



PLANNING OBLIGATIONS

2011 to 2012



CARLISLE
CITY COUNCIL



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Introduction

Carlisle Planning Services have been implementing S106 Agreements since they were introduced in 1991 and to date have over 200 agreements in place (including Deeds of Variation¹).

This annual report gives an overview of S106 agreements (and Unilateral Agreements²) entered into over the last year and give an update on the delivery of the obligations within those and previous years. It is intended to update members, developers and members of the public of the implementation of obligations so it can be seen how they have a direct positive impact for the District and therefore its residents.

A S106 is a legal agreement between the planning authority and the applicant/developer, and any others who might have an interest in the land.

They can cover a range of commitments which are enforceable against all the parties concerned and any subsequent owner of the site. It is therefore important that all agreements are monitored to ensure compliance and ensure timely delivery by all parties and avoid the possibility of enforcement action being taken by one party on another.

Government policy was set out in Circular 5/05 which was listed in Annex 3 as a document replaced (but not the associated guidance) by the National Planning Policy Framework in March 2012. Paragraph 204 states:

“Planning obligations should only be sought where they meet all of the following tests:

- ***necessary to make the proposed development acceptable in planning terms;***
- ***directly related to the proposed development; and***
- ***fairly and reasonable related in scale and kind to the development.”***

These tests are unchanged from when Community Infrastructure Levy came into force in April 2010 when it became unlawful for a planning obligation to be taken into consideration when determining a planning application for a development, or any part of a development, that is capable of being charged the Levy, whether there is a local levy in operation or not, if the obligation did not meet all of these tests.

¹ Deed of Variation where there is a change to the original agreement which may or may not have a material change to its delivery.

² A unilateral agreement is where only one party makes an express promise, or undertakes a performance without first securing a reciprocal agreement from the other party. Such agreements are marked with an asterisk by way of identification throughout this document.

Summary 2011 to 2012

14 S106's were entered into with the potential to deliver:

Housing

- 44 Affordable Dwellings (11 in the rural area with qualifying person's restrictions).
- 2 Live/Work Units
- Qualifying Student Accommodation - 196 bedrooms.

Commuted sums in lieu of on-site Affordable Housing Provision

Min £31,000 minimum but formula based to take advantage of market value at time of first sale of each property, plus further agreements which are formula based with no minimum figure.

Financial

A total of £406,906 has been negotiated via S106 agreements excluding commuted sums in lieu of affordable housing provision.

Of this £89,182 is payable to the County Council for Highways/School Transport and Travel Plans. The balance of £330,009 is due to the City of Carlisle of which £203,602 is for the provision/enhancement and maintenance of Public Open Space and Children's Play Areas with a further £52,122 for the provision of sports facilities, £62,000 for cycle way provision and £12.285 to support Rural Wheels initiatives.

* * * * *

During the year delivery via S106 obligations has achieved:

Housing

150 Affordable Dwellings, including **27** in the rural area and **27** Extra Care Housing

Financial

£196,944 has been **received** for a variety of dedicated projects for the provision and maintenance of Public Open Space/Children's Play Areas.

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Balances of monies held to complete undertakings as detailed within S106 agreements and unilateral agreements as at 31 March 2012:

In Lieu of on-site Affordable Housing	£ 15,000
Cycleway and Public Realm	£ 740,000
Open Space and Children's Play Areas, provision of and/or maintenance	£ 757,593
Transport and Pedestrianisation	£ 63,250
Total	£1,446,309

NB: Failure to evidence that monies have been spent for the purpose for which it was delivered and within the requisite timescale, will result in the monies having to be returned to the developer.

New Agreements 2011 - 2012

Planning Permissions granted subject to a S106 Agreement:

