SCHEDULE A: Applications with Recommendation

18/1088

Item No: 02 Date of Committee: 22/03/2019

Appn Ref No: Applicant: Parish:

18/1088 Genesis Homes Burgh-by-Sands

Agent: Ward: Genesis Homes Burgh

Location: Land Adjacent To King Edwards Fauld, Burgh By Sands, Carlisle, CA5

6AR

Proposal: Erection Of 24no. Dwellings And Associated Infrastructure

Date of Receipt: Statutory Expiry Date 26 Week Determination

11/12/2018 12/03/2019

REPORT Case Officer: Stephen Daniel

1. Recommendation

- 1.1 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
 - a) the provision of four affordable dwellings (two for discounted sale and two for social rent);
 - b) a financial contribution of £16,600 to support the off-site improvement of open space in Burgh-by-Sands
 - c) a financial contribution of £98,216 (based on DfE multiplier of £24,554 per pupil place) to Cumbria County Council towards education provision.
- 1.2 If the Section 106 Agreement is not completed within a reasonable time, then Authority to Issue a Refusal Notice is requested to the Director of Economic Development.

2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties

- 2.4 Impact Of The Proposal On The Burgh-by-Sands Conservation Area
- 2.5 Impact On Hadrian's Wall World Heritage Site
- 2.6 Drainage Issues
- 2.7 Highway Matters
- 2.8 Provision Of Affordable Housing
- 2.9 Education
- 2.10 Open Space
- 2.11 Biodiversity
- 2.12 Archaeology

3. Application Details

The Site

- 3.1 The site covers an area of approximately 1 hectare and is currently in agricultural use. Hedgerows run along the eastern and southern site boundaries and there are two existing field gates that provide access into the site, one from Amberfield and one from King Edwards Fauld.
- 3.2 The site is located on the edge of Burgh-by-Sands, immediately adjacent to the residential development of King Edwards Fauld and directly to the west of dwellings on Amberfield. Burgh-by-Sands Primary School lies approximately 40m to the south-east of the application site.
- 3.3 The site is allocated for housing in the adopted Local Plan. The site lies within the Hadrian's Wall World Heritage Site Buffer Zone and lies adjacent to the Burgh-by-Sands Conservation Area.

Background

3.4 An outline planning application with all matters (except access) reserved for subsequent approval was granted in June 2016. The Planning Statement that was submitted with the application referred to a development of between 20 and 25 houses. Access was shown via King Edwards Fauld.

The Proposal

- 3.5 This proposal is seeking full planning permission for the erection of 24 dwellings. Access would be taken from Amberfield which adjoins the eastern site boundary. Three two-storey dwellings would front onto Amberfield, with the side elevation of one of these adjoining Kings Edward Fauld. The side elevation of a bungalow would also face Amberfield and this would face the new access road into the development. Part of the development would also adjoin the western boundary of King Edwards Fauld.
- 3.6 The development would contain ten different house types, which would include detached and semi-detached properties ranging from two-bedroom to five-bedroom. Sixteen of the dwellings would be two-storey, seven would be bungalows and one would be two-and-a-half storey. Four of the dwellings would be affordable, with two being for discounted sale and two being for

social rent.

3.7 The dwellings would be constructed predominantly of brick with stone sills and heads, with some render sections under a grey slate effect tiled roof. Windows would be upvc with glazing bars, with doors being composite wood grain and rainwater goods being black upvc. The dwellings would incorporate a variety of design features to add visual interest including two-storey projecting gables, single-storey sections, bay windows and open porches. The majority of dwellings would have garages, which would either be integral, attached or detached.

4. Summary of Representations

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to twenty-eight neighbouring properties. In response, five letters of objection have been received which make the following points:
 - building 24 homes with multiple bedrooms to house families will affect the school intake which is already high will any provisions be made for this?;
 - there are already lots of children in the village not at school intake age yet whom this might affect;
 - the main sewer has been prone to blockages in the past particularly at the start of Amberfield question how the current sewer structure has capacity to serve an additional 24 family properties;
 - concerns about main sewer being able to cope with the development it has not been upgraded for 80+ years;
 - is the road on Amberfield adequate to accommodate additional traffic this is narrow running alongside the development;
 - the road requires attention to a dip opposite King Edwards Fauld which will worsen with more traffic;
 - traffic at school run times causes access issues for residents on Amberfield and King Edwards Fauld;
 - previous traffic counts will not provide evidence on the impact of an additional 24 dwellings/ 40+ cars will make;
 - loss of privacy to occupiers of dwellings on King Edwards Fauld that adjoin the site:
 - increased noise levels from the development which will affect the quality of life for residents at King Edwards Fauld and Amberfield;
 - Plot 17 is too close to 1 King Edwards Fauld should be 12m between any wall of a building and a primary window (1 King Edwards Fauld has patio doors in the living room);
 - there are 2 rear exit doors on Plot 17 too close to the boundary with 1 King Edwards Fauld which would increase noise and prevent the occupier from the right to live peacefully;
 - the dining room rear exit door on Plot 17 should be removed;
 - the ground and first floor windows on the east elevations of Plots 13, 14 & 15 should be removed:
 - the 2 visitor parking spaces next to Plot 17 should be removed and replaced with shrub planting all the way down to the boundary with 1 King

Edwards Fauld;

- 6 to 8 2m high evergreen trees should be planted on the boundary adjoining the back of 1 & 2 King Edwards Fauld to prevent overlooking;
- no street lighting is shown on the plans would like to query the location of street lighting to ensure it would not have an adverse impact on the occupiers of 1 to 3 King Edwards Fauld;
- Burgh-by-Sands is a small village and should be kept like that.
- 4.2 County Councillor Trevor Allison has submitted a letter in response to the application which raises the following issues:
 - parking around Burgh School is a particular issue. The road to the front of the school (U1119) is narrow. There is a history of disputes with parents parking on private property. Agricultural vehicles can be held up on the road at school opening and closing times. There is real concern for the safety of the children:
 - disappointed that County Highways does not acknowledge lack of parking for the school is an issue in their response to this application. However, they do comment that the provision in the application for 54 cars is not sufficient and that it should be 62, on the grounds of the inadequacy of rural bus services and the reliance on car travel. In 1996 at a local public inquiry, Professor Whitelegg stated that each household generates 7 car journeys a day. This has never been challenged and on that basis this development will add an additional 170 car movements per day in close proximity to the school:
 - given the above background it was anticipated that Highways would require some parking provision to address this problem. Indeed they have made just that suggestion in the current application for only five houses on land adjacent to Raughton Head school;
 - the County Council calculate that there will be 5 primary school places generated by this development and a requirement to provide transport for 4 secondary pupils.
 - due to its proximity and width of road in the estate, (assuming that it will be adopted), the parents may find it more convenient to park within the new development, and transfer the problem there;
 - for the Section 106 contribution the city council Green Spaces Manager requested a sum of £25,000 for local amenities, but this was reduced to £15,000 on the grounds that this was the sum agreed at the outline planning stage. (It is disappointing that we have acceded to this lower amount since the outline planning permission has in fact lapsed). Allowing for inflation over a 3 year period this amounts to just over £16,000. This is intended for equipment on the nearby play area and to be administered by the Parish Council:
 - from discussions with both the parish council, the school and residents, I suggest that provision of off road parking adjacent to the school, has a far greater amenity value for the safety and welfare of the children than additional play equipment;
 - ask that Highways reconsider their recommendations made in their response as statutory consultees to include parking provision as they have done at Raughton Head. This appears to be ruled out on the development site with the provision of three additional houses. The S106 allocation should

