Development proposals will be assessed against their impact upon the transport network and will be required to demonstrate / provide convenient access to public transport. Policy IP3 of the local plan specifically requires appropriate parking provision, whilst the Cumbria Development Design Guide also sets out recommended parking provision standards.
- 7.52 The submitted details illustrate that vehicular access to the site would be taken from Orton Road along the southern site boundary. A 2 metre wide pedestrian footpath would be formed from the site access to the junction of Sandsfield Lane and Orton Road to provide a continuation of the existing footpath positioned on the opposite side of the junction of Sandsfield Lane. An Emergency Vehicle Access (EVA) is also proposed between Plots 24 and 25 linking the site to Sandsfield Lane. In the unlikely event that the primary access becomes blocked, the proposed EVA would provide an alternative point of access.
- 7.53 In line with the objectives of paragraph 117 of the NPPF, the application was accompanied by a Transport Assessment (TA) which provides information on the traffic and transport planning aspects of the development proposals. The TA identifies the nearest bus stops to the site are located on Queensway close to its junction with Orton Road (approximately 450 metres from the proposed entrance to the site). There are also connections to footpaths and cycle routes.
- 7.54 The Transport Assessment includes detailed assessment of the highway network and future traffic flows. The TA outlining that: "the scope of the assessment that has been undertaken is based upon advice obtained from highway officers at the LHA". In summary, the TA detailed the following:
- the site location and its current use
  - currently Orton Road is subject to a 40mph speed limit along the site frontage although the speed limit reduces to 30mph at a point around 95m north-east of its junction with Sandsfield Lane.
  - The proposals for the Oakleigh Field development (opposite) include a



gateway feature being installed on Orton Road and the 30mph speed limit being extended to a point south-west of the access to the Oakleigh Fields development

- Sandsfield Lane runs in a north-south orientation between Orton Road and a roundabout on the A689 to the north of the site. It is also subject to a posted speed limit of 40mph and is without footways or street lighting
- The crashmap website ([www.crashmap.co.uk](http://www.crashmap.co.uk)) has been used to determine whether there is evidence of an existing safety issues on the road network in the vicinity of the site. The study area includes Orton Road in the vicinity of the site, as well it its junction with Sandsfield Lane and the A689 roundabout. Over the most recent 5-year period, only two accidents occurred in the study area, and both of these resulted in injuries that were classed as 'slight'. Two accidents over a 5-year period is low and the accidents occurred at two different locations. There is therefore no evidence of an existing highway safety issue that could be exacerbated by the increase in traffic volumes generated by the proposed development.
- The Institute for Highways and Transportation (IHT) publication 'Guidelines for Providing for Journeys on Foot' (2000) provides suggested walking distances to some common facilities, which may be used for development planning purposes. This document recognises that although acceptable walking distances will vary between individuals and circumstances, for commuting and school trips a distances 2km is considered as the 'preferred maximum' walking distance. The site is situated where a good range of local amenities are within a reasonable walk distance. The proposals will provide a 2m wide footway on the north-western side of Orton Road between the site access and the existing footway which is in place to the east of Sandsfield Lane. In the built-up area that lies to the east of the site, the roads have footways in place and pedestrian crossings and so amenities can be safely accessed on foot.
- parts of the route between the site and the city centre have cycle lanes or shared pavements in place. Furthermore, much of the road network around the site comprises lightly trafficked streets which are subject to a 30mph speed limit. The topography of the local areas is also fairly flat which provides an environment that encourages cycling.
- The nearest bus stops to the site are located on Queensway, close to its junction with Orton Road. These bus stops are served by frequent services that provide connections to Morton, Newtown, the city centre, London Road and Botcherby. The nearest bus stops to the site are served by the 6 services per hour during weekdays. The journey time into the city centre is around 25 minutes from the bus stop. The buses also provide a connection to Carlisle railway station.
- The closest railway station to the site is Carlisle railway station which is located within 5km of the site and so could be accessed by bike. This train station has cycle parking and provides connections to a range of national destinations such as London, Newcastle and Glasgow.
- A Travel Plan would be implemented at the site in order to encourage the future residents to use sustainable travel modes. A Framework Travel Plan has been produced and accompanies the planning application.

- Traffic flow forecasts that have been used in junction capacity assessments. The scope of the assessment was agreed with the LHA through scoping discussions. Scoping discussions with the LHA revealed the requirement to account for trips from the 153 dwellings, Oakfield Fields, opposite site on Orton Road and is currently under construction.
- Assessments have been undertaken for a single future year of 2028, 5 years after the date of registration of the planning application.
- The results indicate that in 2028 all assessed junctions would work well within capacity and without queues.

7.55 The TA also provides details of the proposed highway design / parking provision / refuse collection / construction traffic for the application site.

Again, in summary, the TA details:

- Access to the development would be provided via a priority junction to be located on Orton Road. The junction would be located with a centre line that is 82m offset from Sandsfield Lane and 47m west of the access to the Story Homes development junction.
- The internal road network has been designed in accordance with adoptable standards set out in the Development Design Guide (Appendix 4 – Highway Design Guidance – Residential).
- The junction of the application site with Orton Road would have a carriageway width of 5.5m, 6m turn radii and 2m wide footways on both side of the access road.
- The site features a 5.5m wide spine road between the site access and the field to the north-west of the site. Three cul-de-sacs are located to the east of the spine road and a road forming a loop would be located to the west of the spine road. Within the site, all junctions will have turn radii of 6m and 2m wide footways will be provided along the entirety of the spine road.
- The three cul-de-sacs will take the form of shared spaces with 2m wide service strips in place where houses are present.
- The northernmost cul-de-sac includes an emergency vehicle access onto Sandsfield Lane. This would feature a bollard that could be removed by emergency operatives in the event that access to the development was required and part of the spine road was obstructed.
- Parking is in accordance with the parking standards outlined in Cumbria Development Design Guide.
- The parking standards also state a requirement for visitor parking at one space every 5 units. Any demands for visitor parking that cannot be accommodated within the curtilage of properties can be accommodated on-street, with the layout showing several areas with formal on-street parking spaces.
- The site has been designed to accommodate a large refuse collection vehicle.
- Details of the construction of the site are yet to be finalised; however, the impacts of construction would be short term and temporary in nature.
- A detailed Construction Traffic Management Plan (CTMP) will be submitted and approved prior to the commencement of the development. The purpose of a CTMP is to identify appropriate measures to reduce the

impacts of construction traffic in the vicinity of the site and on the surrounding highway network are kept to a minimum.