PP No	Date Signed	Parties	Address	Development Proposal	S106 Obligation Overview
09/0815	07/04/11	Denton Business Park Ltd	Former storage & workshop buildings, Denton St, Carlisle Ward – Denton Holme	Erection Of New Buildings To House 40no. Craft/Art Workshop Units, Retail Facilities, Admin Support With Performance Areas, 196no. Student Bedrooms (Including Usage By Occupants Of Craft/Workshop Units); Facade Alterations To 36-40 Denton Street, Creation Of 2no. Additional Flats; Alterations To 2no. Flats	Cycle Network: £46,000 payable within 14 days of commencement, to be spent within the Denton Holme area within 3 years Sports Provision: £48,584 payable within 14 days of commencement, to be spent in the Denton Holme area within Occupancy Restriction: The occupant must be a “qualifying student(s)” Other: Gates to the development to be designed by qualifying Students by way of a design competition
10/0577	13/06/11	Dean Montgomery	Tarn End House, Talkin Parish - Brampton	Removal Of The Effects Of Conditions 2, 3, 4, 5 And 6 Attached To The Grant Of Full Planning Permission Under Application 06/06993 (Conversion To 8no. Holiday Units) To Enable Unrestricted Residential Occupation	Affordable Housing Financial Contribution: Min £3,875 per dwelling linked to Nationwide House Price Index, payable on first occupation of each dwelling (to be spent within 5 yrs of final receipt)
10/0965	13/06/11	Dean Montgomery and Dawn MacKenzie	Land SE of Town Foot Farm, Talkin Parish - Hayton	Demolition Of Existing Laboratory Building; Erection Of Terrace Of 4No. Dwellings	Affordable Housing: 2 Discounted Rental Units @ 75% Market Rent subject to Lettings and Disposal Policy

10/0818	05/07/11	Riverside Group	Seatoller, Morton Ward – Morton	Erection Of 23 Dwellings To Be Made Affordable By Means Of Social Rent And Shared Ownership	Affordable Housing: 16 – Social Rent 7 – Shared Ownership up to 80% unless bought under the Right to Buy Scheme or Homebuy Scheme with allows for 100% Open Space: £14,481.56 payable within 14 days of commencement towards the provision of off-site Open Space provision in the Morton Ward (to be spent within 5 years of commencement) Cumbria County Council: £3,500 for TRO Contribution Horse and Farrier Public House: Undertake works as specified in agreement before occupation of the store and procure marketing of the public house during the Marketing Period (6 months of occupation of the store)
09/1082	25/08/11	Tesco Stores Ltd and Cumbria County Council	Bowling Green Adj to Horse and Farrier Public House, Wigton Road, Carlisle Ward - Yewdale	Erection Of A Convenience Foodstore	Affordable Housing: Pay to the Council on the date of first occupation of each relevant dwelling the contribution due [(Market Value x 0.1) x 0.25] Rural Wheels Payment: £12,285 to be paid within 20 working days of first occupation of four relevant units. Live/work Unit: To be built in accordance with plans and occupation to be by a Relevant Person (running a business from the unit)
11/0181	05/10/11	Greensyke Property Ltd	Kingswood Educational Centre, Cumdivock Parish - Dalston	Conversion Of Existing Buildings From C2 (Residential Institution) To C3A (Private Residential) To Provide 1No. Live/Work Unit And 7No. Residential Units	Affordable Housing: Pay to the Council on the date of first occupation of each relevant dwelling the contribution due [(Market Value x 0.1) x 0.25] Rural Wheels Payment: £12,285 to be paid within 20 working days of first occupation of four relevant units. Live/work Unit: To be built in accordance with plans and occupation to be by a Relevant Person (running a business from the unit)
10/0164	19/10/11	Top Notch Contractors Ltd and Cumbria County Council	Former Prince of Wales Public House & Conversion of 102 Denton Street Ward – Denton Holme	Redevelopment to create 16 Apartments and 1 Commercial Unit	Outdoor Sports Facilities: £3,538 payable within 14 days of commencement towards the improvement of outdoor sports facilities within the District. Cumbria County Council: £1,500 for TRO contribution

