

**Minutes of a Public Meeting  
held at 7.30 pm on 10 May 2022  
at Houghton Village Hall ,Houghton, Carlisle  
to discuss Planning Application 22/0297**

**The meeting was hosted by Stanwix Rural Parish Council**

Present were Craig Nicholson, the Chairman of the Parish Council, and Anthony Robinson a Parish Councillor who acted as clerk.

In attendance were Stephen Daniel, Principal Planning Officer, Carlisle City Council and Richard Wood, a member of the Planning Policy Team, Carlisle City Council.

Also in attendance were City Councillors Mrs E Mallinson, Mr P Nedved and Ms F Robson and County Councillor Mr J Mallinson.

The Chairman opened the meeting and welcomed all attendees.

It was noted two invitees had declined invitations to attend.

Spawforths agents for the applicants and Castles and Coasts had stated they were aware of the issues, were actively considering objections and that they would respond to specific questions put to them. They believed issues around the application had been adequately covered by the consultation held on 17 November 2021.

Mr Barnard Lead Officer Flood and Development Management at Cumbria County Council.

The Chairman summarised the issues to be raised at the meeting as follows:

Access, Roads, Drainage, Education, Wildlife and Ecology and Hadrian's Wall Buffer Zone.

The Chairman began by stating a large number of objections opposed to the planning application had been made which he believed was the highest number of objections he had seen for any past planning application.

The Chairman opened the meeting for questions.

1. A resident from Lansdowne Crescent raised the following:

The site boundary shown as a red line on the plans gave an incorrect impression, since only the field known as U11 was designated for residential development with a yield of 75 dwellings. The boundary line included other areas to the South and should approval be given for the development nothing would prevent the applicant using unallocated land for storage of top soil and other materials on this area.

Only 4 days notice had been given to residents of a consultation held by the applicant although a meeting had already been held by the applicant for councillors who presumably had been given more notice.

The Local Plan stated that careful consideration needed to be given to the relationship between the land known as U11 and the land known as U10 being the Tarraby View site, since U11 was landlocked and an access had to be created into that site. Access was subsequently created but Cumbria County Council allowed Raisbeck Close to be built at a reduced width of 5m up to the proposed access into U11. This was supported by the City Council and the County Council in the knowledge that U11 had been designated for 75 new dwellings and an access road at 5m width would be too narrow.

No objections received were in favour of the application. The issue over the failure of the City Council not to publish objections since 29 April was raised. He held 11 additional objections from himself which had not been published and he requested these be added as an appendix to the minutes. There being no objection by any attendee to this request a list of those objections are appended to the minutes.

2. Parish Councillor Robinson stated he had received an e-mail from Mr Hardman, Head of Development Management at Carlisle City Council confirming objections would be published as from the following week and sought further clarification from Mr Daniel who confirmed all objections received would be published. Parish Councillor Robinson pressed Mr Daniel to extend the receipt date for objections beyond 20 May since residents had been put at a disadvantage, but this was refused.

3. In response to the statement made by the resident from Lansdowne Crescent Mr Daniel confirmed the red boundary line referred to all the site including field U11, the site beyond the allocated site which was being treated as windfall development and the field which extended down to Gosling Syke and the head of Lansdowne Crescent. Access issues were being considered by County Highways.

4. A resident from Lansdowne Court asked for confirmation that his objection which had been published on 3 May and then removed on 6 May would be reinstated and Mr Daniel confirmed it would. The same resident referred to a discussion his wife had with Mr Daniel on 18 May 2021 in relation to possible future development of the unallocated land at the rear of their property. He was led to believe as the land was not allocated in the Local Plan it would not be built on. Subsequent to that conversation Mr Daniel sent a plan which showed the land was not part of U11 and not allocated for development. At the consultation Spawforths (agents for the applicant) informed the resident Mr Daniel was aware of their proposal to include the land in their planning application before the 18<sup>th</sup> May.

The same resident expressed very serious concerns over flooding and drainage problems caused by surface water run off from the site and had sent videos to Mr Daniel and Mr Barnard showing this.