be assigned to the parish council with the option of allocating this sum for the provision of off road parking for the school should that prove feasible; - ask that County Highways support the Parish Council in their endeavours to identify and secure a strip of land for this purpose.

5. Summary of Consultation Responses

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections subject to conditions (construction details of road; provision of visibility splays; provision of access road to sub base; submission of Construction Phase Traffic Management Plan; submission of surface water drainage scheme);

Local Environment, Waste Services: - no objections in principle to the layout. In the areas of the development with block paving there will need to be a shared collection point;

Natural England: - no objections;

Historic England - North West Office: - no objections;

Cumbria County Council - (Archaeological Services): - no objections, subject to conditions (programme of archaeological work);

Northern Gas Networks: - no objections;

Burgh-by-Sands Parish Council: - the range and sizes of the dwellings are good and the use of vernacular building materials is applauded. The size range of the social houses is limited. Would like to object for the following reasons:

- 1. size of plots too many small gardens providing a lack of amenity for each dwelling this contrasts with their setting in Burgh which is a very open, well spaced village;
- 2. school places there is a lack of school places at Burgh school transport to other schools for junior and all senior students needs to be considered;
- 3. the School Road (U1119) the road onto which the development links is narrow which will cause congestion at peak times. Parking around the school at pick up and drop off times is a major issue/ safety concern off road parking provision is required and the provision of single yellow lines to reduce parking and congestion might be considered. Traffic access from the cross roads in Burgh has poor visibility and does not flow freely whist the route from Moorhouse is narrow and has 23 agricultural entrances. The proposed footpath beside the school road could be moved in order to facilitate a widening of the road by Amberfield. S106 monies should be used to purchase neighbouring land to complete the length of the footpath to the school entrance and to provide additional parking in front of the school. Egress from all properties should be onto King Edwards Fauld and not school road;
- 4. sewage and drainage the development will double the input of the sewage system in this area. The sewer was constructed in the 1930s and the infrastructure and pipe work cannot cope with existing levels of input during peak times. This development will stress this aging system further as it does

not have capacity for holding further volume. There have been reports of pollution attributed to failures in the pipe work. Where is the surface water going to go? The site is underlain in part by an impermeable layer so it may not soak away naturally. There is already flooding in Amberfield during periods of high rain;

Local Environment - Environmental Protection: - no objections, subject to conditions (unsuspected contamination);

Planning - Access Officer: - no objections;

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

Green Spaces: - requested a contribution of £16,600 to improve the existing children's play area that lies within 70m of the development boundary;

Cumbria County Council (Education Department): - requested a financial contribution of £98,216 in relation to secondary education.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the development plan, unless material considerations indicate otherwise.
- The relevant planning policies against which the application is required to be assessed are Policies SP1, SP2, SP6, HO1, HO4, HO10, HE1, HE7, IP3, IP4, IP6, CC5, GI3, GI4, GI6, CM2 and CM4 of the Carlisle District Local Plan 2015-2030 and the council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing" and "Affordable and Specialist Housing" are also material considerations.
- 6.3 The proposal raises the following planning issues:
 - 1. Whether The Proposal Is Acceptable In Principle
- The site is allocated for residential development in the adopted Carlisle District Local Plan 2015-2030. The site was identified as the preferred site for housing development in Burgh-by-Sands by local residents in a Rural Master Planning exercise and was favoured by the Parish Council. Policy HO1 identifies that the site (R6) could accommodate approximately 25 dwellings.
- 6.5 In June 2016, outline planning permission was granted for residential development on this site. The Planning Statement that was submitted with the application referred to a development of between 20 and 25 houses.

- 6.6 In light of the above, the proposal would be acceptable in principle.
 - 2. Whether The Scale And Design Of The Dwellings Would Be Acceptable
- 6.7 This proposal is seeking full planning permission for the erection of 24 dwellings. Access would be taken from Amberfield which adjoins the eastern site boundary. Three two-storey dwellings would front onto Amberfield, with the side elevation of one of these adjoining Kings Edward Fauld. The side elevation of a bungalow would also face Amberfield and this dwelling would would face the new access road into the development.
- 6.8 The development would contain ten different house types as follows:
 - Esk three-bed detached bungalow 3 in total
 - Dee two-bed detached bungalow 4 in total
 - Eden four-bed detached two-storey dwelling 3 in total
 - Gelt three-bed two-storey semi-detached dwelling 2 in total
 - Whillan five-bed detached two-and-a-half storey dwelling 1 in total
 - Lowther four-bed detached two-storey dwelling 3 in total
 - Derwent three-bed detached two-storey dwelling 3 in total
 - Ellen four-bed detached two-storey dwelling 1 in total
 - Caldew two-bed semi-detached dwelling 2 in total
 - Petterill three-bed detached dwelling 2 in total
- 6.9 Four of the dwellings would be affordable, with two being for discounted sale (Petterill) and two being for social rent (Caldew).
- 6.10 The dwellings would be constructed predominantly of brick with stone sills and heads, with some render sections under a grey slate effect tiled roof.