10/0792	20/10/11	Persimmon Homes Limited	Land adj Alexandra Drive, Durranshill, Carlisle Ward - Wetheral	Erection of 49 dwellings with access from Durranshill Road.	<p>Affordable Housing: 5 – Social Rent 5 – Discounted (70% OMV).</p> <p>Open Space: £88,248 Open Space Contribution payable prior to the occupation of the 35th Unit (index linked) for existing the improvement of off-site play and open space in the District (to be spent with 5 years of payment – was 10 amended via deed of variation) £47,873.40 Open Space Maintenance Contribution payable prior to the occupation of the 35th Unit (index linked) towards the cost of maintaining the sites improved with the Open Space Contribution (to be spent within 5 years of payment – was 10 years of completion of the development but amended via deed of variation)</p> <p>Highways: £13,500 Highways Contribution payable prior to the occupation of the 35th dwelling towards the provision of a new footpath on the southern side of Durranshill Road leading from the site towards Rosehill Industrial Estate (to be spent within 5 years of payment – deed of variation).</p> <p>Affordable Housing: 1 Discounted Property (70% OMV) to be disposed of to qualifying persons</p> <p>Live/Work Unit: To retail the live/work unit as one unit. Upon the cessation of any business operating from the employment area, within 12 months vacate the residential (unless the occupier commences another business).</p>
10/0874	04/01/12	Personal Covenant	Land at 21 Old Road, Longtown Parish – Arthuret	Construction of 6 Two Story Dwellings	<p>Affordable Housing: 1 Discounted Property (70% OMV) to be disposed of to qualifying persons</p>
11/0315	05/01/12	Personal Covenant	Land between Longlands and Stonelea, Greenwoodside, Smithfield Parish – Kirklington Middle	Live/Work Unit	<p>Live/Work Unit: To retail the live/work unit as one unit. Upon the cessation of any business operating from the employment area, within 12 months vacate the residential (unless the occupier commences another business).</p>

11/0448	26/01/12	Personal Covenant	Former Highland Laddie, Todhills, Blackford Parish – Rockcliffe	Change of use to Live/Work Units	Live/Work Unit: To retail the live/work unit as one unit. Upon the cessation of any business operating from the employment area, within 12 months vacate the residential (unless the occupier commences another business). Occupancy: Upon Occupation of the replacement farm house and the related vacation of the existing farm cottage, at no time hereafter residential use of the existing farm cottage.
11/0610	14/02/12	Personal Covenant	Knockupworth Farm, Burgh by Sands Parish – Beaumont	Relocation of Farmhouse and Farm Associated Shed	Open Space: £50,000 towards the provision & maintenance of Public Open space and/or the Provision of a Community Centre in Denton Holme payable 14 days prior to the first occupation of any of the student accommodation (spend 5 years). Cycle Network £16,000 towards improvements to the Caldew Cycleway payable 14 days prior to the first occupation of any of the student accommodation (spend 5 years). County Council £50,000 Travel Plan contribution and £6,600 Travel Plan Administration Fee.
11/0863	26/03/12	Border Construction Limited and Cumbria County Council	Land at Norfolk Street, Denton Holme, Carlisle Ward – Denton Holme	Student Accommodation comprising 492 bedrooms with Social Hub and associated parking, access and landscaping.	Affordable Housing: 8 Affordable Dwellings to be offered at Affordable Rent to persons at least of one whom is an Approved Person in respect of the village of Cumwhinton Play Area: £3,000 payable within 28 days of the Deed (to be transferred to the Parish Council towards the provision of a Play Area – within 5 years of payment)
11/0818	27/03/12	Hearthstone Homes Ltd	The Sheiling and Meadow View, School Road, Cumwhinton Parish – Wetheral	Erection Of 8no. Dwellings For Affordable Rent With Associated Parking And Landscaping Comprising: 4No. 2 Bed Bungalows And 4No. 3 Bed Houses Together With New Access Road	

									Transport Contribution (School Transport): £14,082 payable within 28 days of the granting of the First Tenancy (to be transferred to the County Council within 28 days of receipt towards the provision of School Transportation within 5 years of receipt)
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No Deeds of Variation with material changes

Summary of Obligations Entered into:

Financial – Commuted Sums - 2011 to 2012

Open Space Capital	Open Space Maintenance	In Lieu of On-Site Affordable Housing	Cycleways/ Pedestrian	Sports Provision	Highways/ (county)	Travel Plan (County)	Education (County)	Parish/Ward
			£46,000	£48,584				Denton Holme
		£31,000						Brampton
£14,481								Morton
					£ 3,500			Yewdale
				£ 3,538	£ 1,500			Denton Holme
£88,248	£47,873				£13,500			Wetheral (Ward)
	£50,000 ³		£16,000			£56,600		Denton Holme
£ 3,000							£14,082 (school transport)	Wetheral (Parish)

³ Not only for maintenance but includes provision of open space and/or Community Centre