5. Mr Daniel gave an explanation but it was unclear if the resident was satisfied by the explanation provided. Mr Daniel stated the unallocated land would be considered with U11 as one area.

6. Another resident from Lansdowne Court asked did the Council verify the veracity of statements made by the applicant or did the Council accept such statements at face value.

It was noted from the same resident that the 2015 - 2030 Local Plan was now out of date and that the 5 yearly review of the Plan had not been carried out. He concluded that the Council was therefore acting ultra vires.

Mr Wood confirmed the Local Plan was being reviewed and that the last review was due to have been completed by 2021 but any conclusions would take time to process.

The resident believed this was unsatisfactory since significant changes had taken place in local circumstances, the target for housing had been exceeded and there had been unprecedented demands on local medical services.

It was also noted that the Garden Village had been planned to provide for future housing demand and that it was expected this should have removed pressure on building new housing developments in North Carlisle

Mr Wood disagreed and until the review had been completed and any changes implemented the existing Local Plan would continue to operate.

Mr Daniel confirmed appropriate levels of due diligence would be undertaken in respect of statements made by the applicant.

7. Parish Councillor Robinson stated that the report from Cumbria Constabulary on designing out crime was unsatisfactory since it failed to refer to or mention the adjoining area of the site comprising 4.33Ha. The area had been designated by the applicant as a public open space and the safety of unsupervised children had not been addressed although the same issue had been dealt with in a much smaller public open space within the development. Councillor Robinson had written to Cumbria Constabulary about this but had not received any response, nor had there been any additional comments made to the Council by the Constabulary as a Statutory Consultee.

8. In response to a resident living in Whiteclosegate the Chairman confirmed no development would take place on or near to the site of Hadrian's Wall but that the development would have a visual impact on Hadrian's Wall Buffer Zone.

9. A resident from Lansdowne Close raised questions over the applicant's proposal to remove a tree located on his land in his rear garden. The tree was described as a 60 foot oak tree in very good condition. The applicant had stated in a tree survey revised on 4 January 2022 that it would be too close to proposed residential properties and it should be removed. This contrasted with a survey undertaken in August 2021 which recommended only crown clean and monitor. That survey report also stated the tree was located on adjacent land. Mr Daniel was asked if the applicant could lawfully do this to which Mr Daniel confirmed the applicant could not. The resident had raised these concerns with Spawforths and he had been ignored.

The same resident had calculated that the root protection areas for trees to rear of his property shown by the applicant were wildly inaccurate and by their own admission had admitted they were only estimates. He had no reason to believe the root protection areas for all trees on the site were not similarly affected. The resident had submitted by way of an objection drawings showing what he believed were accurate root protection areas for the trees at the rear of his property. Five proposed new dwellings would be affected if his calculations were verified which the applicant would need to address by a possible change to the layout.

Mr Daniel confirmed the Council's tree officer would inspect the site and check the root protection areas and the location of the tree the applicant said would be removed.

10. A resident from Linstock raised concerns over the level of due diligence undertaken by the Council's Planning Department and sought reassurance that should there be any adverse impact on residents as a result of a negligent act there should be a form of redress.

Mr Daniel stated that planning conditions for any development were intended to place rules around the way in which an applicant managed a project and that any breach could result in the applicant being served with a notice of non compliance.

11. A resident from Lansdowne Close responded stating that this would not seem to be working in practice since a developer of a small site at the head of Lansdowne Close had during the past few days repeatedly ignored planning conditions by parking up to five wagons on Lansdowne Crescent, near to a hazardous bend and on double yellow lines. Wagons had also been parked in Lansdowne Close on footpaths causing extensive damage to flag stones.

There was general comment that if this could be allowed to happen in respect of a small development of ten bungalows how would this compare with a development of 101 new homes over a period of 3 years should this application be approved.

12. A resident from Lansdowne Close but whose home was on the edge of Lansdowne Crescent said that his house shook each time a wagon destined for the site at the head of Lansdowne Close went by.

13. A resident from Pennington Drive together with residents from Raisbeck Close collectively raised issues and problems over access, congestion and parking. In a recent incident a fire engine had been unable to access the estate to attend a fire because of parking problems. There was generally a problem with the parking of commercial vehicles on drives as these were insufficiently long to accommodate the longer type of commercial vehicle. There was a general problem with parking and access resulting in vehicles being parked on footpaths on either side of the roads reducing the width.