 Windows would be upvc with glazing bars, with doors being composite wood grain and rainwater goods being black upvc. The dwellings would incorporate a variety of design features to add visual interest including two-storey projecting gables, single-storey sections, bay windows and open porches. The majority of dwellings would have garages, which would either be integral, attached or detached.
- 6.11 A 1m high wall would be erected adjacent to Amberfield, to the rear of a 2m footpath which would be provided. Within the development 1.8m brick walls would be used to form boundaries adjacent to roads, with 1.8m vertical close boarded fencing being provided between plots and 1.2m high vertical close boarded fencing being provided on boundaries with the adjoining field.
- 6.12 A pumping station would be provided immediately to the west of the dwellings. This would be enclosed by 1.8m high vertical close boarded fencing.
- 6.13 The Council's Heritage Officer has noted that some effort has been made to positively address the access road at Amberfield, with parking pulled to the side of units 22 and 24. Unit 22 adequately articulates the corner and presents an acceptable elevation to both Amberfield and the new access. He

- does, however, have some concern over the suitability of the single-storey Unit 1 to form the other corner and would prefer a two-storey, dual aspect dwelling on this Plot.
- 6.14 He has also raised concerns about the proposed roofing material. The roofscape of the scheme is critical to its successful integration into Burgh-by-Sands and a natural slate roof should be used throughout. Heavy manmade tiles and overly scaled projecting fascias and soffits are not a feature which reflects local distinctiveness.
- 6.15 The site is not within the Burgh-by-Sands Conservation Area and would not be visible from it. The proposed bungalow on Plot 1 is considered to be acceptable and would add some variety to the streetscene. The proposal is seeking to use two different brick types and some sections of render, with stone sills and heads. The roofing materials would have a thin leading edge and would be grey to give a slate effect. A condition has been added to require the applicant to submit samples of the proposed roofing materials for approval by the Local Planning Authority. Given the sites location the proposed materials are considered to be acceptable.
- 6.16 The Parish Council considers that the range and sizes of the dwellings are good and it applauds the use of vernacular building materials. It does, however, consider that there are too many small gardens which provide a lack of amenity value for each dwellings and this contrasts with their setting in Burgh-by-Sands which is a very open, well spaced village. The proposed development would provide 24 dwellings per hectare which is a relatively low density development. The size of the gardens are considered to be acceptable and some of the dwellings are set in fairly generous plots.
- 6.17 The layout of the proposed development would be acceptable. A range of house types would be used and these would incorporate a variety of design features to add visual interest. The scale and design of the proposed development would, therefore, be acceptable.
 - 3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 6.18 Existing residential properties on King Edwards Fauld adjoin the application site to the north east, with dwellings that front on to Amberfield facing the site.
- 6.19 The dwellings that are to be provided to the rear of King Edwards Fauld would be single-storey. The dwellings that would be nearest to King Edwards Fauld (Plots 16 and 17) have been positioned so that they would not sit directly to the rear of 1 and 2 King Edwards Fauld, which have rear elevations facing the site. Plot 15 would have a side elevation in line with the rear elevations of 2 King Edwards Fauld but this would be a single-storey and would be over 21m away. Plot 14 would lie directly to the rear of 1 King Edwards Fauld but this dwelling would be single-storey and would be over 33m away. No. 3 King Edwards Fauld has a blank side elevation facing Plot 16 with the front and rear elevations of this dwelling, which contain the main

primary windows, being unaffected.

- 6.20 The land to the rear of 1 and 2 King Edwards Fauld would form the driveway and parking area to Plot 16. A 1.2m high fence is shown on the boundary between the parking area and 1 and 2 King Edwards Fauld. The developer is happy to increase the height of the fence to 1.8m but this could have an adverse impact on the occupiers of these dwellings. It has been suggested that trees could be planted in this area. Whilst the developer is happy to do this he is concerned that the trees would cause a loss of light to 1 and 2 King Edwards Fauld. A 1.2m fence on this boundary is considered to be the most appropriate option.
- 6.21 The dwellings on Amberfield that would face the development would have front elevations over 21m away from the proposed dwellings, with the exception of 10 Amberfield. This dwelling would be a minimum of 18.5m away from the front elevation of Plot 23 and 19m from the front elevation of Plot 24. The dwelling sits at slight angle and would not directly face Plots 23 and 24 and this distance is, therefore, considered to be acceptable.
- 6.22 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.
 - 4. Impact Of Proposal On Burgh-by-Sands Conservation Area
- 6.23 The site adjoins the Burgh-by-Sands Conservation Area. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect to any buildings or land in a conservation area. The aforementioned section states that:
 - "special attention shall be paid to the desirability or preserving or enhancing the character or appearance of that area".
- 6.24 The aims of the 1990 Act are reiterated in both the NPPF, PPG and policies within the adopted Local Plan. Policy HE7 of the Local Plan advises that proposals should preserve or enhance the special character and appearance of conservation areas.
- 6.25 Case law (South Lakeland District Council v Secretary of State for the Environment (1992)) has established the principle that if development has a neutral impact on a conservation area, in that it made no positive contribution but left it unharmed, it could properly be said to preserve the character and appearance of that area.
- 6.26 The site is allocated for housing in the adopted Local Plan and residential development on the site is, therefore, acceptable in principle. The proposed layout and design of the development is considered to be acceptable.
- 6.27 There are a number of mature trees on the northern site boundary which limit public views into, and out of, the conservation area. The dwellings at

King Edwards Fauld, which adjoin the site, are a mixture of single and two-storey properties that are finished in render, under slate roofs. The dwellings at Amberfield are brick with slate roofs. The proposed dwellings would be predominately brick with some sections of render which would be acceptable given the site's context. The proposed roofing materials would be slate effect tiles and this is considered to be acceptable, given that the site is not within the conservation area and that public views into and out of the conservation area are limited.