- 7.56 The Highway Authority has been consulted on the application and following the receipt of additional information raise no objections subject to the imposition of pre-commencement conditions and a financial contribution to a Traffic Regulation Order and Travel Plan monitoring fee. The recommended pre-commencement conditions would require the submission of further details in respect of: carriageway, footway, footpaths, cycleways etc design; provision of visibility splays; height of boundary treatment at entrance to development; provision of footways; provision of base course level and street lighting prior to occupation; provision of Construction Traffic Management Plan; submission of Travel Plan; and an annual report reviewing the Travel Plan.
- 7.57 Financial contributions are required of £6,500 towards a Traffic Regulation Order to fund revisions to the speed limit order together with other traffic calming measures. A further financial contribution would fund the monitoring of the Travel Plan. The contributions to the Traffic Regulation Order and the monitoring of the Travel Plan would be secured by a Section 106 legal agreement.
- 7.58 The proposal would include off-street parking provision for the development in the form generally of 2 spaces per property, some with an integral garage, with the addition of 18 visitor spaces. Given that this site has good public transport links and sustainable travel opportunities, this level of parking provision is acceptable. On this basis, therefore, it is not considered that the proposal raises any highway safety issues.
- 7.59 It is acknowledged that the development of the application site will increase vehicular movements within the vicinity; however, the LHA subject to the imposition of conditions do not raise any objections on highway related issues that would preclude permission being granted. Accordingly, the application complies with the objectives of the NPPF and local plan.

## 7. Affordable Housing, Education And Recreational Provision

- 7.60 Policy IP8 of the local plan seeks to ensure that the council works with partners to identify and deliver infrastructure, services, and community facilities to improve the sustainability of its communities. In the first instance new development will be expected to provide infrastructure improvements which are directly related to and necessary to make the development acceptable. These will be identified through the development management process and secured through planning conditions and obligations.

### Affordable Housing Provision

- 7.61 Paragraph 60 of the NPPF states that: *"to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the*

*needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community".*

Paragraph 63 expanding by seeking to ensure that in the context of establishing need the size, type and tenure of housing need for different groups in the community should be assessed and reflected in planning policies.

- 7.62 The aim of the NPPF is reiterated at a local level in Policies HO4 (affordable housing) and HO10 (housing to meet specific needs). Policy HO4 aims to provide a supply of homes of differing tenures to assist those members of the community who are unable to meet their housing needs on the open market. Whilst Policy HO10 seeks to deliver the right type of homes in the right locations to meet the housing needs of Carlisle's population. The council's SPD 'Affordable and Specialist Housing' providing more detailed guidance, clarity and consistency in respect of the implementation of Policies HO4 and HO10.
- 7.63 Policy HO4 of the local plan identifies the application site as being within Housing Zone B which requires all sites of 11 units or over to provide 20% of the units as affordable housing. The application seeks permission for the erection of 90 dwellings which would require an affordable housing contribution of 18 units. The SPD requiring development sites of between 50-99 units to provide 5% of the units as bungalows or other suitable adaptable properties to meet the needs of the ageing population.
- 7.64 The development would provide 18 affordable units, located throughout the application site, 9 of which would be discounted sale properties with the remaining 9 affordable rented properties. Most of the housing development would consist of 2 or 2 and a half storey properties; however, in line with the objectives of the SPD, 3 of the dwellings would be of bungalows (Dee house type) with a further two properties 'dormer' bungalows (Tay house type) which would have a bedroom on the ground floor.
- 7.65 The council's Housing Development Team has been consulted and in overall terms raise no objections to the proposal; however, seeks revisions to the design of the 'Petteril' house type to be offered for social or affordable rent to meet the space standards as outlined in the SPD even though it has previously been accepted on other developments within Carlisle and has been sold on numerous occasions to Housing Associations across Cumbria. The minimum size for a 3 bed 4 person home is specified in section 9.2 of the SPD as 80 square metres; the submitted drawings illustrate a floor space of 78.6 square metres. There may be some leeway for properties allocated as discounted sale.
- 7.66 The applicant has subsequently amended the proposal to reflect the comments of the council's Housing Development Team. The development would still provide 18 affordable units, located throughout the application site, 9 of which would be discounted sale properties with the remaining 9

affordable rented properties. Those properties for affordable rent would consist of 6 'Caldew' house types (2 storey 2 bed properties) and 3 'Dee' house type (single storey 2 bed properties). In overall terms, the proposed level of affordable housing provision accords with the objectives of Policy HO4 and HO10 of the local plan and satisfies the requirements of the SPD in relation to the provision of single storey properties. The provision of the affordable dwellings would be secured through the completion of a Section 106 legal agreement should Members resolve to approve the application.

#### Education Contribution

- 7.67 Policy CM2 of the local plan aims to respond to the need to ensure that there is sufficient choice of school places available to meet the needs of existing and new communities. To assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought.
- 7.68 The Education Authority advises that a dwelling-led model has been applied to the housing mix of 9 x 2 bed, 42 x 3 bed, 39 x 4+ bedroom houses, which theoretically estimates a yield of 36 children: 21 primary and 15 secondary pupils for the schools. The primary catchment school for this development is Great Orton (3.11 miles measured from approximate centre of the site of the proposed houses) and Caldew is the catchment secondary for this development (3.39 miles). The next nearest schools are Yewdale (1.1 miles) for primary and Morton (1.27 miles) for secondary, both of which are closer than the catchment schools.