		[(Market Value x 0.1) x 0.25] – 8 dwellings	£ 12,285 (rural wheels)							Dalston
£105,729	£97,873	£31,000 +	£74,285	£52,122	£18,500	£56,600	£14,082			

Non financial 2011 to 2012

Affordable Housing

	Social Rented	Shared Ownership	Discounted	Parish/Ward
Land SE of Town Foot Farm, Talkin			2	Hayton
Seatoller	16	7		Morton
Adj Alexandra Drive	5		5	Wetheral (Ward)
21 Old Road Longtown			1	Arthuret
School Road, Cumwhinton	8			Wetheral (Parish)
	29	7	8	

Occupancy Clauses

Affordable Housing has Qualifying Persons restrictions within the agreements

Live/Work Units at Smithfield in the Parish of Kirklington Middle.
 Todhills in the Parish of Rockcliffe.
 Cumdivock in the Parish of Dalston.

Student accommodation @ Denton Street (196 bedrooms) – Qualifying Students.

Land Transfer

No agreements entered into

Other

Horse & Farrier Public House, Wigton Road, Carlisle – Undertake works as specified in the agreement to the Public House prior to occupation of the store.

Denton Business Park, Denton Street, Carlisle – Gates to the development to be designed by qualifying students by way of a design competition.

Delivery of Obligations 2011 to 2012

BY DEVELOPERS

Non Financial

Affordable Housing

	Social Rented	Shared Ownership	Discounted	Parish/Ward
Highways Depot/ Dandy Croft	10			Brampton
South of Gelt Rise	17			Brampton
Former Highgrove Dairy			1	Harraby
Barras Close	17			Morton
Low Meadow (Extra Care)	31	17		Belle Vue
East of Low Meadow	27			Belle Vue
Stainton Road	20	10		Belah
	122	27	1	

It should be noted these figures are for the delivery of affordable housing through S106 agreements. A further 12 Social Rented Properties have been delivered via the planning system by Housing Associations without entering into a S106 agreements.

Occupancy Clauses

10 Affordable properties at Gelt Rise, Brampton – Approved Persons having been born, lived or worked in the parish of Brampton before cascading to the rural parishes of Irthington, Hayton, Farlam, Nether Denton, Burtholme, Walton and finally the District.

6 Affordable properties at Former Highways Depot, Brampton and 2 at Dandy Croft – Qualifying Persons having been born, lived or worked in the parish of Brampton or Rural East or the District.

48 Extra Care Affordable Properties at Low Meadow

Land Transfer

Amenity Land within the Garlands Estate was transferred into the Council's ownership from BDW Trading Ltd (Barratt Homes) for the consideration of £1 on 11 April 2011.

Financial

Payments Received by Carlisle City Council

Affordable Housing	Open space Capital	Open Space Maintenance	Cycleways/ Pedestrian	Public Realm	Highways	Purpose	Parish/Ward
		£31,345				Maintenance of the public open space, sports facilities and children's play areas within Morton Ward provided by capital sum rec'd – Levens Drive/Newlaithes Ave (10 years from commencement)	Morton
		£14,481				Enhancement of off-site open space provision within the Morton Ward (5 years)	Morton
	£27,160	£ 5,731				Contribution for play equipment at Melbourne Park and 10 year maintenance thereof	Harraby
	£ 9,025	£ 4,230				Enhancement/maintenance of King George V Playing Fields	Brampton
	£61,181					Provision of Public Open Space	Brampton
		£43,790				Provision and enhancement of public open space in the District (5 years)	District
Total	£ 97,366	£99,577					
	£196,943						

Carlisle City Council - Financial

Affordable Housing

No Expenditure. Total Pooled Fund £15,000.