- 6.28 In light of the above, the proposal would not have an adverse impact on the Burgh-by-Sands Conservation Area.
 - 5. Impact On Hadrian's Wall World Heritage Site
- 6.29 The site would not be visible from the World Heritage Site but it does lie within the buffer zone.
- 6.30 Historic England has been consulted on the application and confirmed that its has no objections to the proposal on heritage grounds.
 - 6. Drainage Issues
- 6.31 Foul drainage would be discharged to the existing adopted combined sewer located to the east of the site via a proposed foul pumping station, which is located at the western end of the development and this is acceptable to United Utilities. A cellular infiltration system would be utilised for the disposal of surface water from the dwellings and the public highways.
- The Parish Council and objectors have raised concerns about the impact of the proposed development on the existing sewerage system in the area, which is inadequate and cannot cope with existing levels of input at peak times. The main sewer has been prone to blockages in the past, particularly at the start of Amberfield and question how the current sewer structure has capacity to serve an additional 24 family properties. There is already flooding in Amberfield during periods of heavy rain.
- 6.32 The Lead Local Flood Authority has been consulted on the application and has raised no objections to the proposal, subject to the imposition of a condition which requires the submission of a Surface Water Drainage Scheme for approval in writing by the Local Planning Authority.
- 6.33 The applicant has demonstrated that the soakaway can be located away from the pumping station structure and the final detailed design should demonstrate that the soakaway can meet the requirements of the building regulations in terms of the distance of its location from any buildings.
 - 7. Highway Matters
- 6.34 A number of objectors have raised concerns about Amberfield, which is a narrow road and question if it would be able to accommodate the additional traffic that the development would generate.
- 6.35 The Local Highway Authority has been consulted on the application. The

applicant has now provided sufficient information to alleviate concerns in relation to visibility splays, parking provision, overhang, extension of the highway and the surface water drainage. The Local Highway Authority, therefore, has no objections to the proposal, subject to the imposition of a number of conditions.

- 6.36 The Parish Council has raised concerns about the narrowness of the Amberfield which causes congestion at peak times. It has requested that the proposed footpath beside Amberfield should be moved in order to facilitate widening of the road. The Local Highway Authority consider that the widening of a small section of Amberfield could create visibility issues.
- 6.37 The Parish Council and Cllr Trevor Allison have also raised concerns about the lack of parking at Burgh-by-Sands School which is increasing congestion in the area. It is suggested that S106 money should be used to purchase neighbouring land to provide parking for the school, with the Parish Council also wanting the footpath completed to the school entrance. Cllr Allison has suggested that the S106 money that is earmarked for upgrading the play area near to the site should be given to the Parish Council and used for the provision of off road parking for the school, should that prove feasible.
- 6.38 Any requests for S106 contributions have to be directly related to the development. Whilst 24 new dwellings are being built on land opposite the school, the development is highly unlikely to generate additional vehicle movements to the school given the close proximity of the dwellings to the school. Indeed, the development is more likely to reduce vehicle movements to the school as children from this development, who would be able to walk to the school, might displace children that are currently driven to the school. On this basis, it would not be reasonable to require the developer to fund additional parking for the school which would resolve on an going problem but not one directly related to the development.

8. Provision Of Affordable Housing

6.39 Policy HO4 of the adopted Local Plan requires all sites of 11 units or more (within Zone B, which includes Burgh) to provide 20% of the units as affordable housing. The application includes four affordable units (two 2-bed and two 3-bed units) two of which would be for discounted sale and two of which would be for affordable rent, which would be acceptable. The application also incorporate seven bungalows which is supported. In light of the above, the Council's Housing Development Officer has confirmed that he has no objections to the proposal subject securing a Registered Provider partner for the affordable rental units.

9. Education

- 6.40 Using the dwelling mix provided (six 2-bed, eleven 3-bed and seven 4+-bed) and the dwelling led model outlined in the County Council's Planning Obligations Policy it is estimated that a pupil yield of nine children would be generated from this development: 5 primary and 4 secondary pupils.
- 6.41 The site lies within the catchment of Burgh-by-Sand Primary School. The County Council has confirmed that there are currently five spaces available

- in the school, which is sufficient space to accommodate the pupil yield from this development.
- The catchment secondary school is Caldew School in Dalston. This school is projected to be full and the developer would, therefore, be required to provide an education contribution of £98,216 (4*£24,554). A multiplier of £24,554 has been used, which is the £18,188 multiplier identified in the County Council Planning Obligations Policy (2018) index linked using the BCIS All in Tender Price Indexation.
- 6.42 Whilst Caldew School is over the statutory walking distance there is currently capacity on existing bus services. No secondary school transport contribution is, therefore, required.
 - 10. Open Space
- 6.43 Policy GI4 of the adopted Local Plan requires new housing developments of over 20 dwellings to include informal space for play and general recreational or amenity use on site.
- 6.44 There is an existing children's play area within 70m of the application site and the applicant is proposing to provide a financial contribution towards improvements/ maintenance of this off-site facility in lieu of making provision on site. The outline planing permission was to provide a contribution of £15,000 for this purpose. The Green Spaces Manager has agreed that a financial contribution of £16,600 would be acceptable for this application, which is based on the previous figure of £15,000 uplifted by 3.5% p.a. for inflation.

11. Biodiversity

- 6.45 The application is accompanied by an Ecological Appraisal which incorporates a Phase 1 Habitat Survey. The Ecological Appraisal found that the site is relatively poor in terms of ecological value. The field is bounded by hedgerows on its southern, western and eastern sides. The hedgerows on the southern and western boundaries are most worthy of retention, with the hedgerow on the eastern site boundary having less ecological value. The hedgerows on the southern and western boundaries of the field would be retained, with some new trees and hedgerows being planted within the site to mitigate for the loss of the hedgerow on the eastern site boundary. The introduction of gardens should have a positive impact on biodiversity.
- Natural England has been consulted on the application and has raised no objections to the proposal. Based on the plans submitted, Natural England considers that the proposed development would not have a likely significant effect on the Upper Solway Flats & Marshes Special Protection Area or on the Upper Solway Flats & Marshes Ramsar. It also considers that the proposed development would not damage or destroy the interest features for which the Upper Solway Flats & Marshes SSSI has been notified.

12. Archaeology

6.47 The application site lies in an area of archaeologist interest and as a consequence the applicant has submitted an Archaeological Evaluation of the site. This confirms that Roman archaeological remains would be disturbed by the proposed development. These remains are not of national significance requiring protection through designation but are of sufficient interest to warrant the implementation of a programme of further archaeological investigation to record them prior to their disturbance. In the event planning consent is granted, a programme of archaeological work should be commissioned and undertaken at the expense of the developer and this can be secured through the inclusion of two conditions in any planning consent.

Conclusion

- 6.48 The application site is allocated for housing in the adopted Local Plan and the proposal is, therefore, acceptable in principle. The layout, scale and design of the development would be acceptable. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance or on the Burgh-by-Sands Conservation Area or the Buffer Zone of the Hadrian's Wall World Heritage Site. Subject to the proposed conditions and a S106 Agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, archaeology, education, or open space. The level of affordable housing is acceptable. The proposal is, therefore, recommended for approval subject to the completion of a S106 Agreement.
- 6.49 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a S106 agreement to secure:
 - a) the provision of four affordable dwellings (two for discounted sale and two for social rent);
 - b) a financial contribution of £16,600 to support the off-site improvement of open space in Burgh-by-Sands
 - c) a financial contribution of £98,216 (based on DfE multiplier of £24,554 per pupil place) to Cumbria County Council towards education provision.