The methodology for calculating available spaces in schools first considers developments with planning approval, before assessing which schools the developments will impact and what spaces remain for the most recently proposed development. Currently there are five developments affecting the primary schools used for this assessment and seven affecting the secondary schools. There are no primary places available in the catchment school of Great Orton to accommodate the primary yield once development is first considered. There are 7 other primary-age schools within the walking threshold of 2 miles (and closer to the development) which can accommodate all of the required 21 primary age children. As such an education contribution for primary school spaces would not be sought. In respect of secondary places, after development is first considered, there are currently 23 available places in the catchment school of Caldew Academy, to accommodate the secondary pupil yield. However, when taking into consideration Morton Academy which is nearer to the development, there are no secondary places available. A contribution of £409,800 (15 x £27,320) would be required for secondary education.

- 7.69 The provision of the education contribution to secondary school places would be secured through the completion of a Section 106 legal agreement should Members resolve to approve the application.

#### Recreation Provision

- 7.70 Policy GI4 states that new housing developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrade of open space provision in the locality, especially if a deficit has been identified.
- 7.71 The council's Health & Wellbeing Section has been consulted and advises that the proposed layout does not appear to put green space at the heart of the development as per the design and access statement. The green space at the entrance to the development is small and has less amenity value than of a Neighbourhood Green as described by the agent. There is however, walking and cycling access via both Orton Road and Sandsfield Lonning. There is no play provision proposed on site. A contribution towards nearby facilities to enhance, increase accessibility and upgrade would be sought. This would be split between Yewdale Road and Richmond Green. The total for new facilities is £156,867 but as there are existing facilities which only require upgrading this would be reduced by 50% to £78,433.50. A contribution towards District Wide provision (artificial pitches) would be required of £29,484. Furthermore, the developer will be required to ensure appropriate measures are put in place for the management of any new open space provided through this development.
- 7.72 In overall terms, there are no open spaces on the site or play provisions within the site. As such, financial contributions of £78,433.50 are required to enhance, increase accessibility and upgrade existing facilities on Yewdale Road and Richmond Green. A further financial contribution of £29,484 toward the provision of artificial pitches district wide would also be required together with a management plan for the on-site open space. These contributions and management plan would be subject of a Section 106 legal agreement.

## 8. Impact Of The Proposal On Archaeology

- 7.73 The overriding objective of Policy HE2 is to ensure that both designated and non-designated assets are preserved in perpetuity. Where in-situ preservation is not deemed to be appropriate, adequate provision for excavation, recording and analysis will be expected. Development will not be permitted where it would cause substantial harm to the significance of a scheduled monument, or other non-designated site or assets of archaeological interest, or their setting.
- 7.74 The application is accompanied by an Archaeological Geophysical Survey which was undertaken to assess the possible presence of below ground archaeological remains. The survey concludes by outlining that the majority of the anomalies identified by this survey relate to modern material / objects, agricultural activity and natural variations. Several relatively strong linear / curvi-linear anomalies are present and whilst the cause of these is not certain it is likely that they are related to relatively modern features / material.

Numerous trends (discrete anomalies) are also present. The cause of these anomalies is not certain as they are all too weak, short and / or diffuse to reliably interpret. There are several possible groups of trends, which could suggest the presence of sub-surface features / activity but there is no clear evidence to indicate an archaeological origin and it is more likely that they are a product of agricultural, drainage or other modern activity or natural features / variations.

- 7.75 The Historic Environment Officer has been consulted on the application and has confirmed that the results of the Geophysical Survey indicate that there is a low potential for archaeological assets to survive within the site. As such, raise no objections to the application and that do not wish to make any comments.

## 9. Contaminated Land

- 7.76 The application was accompanied by a Phase 2 Ground Investigation Report to assess the possible presence of land contamination. The report details that the land has been in agricultural use since 1868 with no development on the site. Soil testing has been undertaken which finds that there are no elevated levels of contaminants that would preclude the use of the site for residential purposes. The ground gas monitoring that has been undertaken identified that the soil gas conditions were determined as 'Characteristic Situation 2', therefore, gas protection measures should be incorporated into the design of the dwellings which would be addressed at the design stage via the Building Regulations application. A planning condition is also recommended that in the event contamination that wasn't previously suspected or identified can be adequately dealt with.

## 10. Effect Of The Proposal On Nature Conservation Interests

- 7.77 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 7.78 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded granting permission for an application in accordance with paragraph 186 of the NPPF. This is reflected in Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of

conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.

- 7.79 Policy GI3 of the local plan seeks to ensure the protection and, where possible, enhancement of biodiversity assets across the District.
- 7.80 The application was accompanied by a Preliminary Ecological Appraisal of the application site which concludes that: *"the site was found to be of moderate value to roosting bats, high suitability for nesting birds, and moderate suitability for hedgehogs and brown hare due to the hedgerows, grassland, and mature trees on site. The majority of hedgerows and trees are to be retained, other than small sections that need removal for access points meaning the post-development site still offers moderate value to roosting bats and nesting birds"*. The appraisal recommending a series of mitigation / compensation / enhancement measures.
- 7.81 On the basis of the foregoing, it is considered that the proposal is consistent with Policy GI3 of the local plan subject to the imposition of condition that include a requirement that the development is undertaken in strict accordance with the mitigation / compensation / enhancement measures outlined in the Preliminary Ecological Appraisal together with an Informative that deals with the matter of breeding birds.
- 7.82 Alongside other local planning authorities, Carlisle City Council received advice from Natural England about nutrient pollution in the protected habitats of the River Eden Special Area of Conservation (SAC). It is advised that new development within the catchment of these habitats comprising overnight accommodation (which includes new dwellings) can cause adverse impacts to nutrient pollution.
- 7.83 Whilst the council assesses the implications of these matters, it cannot lawfully conclude that development within the catchment of the River Eden SAC will not have an adverse effect. Accordingly, until these matters are resolved, the council will not be able to grant planning permission for developments comprising overnight accommodation (including new dwellings) within the affected catchments. This application cannot, therefore, be formally approved until this issue is resolved. It is recommended that "authority to issue" approval be granted to the Assistant Director of Thriving Place and Investment subject to a satisfactory nutrient mitigation scheme to reduce the impact of nutrient pollution on the River Eden SAC.