Open Space/Play Areas

Location	Commitment	Original Sum	Summary of Works Undertaken 11/12	Amount Spent 11/12	Balance Outstanding	Expiry date of funds	Parish/Ward
The Beeches, Wigton Road	Maintenance of Play Area	£10,000	Play area maintenance	£ 1,000	£ 4,000	2016	Yewdale
Holme Head Bay*	Maintenance of Public Open Space.		Grass cutting, tree & shrub management	£ 600	£ 4,800		Denton Holme
Scotby Road, Scotby*	Maintenance of Public Open Space		Amenity grass land maintenance	£ 1,630	£ 6,370		Wetheral
Windsor Way*	Maintenance of Play Area		Play area maintenance	£ 600	£ 4,800		Stanwix Rural
Walkmill, Warwick Road*	Maintenance of Play Area		Play area & football pitch maintenance	£ 2,310	£18,480		Botcherby
Wakefield Road, Lowy Hill	Maintenance of Play Area	£10,000	Play area maintenance	£ 1,000	£ 8,000	Dec 2019	Belah
Turnstone Park	Maintenance of Play Area	£10,000	Play area maintenance	£ 1,000	£ 4,900	Sep 2020	Belle Vue
Jocks Hill, Brampton*	Maintenance of Public Open Space		Grass cutting	£ 268	£ 1,606		Brampton
Greenfield Lane, Brampton*	Maintenance of Public Open Space		Play area maintenance and grass cutting	£ 2,000	£12,000		Brampton
Burgh Road	Provision & maintenance of off site pitches & open space	£45,354	Maintenance at Spider Park and upgrading at Accredale Road	£21,771	£19,288	Sep 2019	Belle Vue

Keenan Park Play area or Petherill Bank Community Centre	Recreational facilities associated with 3 Rivers Strategy or improvements at community centre	£137,500	Refurbishment and maintenance of Harraby Play Area	£ 1,000	£122,750	Sep 2020	Harraby
Cumwhinton Road Childrens Play & Recreational Areas	Maintenance of Play Area	£ 5,670	Play area maintenance	£ 555	£ 4,445	May 2014	Harraby
Tribune Drive *	Remedial work and 10 year maintenance of Public Open Space	£20,025	Grass cutting, tree & shrub management	£ 1,800	£ 14,400	Jul 2019	Stanwix Rural
Heysham Park, Raffles	Maintenance of Public Open Space	£25,000	Play area and park maintenance	£ 2,500	£20,000	Open ended	Belle Vue
Parkland Village, Garlands	Maintenance of Public Open Space and Tree Planting	£71,889	Remedial landscape work and maintenance	£14,378	£43,133	Jul 2015	Dalston/Harraby
Levens Drive/ Newlaithes Ave	Provision of Public Open Space, Formal Sports and Children's Play Facilities	£57,805	None	None	£57,805	Mar 2013	Morton
Gelt Rise, Brampton	Maintenance of the above	£31,345	None	None	£ 31,345	Mar 2020	Morton
	Provision of Play Area	£12,800	None	None	£12,800	Feb 2021	Brampton
	Maintenance of Play Area	£ 3,551	None	None	£ 3,551	Feb 2021	Brampton
	Maintenance of Play Area	£10,000	Maintenance of Play Area	£1,000	£ 9,000	Mar 2021	Harraby/Dalston
Carleton Grange, Garlands	Maintenance of Public Open Space	£102,837	Maintenance of Public Open Space	£ 10,290	£ 92,547	Mar 2021	Harraby/Dalston
	Remedial works to Public Open Space	£10,330.60	None	£ 10,330.60	Nil	Mar 2021	Harraby/Dalston
Seatoller Close	Enhancement of off-site provision in the	£14,481.56	None	None	£ 14,481.56	June 2016	Morton

	Morton Ward										
Former Depot/Dandy Croft Brampton	Provision of public open space	£61,181	None – Process commenced to use contribution for skate park – see exec report dated 30 March 2012	None	£61,181	None	£61,181	Nov 2014	Brampton		
	Enhancement of King George V Playing Fields	£9,025	None	None	£9,025	None	£9,025	Nov 2014	Brampton		
	Maintenance of King George V Playing Fields	£4,230	None	None	£4,230	None	£4,230	Nov 2021	Brampton		
Stainton Road, Etterby	Provision and enhancement of public open space in the District	£43,970	None	None	£43,970	None	£43,970	Jun 2016	Belah		
Watts Yard, London Road	For play equipment at Melbourne Park	£27,160	None	None	£27,160	None	£27,160	Jan 2022	Harraby		
	10 year maintenance of above	£ 5,731.59	None	None	£ 5,731.59	None	£5,731.59	Jan 2022	Harraby		
		£578,588.16		£ 56,977.60	£527,497.56						