7. Planning History

7.1 In June 2016, outline planning permission was approved for residential development on this site (15/0617).

8. Recommendation: Grant Permission

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

Reason: In accordance with the provisions of Section 91 of the Town

and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 - 1. the submitted planning application form received 7th December 2018;
 - 2. the Site Location Plan (drawing ref P(100)001) received 7th December 2018;
 - 3. the Existing Site Plan (drawing ref P(000)002 Rev A) received 11th December 2018;
 - 4. the Proposed Site Plan (drawing ref P(100)001 Rev C) received 31st January 2019;
 - 5. the Proposed Site Sections & Elevations (drawing ref P(400)001) received 7th December 2018;
 - 6. the Esk Typical Elevations (drawing ref P(300)001 Rev A) received 7th December 2018;
 - 7. the Esk Typical Floors (drawing ref P(200)001) received 7th December 2018;
 - 8. the Dee Typical Elevations (drawing ref P(300)002 rev A) received 7th December 2018;
 - 9. the Dee Typical Floor Plans (drawing ref P(200)002) received 7th December 2018;
 - 10. the Eden Typical Elevations (drawing ref P(300)003 rev A) received 7th December 2018;
 - 11. the Eden Typical Floor Plans (drawing ref P(200)003) received 7th December 2018:
 - 12. the Gelt Typical Elevations (drawing ref P(300)004 rev A) received 7th December 2018;
 - 13. the Gelt Typical Floor Plans (drawing ref P(200)004) received 7th December 2018;
 - 14. the Whillan Typical Elevations (drawing ref P(300)006 rev B) received 7th March 2019;
 - 15. the Whillan Typical Floor Plans (drawing ref P(200)006 rev A) received 7th March 2019;
 - 16. the Caldew Typical Elevations (drawing ref P(300)010 rev A) received 7th December 2018;
 - 17. the Caldew Typical Floor Plans (drawing ref P(200)010) received 7th December 2018:
 - 18. the Petterill Typical Elevations (drawing ref P(300)012 rev A) received 7th December 2018;
 - 19. the Petterill Typical Floor Plans (drawing ref P(200)012) received 7th December 2018:
 - 20. the Lowther Typical Elevations (drawing ref P(300)018 rev C) received 11th March 2019:
 - 21. the Lowther Typical Floor Plans (drawing ref P(200)018 rev A) received 11th March 2019:
 - 22. the Derwent Typical Elevations (drawing ref P(300)019 rev A) received 7th December 2018;
 - 23. the Derwent Typical Floor Plans (drawing ref P(200)019) received 7th December 2018;

- 24. the Ellen Typical Elevations (drawing ref P(300)022 rev A) received 7th December 2018;
- 25. the Ellen Typical Floor Plans (drawing ref P(200)022) received 7th December 2018:
- 26. the Garages Typical Floor Plans & Elevations (drawing ref P(2020)050 rev A) received 7th March 2019;
- 27. the Proposed Boundary Treatment Plan (drawing ref P(100)003 rev C) received 31st January 2019;
- 28. the Proposed Boundary Treatment Details (drawing ref P(500)001) received 7th December 2018;
- 29. the Drainage Strategy (drawing ref 01 Issue P1) received 7th December 2018:
- 30. the Planting Plan (drawing ref 01 rev A) received 7th December 2018;
- 31. the Plant Specification & Schedules (drawing ref 02) received 7th December 2018;
- 32. the Proposed Affordable Housing Plan (drawing ref P(100)002 rev C) received 31st January 2019;
- 33. the Proposed Materials Schedule received 7th December 2018;
- 34. the Update to Ecological Appraisal (Oct 2018) received 7th December 2018:
- 35. the Phase 2: Ground Investigation Report received 7th December 2018:
- 36. the Section 106 Draft Heads of Terms received 7th December 2018;
- 37. the Traffic Survey from WYG received 7th December 2018;
- 38. the Planning and Affordable Housing Statement received 7th December 2018:
- 39. the Geo Environmental Engineering Report (GEO2018-3108) received 7th December 2018;
- 40. the Design and Access Statement (November 2018) received 7th December 2018;
- 41. the Flood Risk Assessment and Drainage Statement (1806-01) received 7th December 2018;
- 42. the Archaeological Evaluation Written Scheme of Investigation (October 2014) received 7th December 2018;
- 43. the Notice of Decision; and
- 44. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

Reason: To ensure the works harmonise as closely as possible with dwellings in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

4. The development shall be undertaken in strict accordance with the Planting Plan (Dwg No. 01 received, 7th December 2018) and the Plant Specification and Schedule (Dwg No. 02 received 7th December 2018). These works

shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared

and to ensure compliance with Policy SP6 of the Carlisle

District Local Plan 2015-2030.

5. Foul and surface water drainage shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding

and pollution.

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

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

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

Reason: To promote sustainable development, secure proper drainage

and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

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

Reason: To afford reasonable opportunity for the examination and

recording of the remains of archaeological interest that survive

within the site.

8. A programme of archaeological post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store, completion of an archive report, and publication of the results in a suitable journal as approved beforehand by the Local Planning Authority (LPA) shall be carried out within one year of the date of commencement of the hereby permitted development or otherwise agreed in writing by the LPA.

Reason: To ensure that a permanent and accessible record by the public

is made of the archaeological remains that have been disturbed by the development.

9. 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 constructed before the development is complete.

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

10. The development shall not commence until visibility splays providing clear visibility of 36 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

11. No dwellings or buildings or structures shall be commenced until the access roads, as approved, are defined by kerbs and sub base construction.

Reason: To ensure that the access roads are defined and laid out at an early stage and to support Local Transport Plan Policies LD5, LD7 & LD8.

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

- the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- surface water management details during the construction phase

Reason: In the interests of highway safety. To support Local Transport Plan Policies LD7 & LD8.

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

Site investigations should follow the guidance in BS10175.

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

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

14. Prior to the commencement of development a scheme of tree and hedgerow protection shall to be submitted to, and agreed in writing, by the Local Planning Authority, and implemented prior to commencement on site.