## 11. Flood Risk And Proposed Drainage Methods

- 7.84 Paragraph 173 of the NPPF outlines that when determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and that development proposals incorporate sustainable drainage systems, unless there is clear evidence that this would be



inappropriate. In respect of surface water drainage, the PPG detailing a hierarchy of drainage options which aims to discharge surface water run off as high up the hierarchy of drainage options as reasonably practicable (paragraph 080 Reference ID: 7-080-20150323 of PPG). These being:

- into the ground (infiltration)
- to a surface water body
- to a surface water sewer, highway drain, or other drainage system
- to a combined sewer

7.85 The aims of the NPPF and PPG are reiterated within policies of the local plan to ensure adequate provision for the disposal of surface water facilities is achievable prior to commencement of any development. Policy IP6 of the local plan outlines that in respect of the disposal of foul drainage the first presumption will be for new development to drain to the public sewerage system. Where alternative on-site treatment systems are proposed, it is for the developer to demonstrate that connection to the public sewerage system is not possible in terms of cost and/or practicality and provide details of the responsibility and means of operation and management of the system for its lifetime to ensure the risk to the environment is low. Policy CC5 of the local plan prioritising the use of sustainable surface water drainage systems through the hierarchy of drainage options detailed in the PPG based on evidence of an assessment of site conditions.

7.86 The foul drainage would be connected to the mains infrastructure which is acceptable with the approach being confirmed as such by United Utilities. The submitted Flood Risk Assessment concludes that the site is in Flood Zone 1 and has been shown to be at low risk of flooding from rivers groundwater, surface water, sewers and climate change. As such, mitigation measures are not considered necessary for any future development at the site. Results from the Ground Investigation indicated that the underlying soils have inadequate infiltration characteristics for soakaways. Surface water run-off is proposed to discharge into the watercourse via a 860 cubic metre dry SUDS basin. Discharges from the basin are proposed to be limited to 18.8 l/s using a vortex flow control device (hydro brake or similar). The combination of the attenuation pond and flow control is expected to limit to the existing QBAR greenfield run off rate. This will significantly reduce the flow of water leaving the site in a storm event reducing flood risk further downstream.

7.87 The Lead Local Flood Authority and United Utilities, as statutory consultees, raise no objections to the proposed drainage methods subject to the imposition of a pre-commencement condition requiring details of a sustainable surface water drainage scheme and a foul water drainage scheme. These details would then be assessed by the relevant statutory consultees. If such details prove to be unacceptable, it may be that the residential development would stall as a result.

## 12. Crime and Disorder

- 7.88 Section 17 of the Crime and Disorder Act together with Policy SP6 of the local plan requires that the design of all new development must contribute to creating a safe and secure environment, integrating measures for security and crime prevention, and minimising the opportunity for crime.
- 7.89 The layout has been designed to give a degree of natural surveillance and creates a distinction between public and private spaces. This definition should act as a deterrent to potential offenders and reduce the likelihood of crime occurring. In this respect, there is no objection to the principle of development.

### 13. Waste/ Recycling

- 7.90 The council's Waste Services has advised that there are no objections to the proposed development as the development can accommodate the waste collection vehicles. A condition is recommended to ensure that the developer contributes to the cost of waste containers.

### 14. Other Matters

- 7.91 Concerns have been expressed in respect of the proximity of the overhead power lines to the proposed development. National Grid has advised that there are none of its assets within the vicinity of the application site, therefore, Electricity North West (ENW) has been consulted. At the time of preparing the report, the formal response of ENW has not been received. Nevertheless, Members will note that the power lines cross the northern undeveloped section of the application site and not the proposed developed southern section, therefore, will not impact on the built form of the proposed development.

## **8. Planning Balance and Conclusion**

- 8.1 Although the site is not allocated for housing development this does not preclude the development of unallocated sites. It is a well-established planning principle enshrined in current planning policies transparent at both national and local level that windfall sites contribute in a positive way to the supply of housing. The application site is located on the edge of Carlisle which, the largest urban area in Cumbria, can sustainably support this scale of windfall housing schemes. The proposal is appropriate to the scale, form, function and character of this part of Carlisle, which is characterised by large-scale, urban housing estates. The built part of the site contained within existing landscape features, therefore, would not constitute an unacceptable intrusion into open countryside especially when considered within the context of recent construction that has taken place on the opposite side of Orton Road. Furthermore, the proposal will not prejudice the delivery of the spatial strategy of the local plan.
- 8.2 On the matter of design, the proposal will reinforce existing connections;

provide a mix of dwelling types and tenures that suit local requirements; has sought to create a distinctive character with well-defined and legible streets/spaces; has streets designed to encourage low vehicle speeds; provide sufficient and well integrated resident and visitor parking; has clearly defined public and private spaces; there is adequate external storage space for bins and recycling.

- 8.3 Adequate off-street parking would be provided within the site and the buildings would not adversely affect the living conditions of the occupiers of neighbouring properties. The planning conditions will ensure that in the short-term period of construction, the residents would be adequately protected from the works, as far as reasonably practicable.
- 8.4 The supporting documents accompanying the application adequately address those matters relating to contamination, trees and hedgerows, surface water, heritage assets and ecology can also be addressed through the imposition of relevant conditions.
- 8.5 It is considered that the proposal will neither be detrimental to the character of the area nor the living conditions of neighbouring residents.
- 8.6 On this basis, the scheme will deliver the development of a 'wind fall' housing site on the edge of Carlisle. The development will provide appropriate financial contributions and 18 affordable housing units. As such, the scheme accords with the relevant planning policies and development plan and is recommended for approval.