Infrastructure

Location	Commitment	Original Sum	Summary of Works Undertaken 11/12	Amount Spent 11/12	Balance Outstanding	Expiry date of funds	Parish/ Ward
Caldew School, Dalston	Traffic Regulation Order to be put in place by Cumbria County Council	£ 1,500	Outstanding monies due for work undertaken received from County Council	£3,223.79	Nil		Dalston
Gates Garage (now Sainsbury), Scotland Road*	Traffic Regulation Order to be put in place by Cumbria County Council at Cheviot Rd, Carlisle	£ 3,500	Carlisle City Council Contracted to put in place TRO	£3,500	Nil		Stanwix Urban

Immediate area around Carlisle College	Contribution towards Cycle Network and improvement of pedestrian facilities in the immediate vicinity	£ 29,750	Work has been undertaken on "Learning Village Cyclepath" (also known as Zero Path). Outstanding works to be completed on Newark Terrace.	None	£29,750	None	None	Castle
Caldew Cycle Way/ Willowholme	"Castle Way Ramp" To implement a section of the cycleway as detailed in the agreement	£370,000	None – but process commenced to programme works (See Executive Report on Web Dated 05/04/12)	None	£370,000	Feb 2016	Feb 2016	Castle
Public Realm, Caldewgate/ Shaddongate	Undertake works defined as a range of initiatives arising from the adopted Urban Design Ground and Public Framework comprising structural landscaping and associated to Church St, Bridge St & Shaddongate corridor.	£370,000	Can't undertake works until 3 months after commencement which was March 2012 (therefore June 2012 before works can commence)	None	£370,000	Feb 2016	Feb 2016	Castle
Watts Yard, London Road	Implementation of Car Club Scheme (County responsibility)	£30,000	Transferred monies to County upon receipt of evidence of the car club being implemented	£30,000	Nil	1 year of operation		Harraby
		804,750		30,276.21	749,750			

Outstanding Obligations from previous years as at 31 March 2012 (in part or full)

PP No	Date Signed	Parties	Address	Development Proposal	S106 Obligation Outstanding	When Due/Comment
97/0604	20/01/99	Crowther Homes	Suttle House, Wigton Road, Carlisle. Now known as The Beeches. Ward – Yewdale	Housing Development	Drainage & Sport Pitch Contribution payable following the grant of permission of the adjoining development land (formula based)	Being reviewed in light of the application for the adjacent development (Adj Garden Village 10/1026) and expect to enter into a Deed of Variation.
11/0713	10/08/01				Transfer of land to the Council for the consideration of £1 upon payment of £38,000 from the developer	
03/1189	31/03/04	Montgomery Homes (1970) Limited	Land to the South of Moor Road, Longtown Parish - Arthuret	Erection of 19 Dwellings	Offer of land for the consideration of £1 to a Housing Association subject to terms detailed in Deed.	Letter from Solicitor April 2012 advising that offer process is to commence
06/1265	14/03/06	Harrison Northern Ltd	Highgrove Dairy Ward – Harraby	Housing Development	Transfer of the land to the Council marked in the Deed to be used as Public Open Space and Children's Play Area. £10,000 Committed sum for maintenance of the above 4 Discounted Affordable	Upon completion of the development Within 1 month of completion of the development. Throughout

08/1059	28/09/09	Citadel Estates Ltd	The George, Warwick Bridge Parish - Wetheral	Mixed Development Comprising Retail Development With 24 Apartments	Units @ 75% OMV 4 Discounted Affordable Units @ 70% OMV £5,000 provision & maintenance of play equipment for children aged 8-12 yrs at existing amenity land at Downgate, £79,580 towards River Petteril Cycle Route	construction Throughout construction. Prior to Commencement. (Permission still unimplemented Revised Application refused)
08/0845	08/12/09	Persimmon Homes	Watts Yard, Carlisle Ward – Harraby	Housing Development	Commuted Sum for "Currock Link" of £24,800	2 tranches; half on Disposal of the 80 th and 98 th Dwelling. Within 6 months of the commencement of the development (Permission still unimplemented)
09/0216	25/01/10	Northern Developments (Cumbria Ltd)	Land adj to Blackwell House, Durdar Road, Carlisle Ward – St Cuthberts Without Parish - Dalston	Residential Development	10 Discount Affordable Units @ 70% OMV £26,000 for the maintenance of the on-site play area	Throughout construction Upon completion of the on-site play area.
09/1059 11/0369	04/10/10 08/12/11	Briery Homes Ltd	Former Sawmill, Netherby Road, Longtown Parish - Arthuret	Housing Development	Occupancy Restriction: The occupant must run a business from the property	Throughout construction (Permission still unimplemented)
06/0993	10/05/10	Bimson Homes	Greenholme Lodge, Corby Hill Parish - Hayton	Conversion of redundant courtyard stabling to provide 6 No Live/Work units. Change Of Use Of Stone Barn to Live/Work Unit	Occupancy Restriction: The occupant must run a business from the property	Throughout construction (Permission still unimplemented)
09/0861	28/05/10	Personal Covenant	Barns at Lees Hill, Brampton Parish - Askerton	Proposed Residential Development	5 Discount Affordable Units @ 70% OMV £38,902 In lieu of on site public open space provision	Throughout construction 4 weeks of commencement (Revised)
09/0245	08/07/10	Lancaster Roman Catholic Diocesan Trustees	Land at St Augustines Church, Waverley Gardens Carlisle Ward – Stanwix Urban			