Within the fenced off area;

- 1 No fires shall be lit within the fenced off area or within 10 metres of the nearest point of the canopy of any retained tree or hedge.
- 2 No equipment, machinery or structure shall be attached to or supported by a retained tree or by the tree protection barrier.
- 3 No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
- 4 No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.
- 5 No materials or vehicles shall be stored or parked within the fenced off area
- 6 No alterations to the natural/existing ground level shall occur

Reason: To protect existing trees and hedges, in accordance with Policy

CP3 of the Carlisle District Local Plan 2001-2016.

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

Reason: To protect features of recognised nature conservation

importance, in accordance with Policy CP2 of the Carlisle

District Local Plan 2001-2016.

16. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours or after 13.00 hours on Saturdays, nor at any times on Sundays or Bank Holidays.

Reason: To prevent disturbance to nearby occupants.

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

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

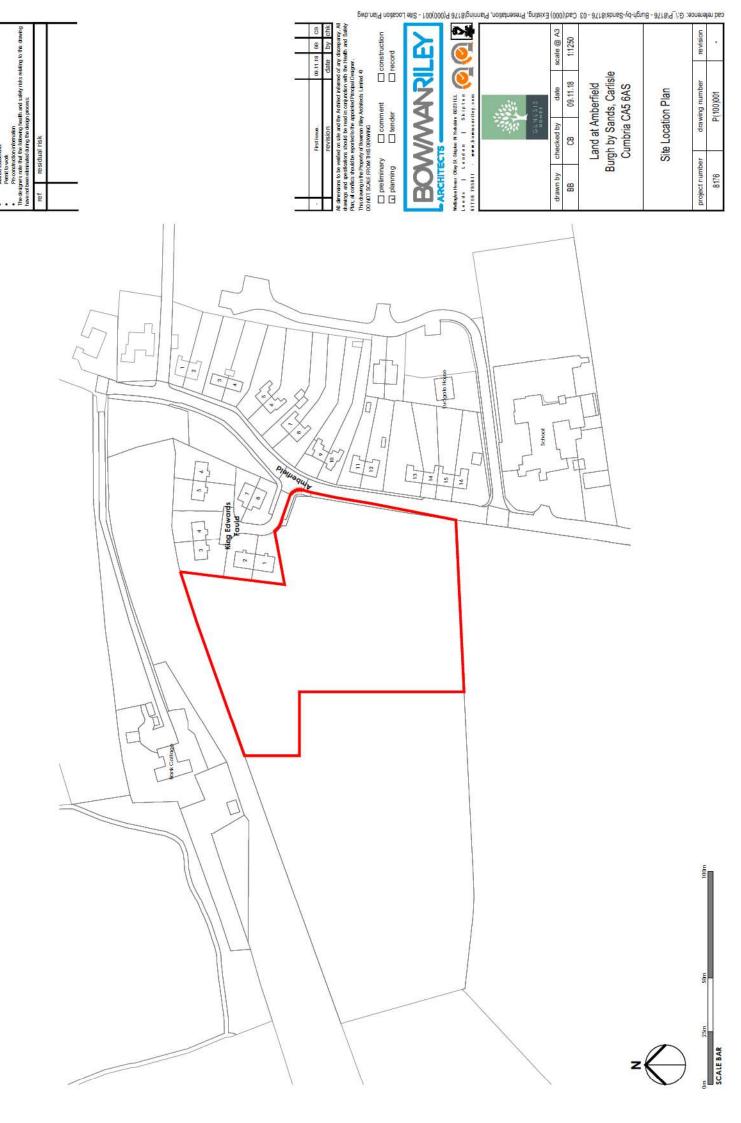
Policy IP4 of the Carlisle District Local Plan 2015-2030.

18. Before any development is commenced on the site, including site works of any description, a protective fence shall be erected around any retained hedgerows in accordance with a scheme that has been submitted to and agreed, in writing, by the Local Planning Authority. Within the areas fenced off the existing ground level shall be neither raised nor lowered, except in accordance with the approved scheme, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fences shall thereafter be retained at all times during construction works on the site.

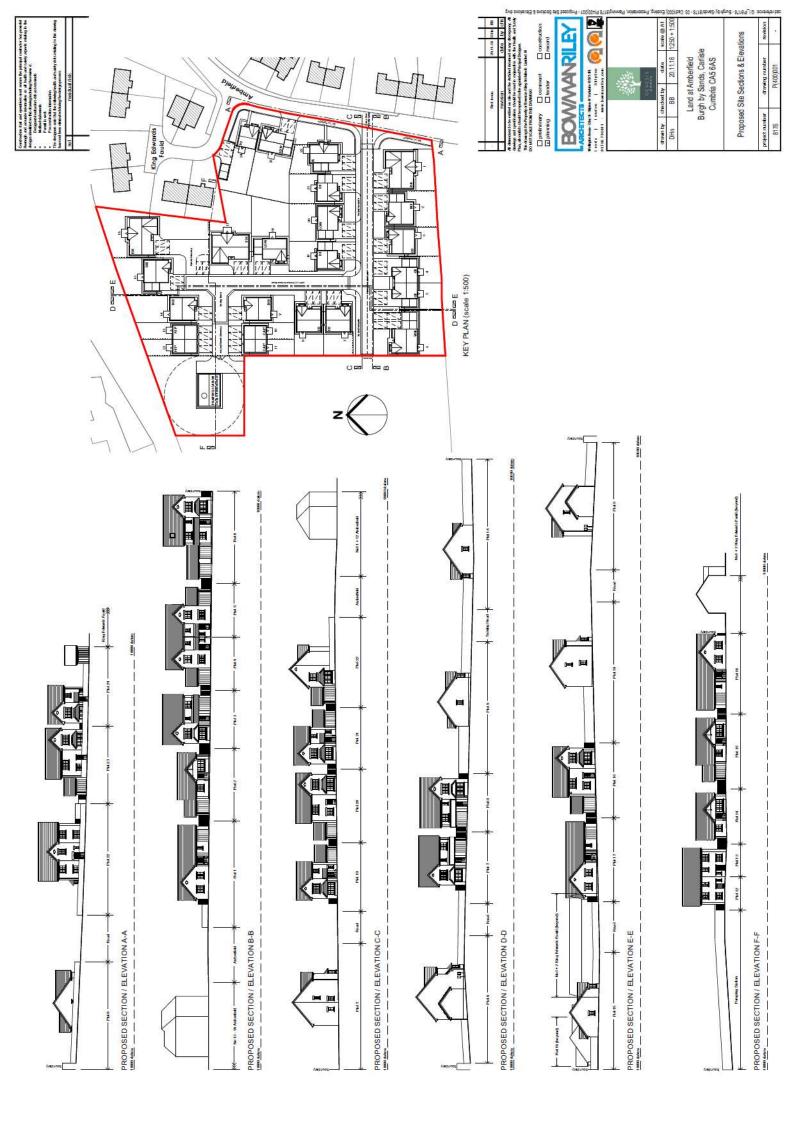
Reason: In order to ensure that adequate protection is afforded to all