## **Recommendation**

It is recommended that “authority to issue” approval with the conditions listed in Appendix 1 be granted to the Assistant Director of Thriving Place and Investment subject to a satisfactory nutrient mitigation scheme to reduce the impact of nutrient pollution on the River Eden SAC and the completion of a satisfactory Section 106 legal agreement to secure:

- i. provision of affordable housing (9 discounted sale properties and 9 affordable rented properties);
- ii. the payment of £409,800 towards secondary education;
- iii. the payment of £6,500 towards a Traffic Regulation Order;
- iv. the payment of £6,600 towards a Travel Plan monitoring fee;
- v. the payment of £78,433.50 to enhance, increase accessibility, and upgrade existing facilities on Yewdale Road and Richmond Green;
- vi. the payment of £29,484 toward the provision of artificial pitches district wide;
- vii. the management of on-site open space; and
- viii. mitigation to deal with nutrient neutrality.

If the Section 106 legal agreement is not signed or a satisfactory resolution to nutrient pollution through an appropriate mitigation scheme is not agreed, authority

be given to the Assistant Director of Thriving Place and Investment to issue refusal.

## **Appendix 1**

### **List of Conditions and Reasons**

Granted Subject to Nutrient Resolution

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

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

2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
  1. the submitted planning application form received 22nd February 2023;
  2. the Arboricultural Impact Assessment received 22nd February 2023;
  3. the Archaeological Geophysical Survey received 22nd February 2023 (Project No. ARC/3383/1287);
  4. the Specifications for a Programme of Archaeological Evaluation received 22nd February 2023;
  5. the Flood Risk Assessment Report received 22nd February 2023 (Reference 7653FRA);
  6. the Transport Assessment received 22nd February 2023 (Reference TA01);
  7. the Framework Travel Plan received 22nd February 2023 (Reference FTP01);
  8. the Phase 2 Ground Investigation Report received 22nd February 2023 (Reference 8546OR02);
  9. the Preliminary Ecological Appraisal received 22nd February 2023 (Reference GH-22-01);
  10. the Foul Sewerage Design Micro Calculations received 22nd February 2023;
  11. the Surface Water Micro Calculations received 22nd February 2023;
  12. the House Types received 27th February 2024 (Reference 224113-AFL-00-ZZ-RP-A-002-P2);
  13. the site location plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20110 Revision P5);
  14. the site block plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20111 Revision P5);
  15. the site framework plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20112 Revision P8);
  16. the housing schedule plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20113 Revision P6);
  17. the site massing plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20115 Revision P6);

18. the surface materials plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20116 Revision P6);
19. the house materials plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20117 Revision P6);
20. the boundary treatment plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20118 Revision P8);
21. the garden areas plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20119 Revision P6);
22. the car parking plan received 26th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20120 Revision P6);
23. the refuse and recycling plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20121 Revision P6);
24. the affordable housing plan received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20122 Revision P6);
25. the Street Scene received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20130 Rev. P2);
26. the site framework plan (wide site) received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20131 Revision P3);
27. the site framework plan (wider site) alternative maintenance access & play space received 27th February 2024 (Drawing No. AFL-ZZ-XX-DR-A-20132 Revision P2);
28. the proposed drainage strategy Sheet 1 of 2 received 28th February 2024 (Drawing No. 7653/SK01-1 Rev E);
29. the proposed drainage strategy Sheet 2 of 2 received 28th February 2024 (Drawing No. 7653/SK01-2 Rev F);
30. the Highway and Drainage Longsections Sheet 1 of 2 received 22nd February 2023 (Drawing No. 7653/SK02-1 Rev. A);
31. the Highway and Drainage Longsections Sheet 2 of 2 received 22nd February 2023 (Drawing No. 7653/SK02-2 Rev. B);
32. the Topographical Survey received 26th July 2023 (Drawing No. P11103/amr/1 Sumb. 01);
33. the Topographical Survey received 26th July 2023 (Drawing No. P11103/amr/2 Sumb. 01);
34. the Notice of Decision;
35. any such variation as may subsequently be approved in writing by the local planning authority.

**Reason:** To define the permission.

3. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
  - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out in consultation with the Local Highway Authority at the applicants expense
  - details of proposed crossings of the highway verge
  - retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development

- cleaning of site entrances and the adjacent public highway
- details of proposed wheel washing facilities
- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway
- construction vehicle routing
- the management of junctions to and crossings of the public highway and other public rights of way/footway
- details of any proposed temporary access points (vehicular / pedestrian)
- surface water management details during the construction phase

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety in accordance with Policies SP6 and IP2 of the Carlisle District Local Plan 2015-2030.

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

**Reason:** To ensure a minimum standard of construction in the interests of the highway safety in accordance with Policies SP6, IP2 and IP3 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the local planning authority. The drainage schemes must include:

- (i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) a restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any

subsequent replacement national standards and unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies IP6, CC4, CC5 and CM5 of the Carlisle District Local Plan 2015-2030.

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

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

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

7. Development shall not be begun until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The CMS shall include details of (this list is not exhaustive):

- implementation of noise mitigation measures i.e. use of noise attenuation barriers, storage/unloading of aggregates away from sensitive receptors, use of white noise reversing alarms where possible
- the sheeting of all HGVs taking spoil to/from the site
- provision and use of water suppression equipment
- covering of 'dusty' materials
- wheel washing facilities for vehicles leaving the development

**Reason:** To protect the living conditions of the occupiers of the adjacent residential properties in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

8. Notwithstanding any description of materials in the application, prior to their use as part of the development hereby approved, full details of materials to be used externally on the dwellings shall be submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. The development shall then be undertaken in strict accordance with the approved details.