14. Mr Daniel confirmed access issues would be addressed by County Highways. Attendees questioned if residents would be able to comment on the report to be issued by County Highways. There followed some debate on the right of residents to comment and Mr Daniel agreed that comments could be made within the objection period which would expire on 20 May. He was less certain about comments received after 20 May.

15. Parish Councillor Robinson stated that Statutory Consultees were obliged to respond to a request for consultation within 21 days beginning with the date on which the documents on which the views of the Statutory Consultee are sought are received by the Statutory Consultee. In the case of County Highways they were properly consulted but had failed to respond within the period of 21 days. He continued by stating that should the report from County Highways be further delayed so that the cut off date of 20 May had expired or it was received prior to 20 May but gave little time for residents to digest it and submit comments this would not be the fault of residents but that of County Highways and residents should not be penalised due to the failure of County Highways. In those circumstances residents should be permitted to make comments after the date of 20 May had elapsed.

Mr Daniel disagreed. Parish Councillor Robinson said that not to allow comments in these circumstances would go against all rules of natural justice and would be unfair to residents.

Mr Daniel agreed that if comments were received which were significant in nature they would be allowed.

16. The Chairman referred to notice issued by Natural England regarding Nutrient Neutrality which address issues arising from nutrients such as phosphates entering water catchments , especially in areas within Special Areas of Conservation and Carlisle was therefore affected. He pointed out that a specific concern was surface water run-off.

The Chairman then referred to advice from the Local Government Association's Planning Advisory Service which states: *"LPAs will need to develop a strategy to deal with planning applications. It is likely that LPAs will place a temporary pause on determination of planning applications while they consider the full implications of Natural England's advice."* And: *"LPAs should contact applicants to advise them that there will be a delay in determining planning applications to enable proposals to be screened in or out of the need for nutrient neutrality."* And which further advises that LPA's should: *"Negotiate extensions of time (9 month minimum) or a Planning Performance Agreement (PPA)."* And: *"Discuss whether withdrawal is an option until things are more certain."*

Mr Daniel stated the City Council was actively considering the issue and the moratorium on building new homes as a result of the Ruling. There was a prospect that the implementation of a proposal for new developments which the Development Control Committee might approve would be suspended pending the issue of new Government guidance.

17. Residents of Raisbeck Close expressed concerns that Raisbeck Close was too narrow especially for contractors vehicles that may be using it to access the development site and that at the head of Raisbeck Close problems would arise both during construction and post construction caused by parked vehicles.

A resident commented that the design width of Raisbeck Close was defective and this should have been identified at the planning stage.

18. A resident from Lansdowne stated the guidance from County Highways on the number of new homes that could be served by one access road was already being exceeded both in terms of carriage width and a secondary access/exit for emergency purposes. Additional new homes would exacerbate an existing problem. In effect too many homes were being served by an insufficient number of routes.

19. Residents raised issues on the increasing demand on local GP surgeries and pointed out that the applicant believed there were two surgeries within the vicinity of the development when there was only one.

Educational financial provision was raised and the applicant's statement that they did not intend making any financial contribution towards education and a new school.

Residents unanimously agreed that the failure of anyone from Cumbria County Council to attend the meeting was unhelpful and unacceptable and that at the very least those making decisions which could materially affect the lives of many residents should have been present. A vast number of residents had concerns over access and drainage but no one from County Highways was in attendance to respond to these concerns.

Councillor Mrs Mallinson supported this view.

20. Parish Councillor Robinson raised a question on the validation of the planning application and if validation had been lawful. Under the mandatory national requirements the design and access statement must explain the applicant's approach to access, detail any consultation undertaken in relation to access issues and how the outcome of this consultation has informed the proposed development. It should also explain how any specific issues which might affect access to the proposed development have been addressed.