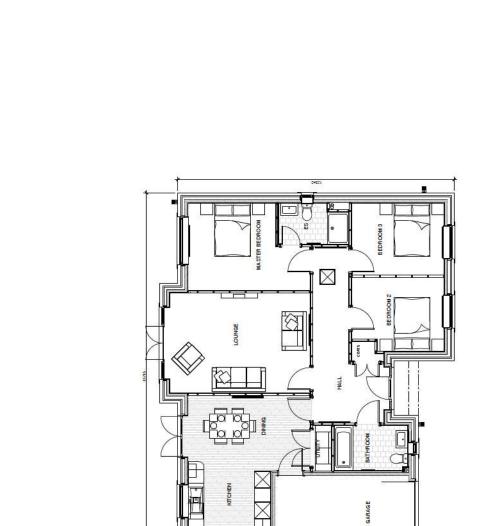
hedges to be retained on site in support of Policy GI6 of the

Carlisle District Local Plan 2015-2030.









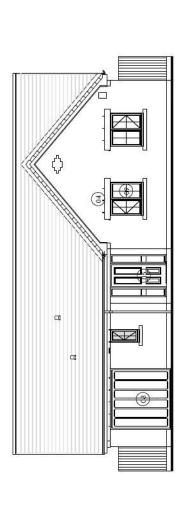
THE ESK 3 Bedroom Detached Bungalow

Area 98.6 sq m 1,061 sq ft

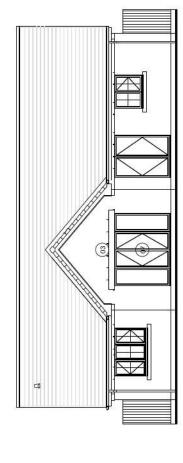
THE ESK
TYPICAL GROUND FLOOR PLAN
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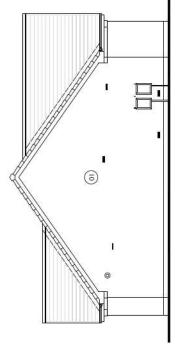
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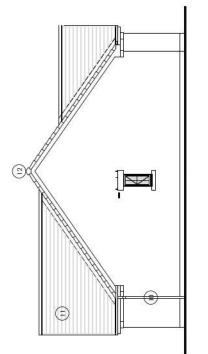
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ON Window Cillined Street, Color BC

THE ESK 3 Bedroom Detached Bungalow

Area 98.6 sq m 1,061 sq ft

THE ESK
TYPICAL SIDE ELEVATION
Scale 1:50 @ A.1



THE ESK
TYPICAL SIDE ELEVATION
Scale 1:50 @ A1

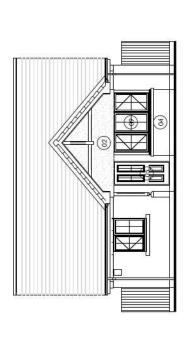


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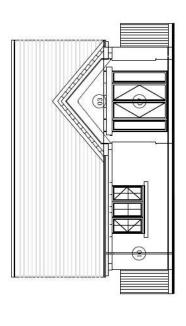


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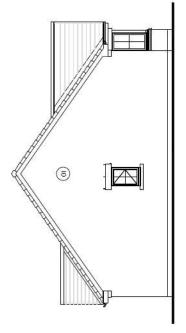
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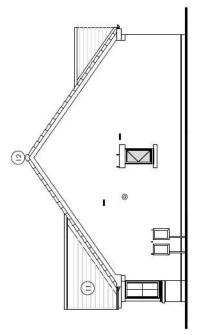
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THE DEE 2 Bedroom Detached Bungalow

Area 65.5 sq m 705 sq ft

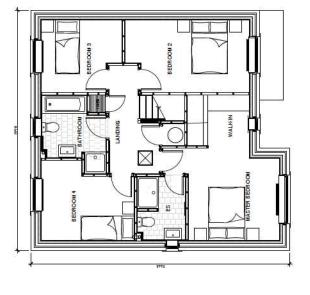
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THE DEE
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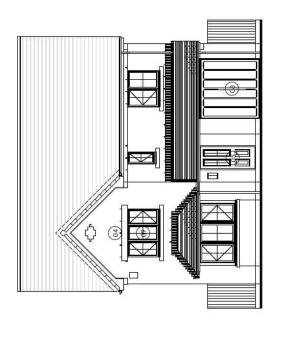
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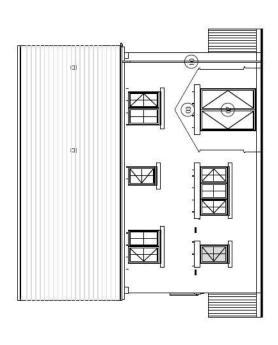
THE EDEN
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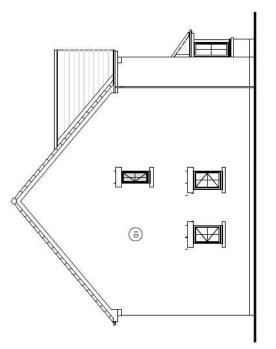












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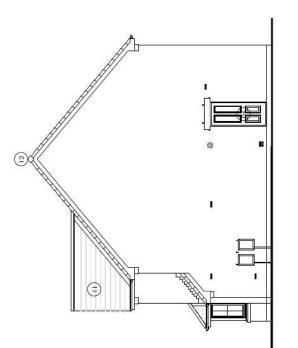
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THE EDEN 4 Bedroom Detached House