**Reason:** Satisfactory details of the external materials have not yet been provided, therefore further information is necessary to ensure that materials to be used are acceptable visually and harmonise with existing development, in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

9. Within 6 months of the occupation of the first dwelling, the developer shall prepare and submit to the local planning authority for their approval 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 visit the development to sustainable transport modes. The measures identified in the Travel Plan shall be implemented by the developer prior to the occupation of the twentieth dwelling.

**Reason:** To aid in the delivery of sustainable transport objectives in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

10. For a period of five years commencing with the date that the Travel Plan is first submitted to the council an annual report reviewing the effectiveness of the Travel Plan and including any necessary amendments or measures shall be prepared by the developer/occupier and submitted to the local planning authority for approval.

**Reason:** To aid in the delivery of sustainable transport objectives in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

11. The development shall not commence until visibility splays providing clear visibility of 120 metres (travelling westbound) and 60 metres (travelling eastbound) measured 2.4 metres down the centre of the access road and the near side channel line of the carriageway edge have been provided at the junction of the access road with Orton Road. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 at a height exceeding 1.05 metres above the carriageway level of the adjacent highway. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.



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

12. Footways shall be provided that link continuously and conveniently to the nearest existing footway in accordance with the approved plans.

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

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

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

14. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2012 shall be erected around the trees and hedges to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires shall be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. 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 trees/hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

15. The development hereby approved shall be undertaken in strict accordance with the mitigation / compensation / enhancements measures as detailed in Section 5 of the Preliminary Ecological Appraisal compiled by Naturally Wild (reference GH-225-01 September 2022) unless otherwise agreed in writing by the local planning authority.

**Reason:** In order to ensure the protection and mitigation of wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

16. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the council's area.

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

17. No work associated with the construction of the development hereby

approved shall be carried out before 00730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

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

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Further guidance can be found on the Cumberland Council website "Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers".

Site investigations should follow the guidance in BS10175:2011 (or updated version) "Investigation of Potentially Contaminated Sites- Code of Practice".

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

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

### List of Informatives/Advisory Notes

Northern Gas Networks working with United Utilities has advised that there may be apparatus in the area that may be at risk during construction works and they require the developer to contact them directly to discuss their requirements in detail. A copy of correspondence received is available on the council's website [www.cumberland.gov.uk](http://www.cumberland.gov.uk).

The Environment Agency has advised that:

The Spital Sike Beck, to the north of the development site, is a designated statutory main river. In addition to any planning approval, the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16

metres if tidal)

- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506.

The applicant should not assume that a permit will automatically be forthcoming should planning permission be forthcoming and advise the applicant to consult with the Environment Agency at the earliest opportunity.

The Local Highway Authority advises that:

Any works within or near the Highway must be authorised by Cumberland Council and no works shall be permitted or carried out on any part of the Highway including Verges, until in receipt of an appropriate permit (I.E Section 184 Agreement) allowing such works. Enquires should be made to Cumberland Councils Street Work's team - [streetworks.central@cumbria.gov.uk](mailto:streetworks.central@cumbria.gov.uk)

Please be advised that the Highway outside and or adjacent to the proposal must be kept clear and accessible at all times.

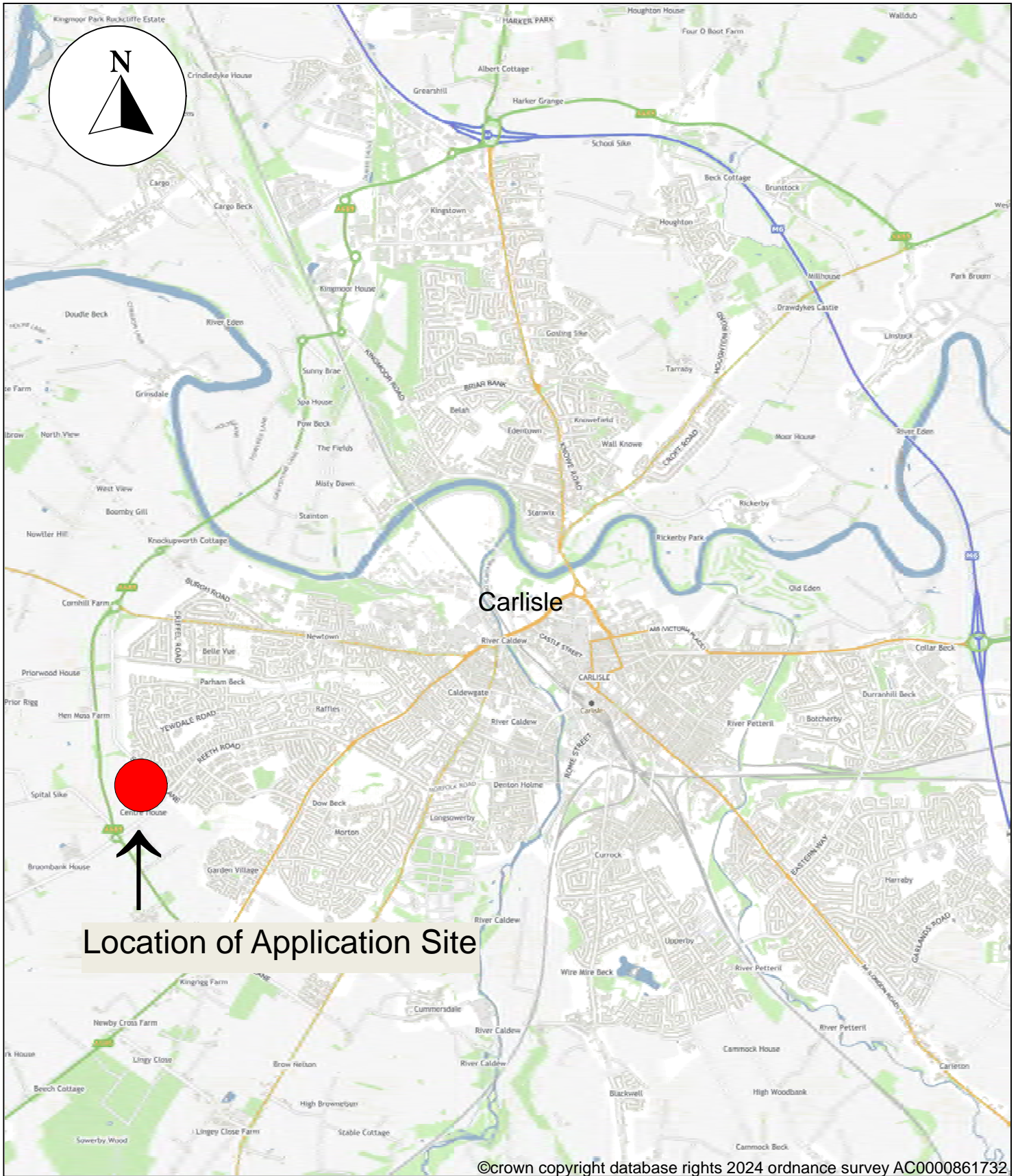
The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Many species and their habitats are protected under conservation legislation such as the Wildlife and Countryside Act 1981, The Conservation of Habitats and Species Regulations 2010, the Countryside and Rights of Way Act 2000, the Hedgerows Regulations 1997. If any protected species are found during development all work must cease immediately and the Local Planning Authority notified.