The Design and Access Statement included no such explanations. In relation to the proposal to access the site from Lansdowne Crescent the applicant had been in consultation with Cumbria County Council since May 2021. Certain steps had been undertaken by residents to prevent access from Lansdowne Crescent since December 2021 and is still ongoing. The owners of the site and their solicitors failed to respond to any correspondence they received between 19 January 2022 and 11 February 2022 in respect of the access. The applicant failed to address specific issues raised by residents over the access prior to the submission of the application. The applicant made no reference in any document they submitted with the application how they would achieve access from Lansdowne Crescent.

As a consequence the applicant had not met the requirements of the mandatory national requirements on several grounds and the application should not have been validated.

Mr Daniel disagreed saying that access issues had been addressed in the Transport Assessment.

Parish Councillor Robinson pointed out that none of the explanations outlined had been addressed in either the Design and Access statement nor in the Transport Assessment which in any event would not have met the requirements if the explanations had been included in that document which they had not.

21. A resident in Lansdowne Crescent near to the proposed access to the site expressed concern that it seemed the intention of the applicant to remove bushes and small trees at the side and front of his house. He believed this was unlawful and asked how the removal could be stopped.

The Chairman expressed the view that access issues were significant particularly the proposed access into the site from Lansdowne Crescent. He made reference to the Hedgerows Regulations 1997. These Regulations make provision for the protection of important hedgerows. Before removing any hedgerow, including a stretch of hedgerow to which the Regulations apply the owner (or in certain cases a relevant utility operator) must notify the local planning authority. The Hedgerow may not then be removed if the local planning authority serves a hedgerow retention notice if the hedgerow meets certain criteria set out in the Regulations.

The removal of any hedgerow to which the Regulations apply is permitted if it is required for carrying out development for which planning permission has been granted.

No planning permission had yet been granted and the Chairman confirmed that the Parish Council had not been notified of the removal of the hedge separating Lansdowne Crescent from the site by either United Utilities or the owners of the site. The Chairman concluded that on the basis of these facts there was evidence to suggest that there had been a failure to comply with the Regulations.

22. Additional comments were made in respect of drainage concerns. Residents from Raisbeck Close informed the meeting that Persimmon had installed additional drainage in the rear gardens of properties in Raisbeck Close to deal with surface water run-off from the site of the proposed development.

23. Residents in Lansdowne Crescent were concerned over the possibility of flooding from Gosling Syke if there was to be an increase in the water flowing into the river from upstream near to the proposed SUDS. Flooding of the river had been experienced before. There was also concerns raised over vehicles being parked on one side of Lansdowne Crescent near to the junction with Lansdowne Close which in the evenings rendered Lansdowne Crescent a single track road.

Concerns were expressed over the potential creation of a "rat run" using Lansdowne Crescent as a diversion from Scotland Road to points south including Brampton Road.

24. Mr Daniel confirmed to the meeting that [The application] "would not go ahead in present form"

He also stated Highways would probably say the same.

25. Councillor Nedved, a former member of the Development Control Committee, believed in his 20 years experience he had not seen as many objections as had been generated in respect of this application.

26.. On a show of hands the meeting unanimously agreed that a representative from Cumbria County Council should be invited to a further public meeting to answer questions on highway and drainage issues.

The meeting closed at 9.40pm.

LIST OF OBJECTION DOCUMENTS THAT HAVE NOT BEEN ADDED TO PLANNING APPLICATION,  
DOCUMENT SECTION - FROM 28TH APRIL 2022.

PRESENTED TO STANWIX RURAL PARISH COUNCIL

PUBLIC MEETING OF THE 10<sup>TH</sup> MAY 2022.

For Inclusion in Minutes of Meeting.

Objection due to roads	2 pages
Objection due to Drainage Concerns	4 pages
Objection due to Non-Compliance of City Policies	1 page
Objections submitted on 8/05/22	2 pages
Objections to DEWIA report	2 pages
Objections submitted 3/05/22	3 pages
Objections due to lack of schools	2 pages
Objections due to inadequate road access	2 pages
Objections to Brooks Ecological Documents	2 pages
Objections in respect of Travel Plan & General	4 pages
Objection due to non-compliance of Monitoring	<u>2</u>
<u>pages</u>	

Total 26 pages

Approximately 200 plus individual objection items