							Application for retirement housing)
07/1312	18/08/10	Senator Homes (now known as Persimmon Homes)	Former Penguin Factory, Westmorland St, Carlisle Ward – Denton Holme	Proposed Residential Development	17% Affordable Housing £84,076 In lieu of on site provision (inc Play area) Cumbria County Council: £29,920 for improving pedestrian connectivity cycleway signage Traffic Regulation Order	Throughout construction Prior to occupation of 35 th dwelling Prior to occupation of the 35 th (Permission still unimplemented)	
10/0346	01/10/10	Story Homes	Former Depot Station Road, Dandycroft, Station Rd, Brampton Parish - Brampton	Residential Development	On site Open Space: To be laid out by the developer. Upon satisfactory completion transferred to the Council for the consideration of £1. Upon Transfer pay a Maintenance sum of £14,204 (10 yrs from receipt.) See Appendix 1	At appropriate stage of development	
09/0413	15/11/10	Church Commissioners for England	Morton Development, Carlisle Parish – Cumberdale Ward - Various	Development for Residential (Maximum 825 Dwellings), Employment (40,000m2 Floorspace), And Public Open Space	Affordable Housing Open Space Cumbria County Council for: Bus routes/stops etc Education Highways Pedestrian Connectivity	Throughout Development (Outline Permission – Reserved Matters yet to be received)	
10/0642	16/12/10	Wellburn Care Homes and	Scalesceugh Hall, Carleton, Carlisle	Proposed 47 Bed Residential Care Home	Occupancy Restriction: Closed Care Housing	(Permission still unimplemented)	

10/0818	24/12/10	Cumbria Cerebral Palsy and Impact Housing Association	Parish – St Cuthbert’s Without	With associated 6 Close Care Cottages to be constructed within the grounds.	(aged 55 or over falling between traditional sheltered housing and full residential care)	
10/0265	01/03/11	Riverside Group Ltd Personal Covenant	Seatoller Close, Morton, Carlisle Ward - Morton Brampton Playhouse, Moatside, Brampton Parish - Brampton	Erection of 23 dwellings Demolition of redundant Brampton Playhouse. Erection of 5 No. dwellings	Affordable Housing: 7 – Shared Ownership 16 – Social Rent Commutted sum in lieu of on-site provision (30% of the open market value of all 5 dwellings divided by 10 – payable on sale of 3 rd dwelling.	Completed April 2012 (Permission still unimplemented)