No site clearance or works to hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established in accordance with the Wildlife And Countryside Act 1981.

## **Appendix 2**

Copy of the plans/drawings including red line boundary.



Location of Application Site

## 23/0148 Land to the west of junction on Orton Road & Sandsfield Lane, Carlisle

### Wider Location Plan



Thriving Place and Investment,  
 Planning,  
 Civic Centre, Rickergate,  
 Carlisle, CA3 8QG

Scale 1 : 40,000

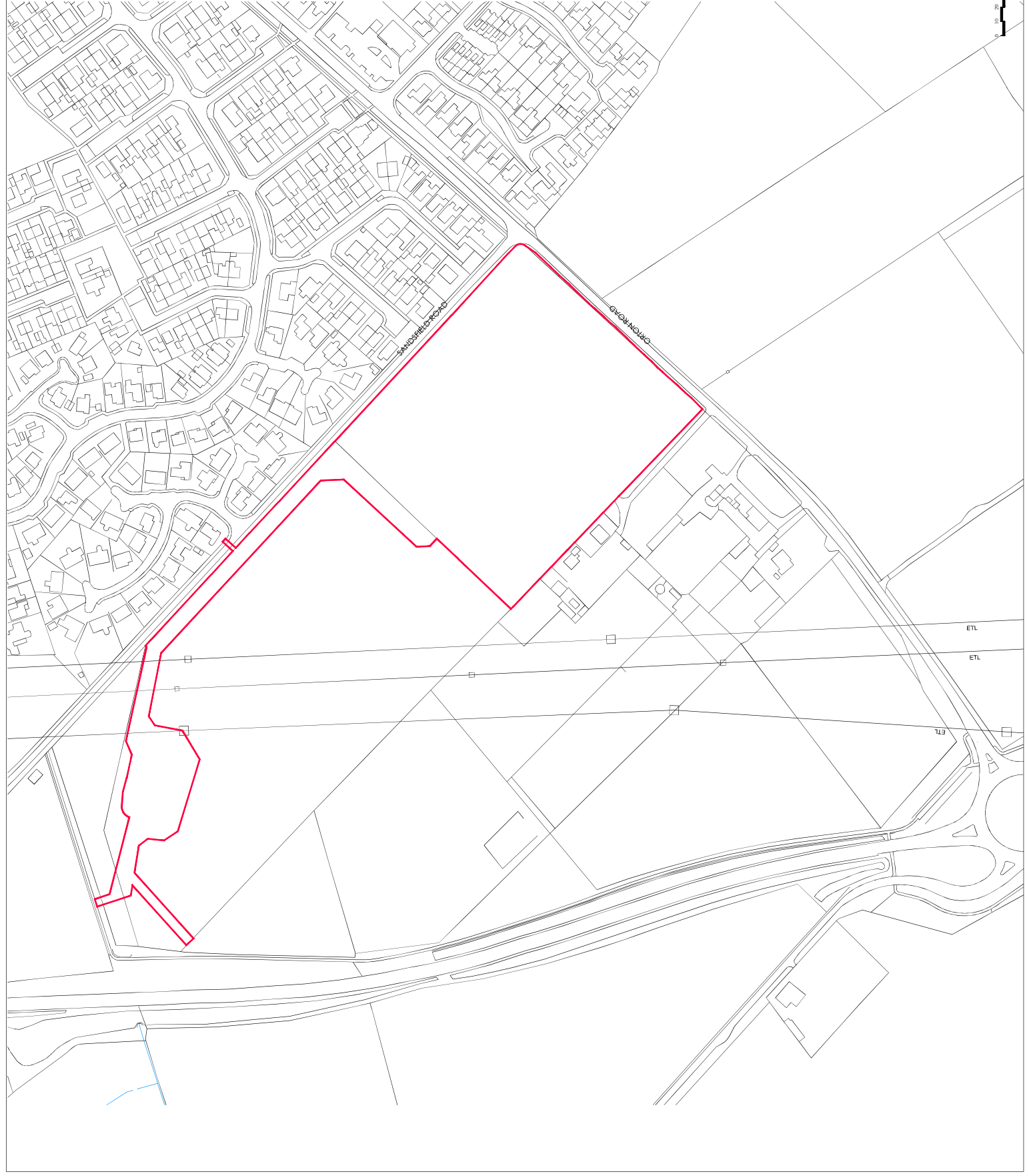
Date February 2024

NOTES

ALL DIMENSIONS AND LEVELS ARE TO BE CHECKED ON SITE  
ANY DISCREPANCIES ARE TO BE REPORTED TO THE  
ARCHITECT BEFORE ANY WORK COMMENCES  
THIS DRAWING SHALL NOT BE SCALED TO ASCERTAIN ANY  
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TO BE CHECKED ON SITE. THIS DRAWING SHALL BE  
USED FOR INFORMATION ONLY. ANY WORK COMMENCED  
WITHOUT EXPRESS WRITTEN PERMISSION FROM AFL LTD.

Key

Site Boundary Redline



- P5 28/09/24 Redline revised to show updated
- P4 18/09/23 Redline revised to show updated
- D5 18/09/23 Redline revised to show updated
- D4 18/09/23 Redline revised to show updated
- D3 18/09/23 Redline revised to show updated
- D2 18/09/23 Redline revised to show updated
- D1 18/09/23 Redline revised to show updated
- P3 28/09/22 Final Issue

ORFON ROAD  
ORFON ROAD, CARLEBLE  
GENESEE HOMES

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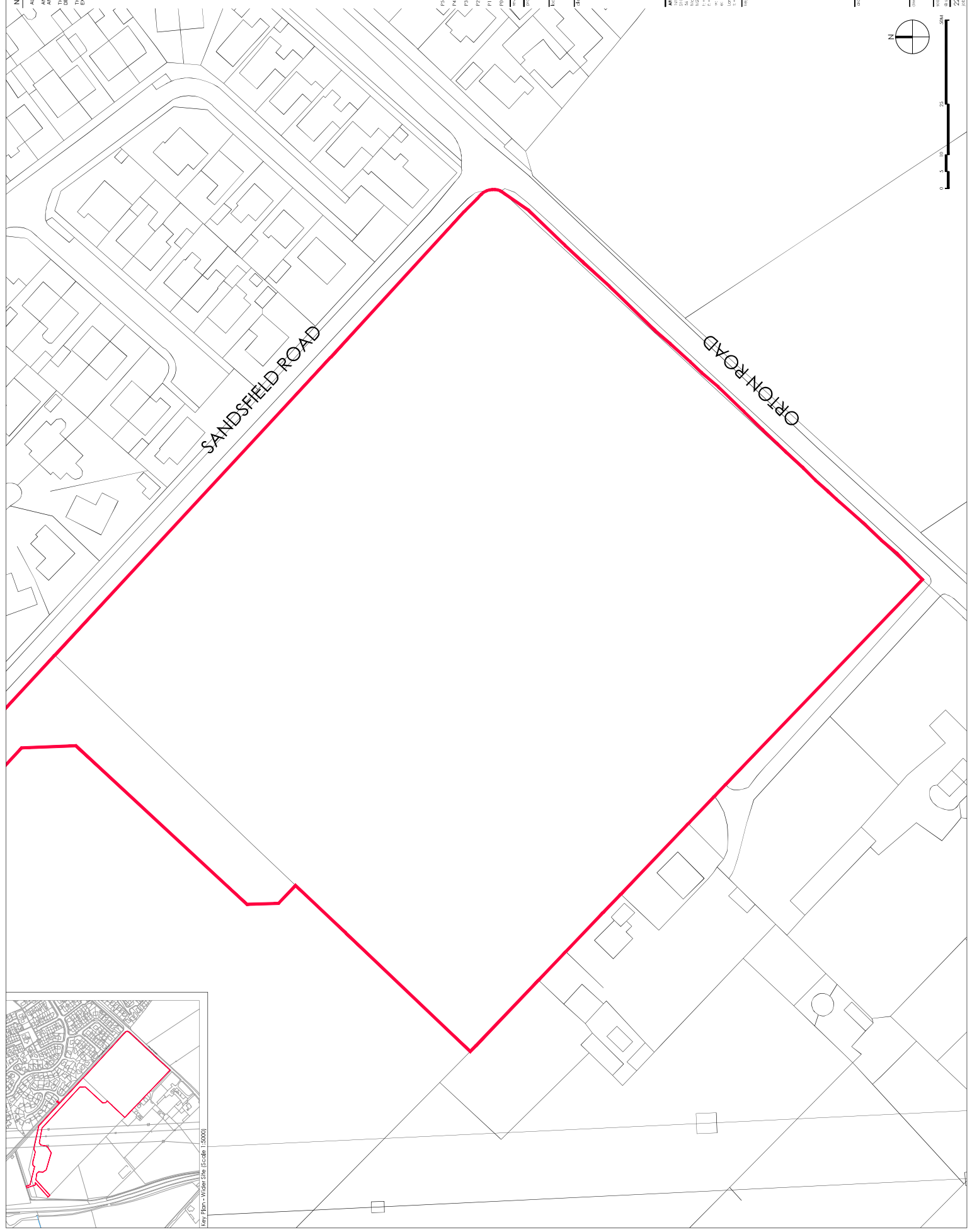
PROJECT: ORFON ROAD, CARLEBLE  
SITE LOCATION PLAN  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: 11/25/24  
SCALE: 1:1000  
DRAWING NO: AFL-24-001-010  
REV: 01

NOTES

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Key

Site boundary Redline



SANDSFIELD ROAD

ORION ROAD

- P3 28/09/24 Redline revised to show updated site boundary and levels. See location in northern POS.
- P4 10/04/23 Revised following client feedback.
- P5 02/02/23 Revised following client feedback.
- P2 10/01/23 Redline positions confirmed.
- P1 20/01/23 Revised following client feedback.
- P0 28/01/22 Final Issue.

ORION ROAD  
 ORION ROAD, CARBIE  
 GENESE HOMES

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ORION ROAD, CARBIE  
 SITE BLOCK PLAN

PLANNING

DATE: 28/01/22  
 DRAWN BY: M  
 CHECKED BY: J  
 PROJECT NO: AFL-2020-0011  
 REVISION: 001