APPENDIX 1

TRIGGER	COVENANT	PARA
Pre- Commencement		
4 Months prior commencement 1 st Phase (and subsequent phases)	Owner serve notice on the Council detailing its election under para 3.2 (affordable housing provider)	3.2
Phases		
4 months prior to every phase	Owner serve notice on the Council detailing its election under para 3.2 (affordable housing provider)	3.2
90% Market Housing of each phase	Not to be occupied until all of the Affordable Housing Units allocated to that phase (if any) have been delivered	3.10
6 months after commencement of each phase	If the owner has not entered into a Contract with an Affordable Housing Provider under para 3.4 they may serve notice to the Council for its approval of Revised Affordable Housing Details (Revised Affordable Housing Provision Notice)	3.5
Housing Development/Occupation		
Not to Occupy Any Dwelling	£5k Newlathes Avenue Bus Stop Contribution has been paid.	County 10.1
Occupation of 50 th Dwelling and every 50 th Dwelling thereafter	Owner notify the County Council	County 12.10
Occupation of 101 Dwellings	£120k Bus Service Capital Contribution	County 6.1
Occupation of 185 Dwellings	Bus Service Not to be operated prior to occupation of 185 dwellings	County 5.1
	£100k Pedestrian Connectivity Contribution	County 10.1
After 185 Dwellings Occupied	County to serve written notice to owner confirming the date on which the bus service has come into operation and such notice shall be served within 28 days of the first operation of the bus service	County 8.3
	Upon receipt of the notice the owner shall pay £110k being the 1 st instalment of the Bus Revenue Contribution	8.1
	£110K on 1 st anniversary of 1 st instalment	8.1
	£110K on 2 nd anniversary of 1 st instalment	8.1
Occupation of 200 Dwellings	Owner shall carry out the Primary Leisure Area Works on Primary Leisure Land shown shaded dark green on plan 4 prior to 200 Occupation	1.2
After Occupation of 250 th Dwelling	County can serve written notice that it	County

but prior to Occupation of the 400 th Dwelling or 10 yrs from commencement (whichever the earliest)	requires the School Site. If served prior to 28 th dwelling then the owner shall not occupy more than 360 Dwellings until obligations 12 para 12.3 have been complied with. If served after occupation of 280 th dwelling then owner shall not occupy more than an additional 80 dwellings until obligations under para 12.3 have been complied with.	12
Occupation of 256 Dwellings	£30k Bridging Payment if CNDR Roundabout is not in operation	County 4.2
	£50K 1 st Instalment of Modal Shift Contribution (reduce by Bridging Payment if paid)	County 10.2
	£20k McVities Roundabout Contribution	County 10.1
	£25k Traffic Signals Contribution	County 10.1
	£30k 1 st Instalment Cross City Bus Route Improvement Contribution £35k 2 nd instalment on 1 st Anniversary of occupation of 256 th dwelling £35k 3 rd instalment on 2 nd Anniversary of occupation of 256 th dwelling Any Unexpended sum on 3 rd anniversary to be returned to the payer.	County 9.1 5 th Schedule 2.2
	If the Bus Service is NOT operational any unexpended sum of the Bus Service Capital Contribution (£120k paid on occupation of 101 st dwelling) shall be returned to the payer within 1 month of such occupation.	County 2.2
Occupation of 300 Dwellings	£50K 2 nd Instalment of Modal Shift Contribution	County 10.2
After the Occupation of the 360 th Dwelling and before Occupation of the 400 th Dwelling.	Owner pay the Education Contribution (Department for Children Schools and Families Cost Multiplier – [or equivalent]) by 159	County 12.7
Occupation 450 Dwellings	£62,813 3 rd Instalment of Modal Shift Contribution	County 10.2
Occupation 742 Dwellings	Not to occupy until owner has paid £4,928 per HA (Primary Leisure Area Maintenance Contribution). Adjusted by the Landscape Institute's index of inflation. To be used towards the maintenance of Primary Leisure Area	City 2
Occupation of 95% (784) Dwellings	Owner shall carry out the Primary Leisure Area Works on Primary Leisure Land shown shaded light green on plan 4 prior to 95% Occupation	City 1.2

Other		
Employment Units	Not to be occupied until: £5k Wigton Road Bus Stop Contribution has been paid	County 10.1
Megarider Scheme	Owner covenants to make available and provide on request one bus season ticket for the Megarider Scheme per dwelling until the operation of the Bus Service comes into effect up to a maximum cost of £20k in total for all tickets.	7.1
School Reserve Site	County shall use reasonable endeavours to ensure that a school is constructed on the School Reserve Site within 3 yrs from the date of transfer or 3yrs from the date of payment of the Education Contribution whichever is the later. In the event that material works of construction of the school have not commenced or a building contract has not been let for completion by the above, then the County shall offer back the School Reserve Site for £1 consideration.	
Affordable Housing	30% of dwellings 2 bed 30% = 74 3 bed 50% = 124 4 bed 20% = 49 NO MORE THAN 30% of TOTAL FLOORSPACE 50/50 split between discounted and Social Rented	