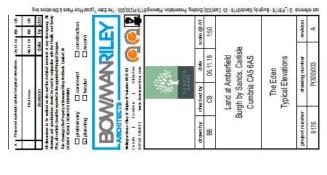
Area 124.3 sq m 1,338 sq ft

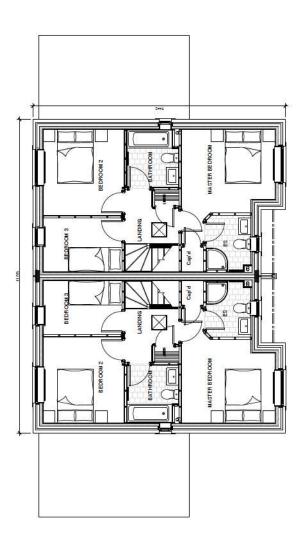
THE EDEN
TYPICAL SIDE ELEVATION
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THE EDEN
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THE EDEN
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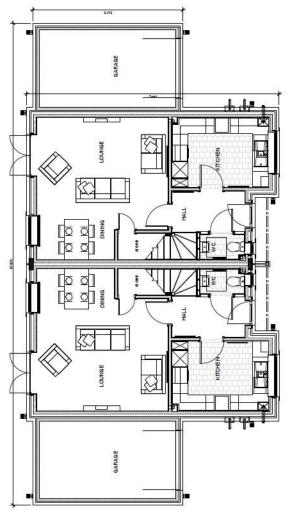




THE GELT 3 Bedroom Semi Defached House

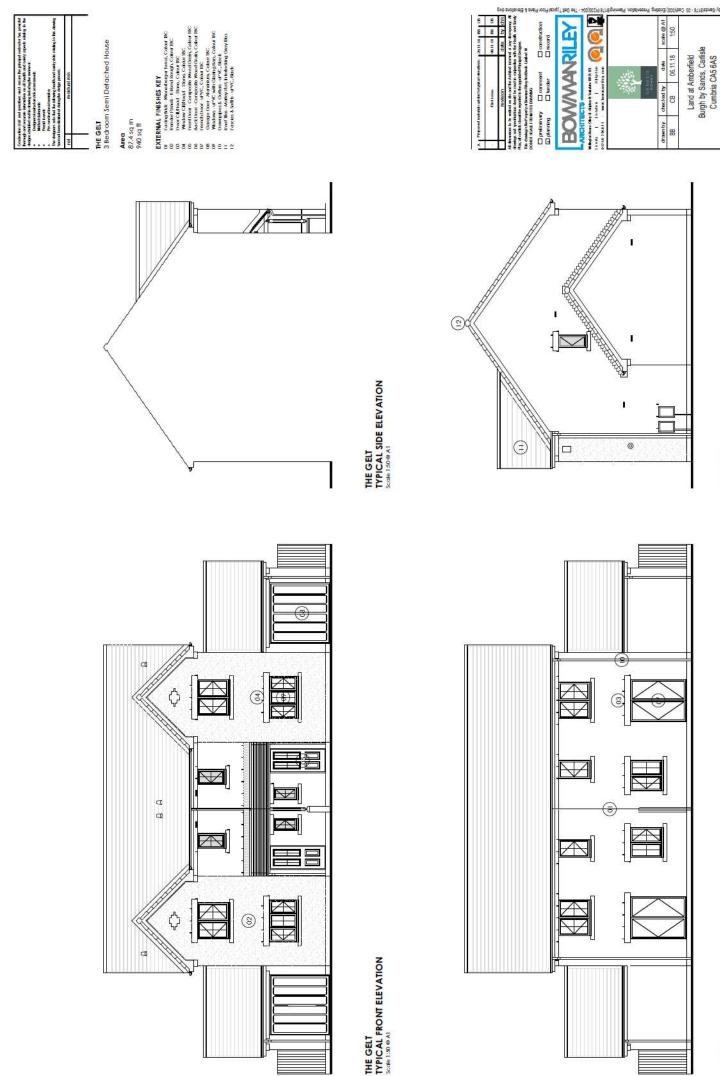
Area 87.4 sq m 940 sq ft

THE GELT
TYPICAL FIRST FLOOR PLAN
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THE GELT
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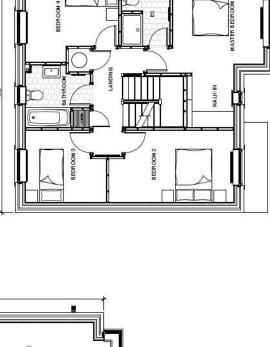
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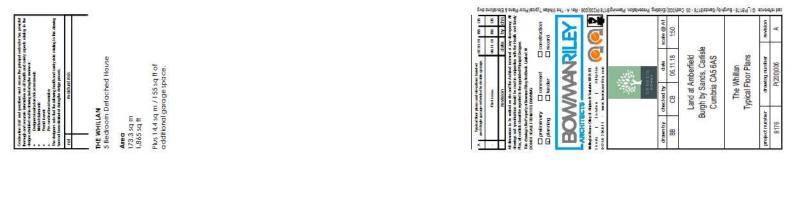
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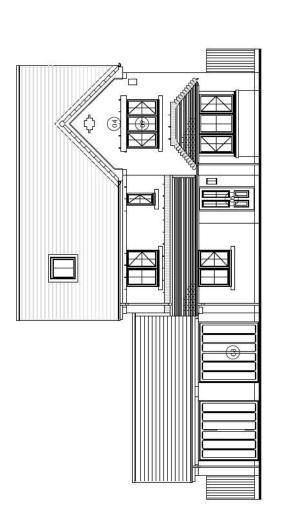
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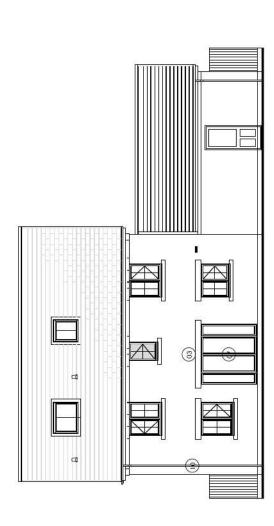
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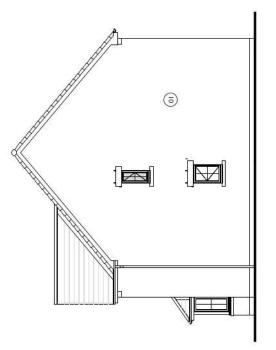
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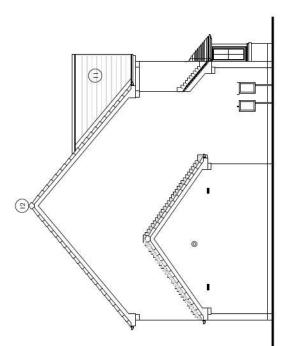
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Plus 14,4 sq m / 155 sq ft of additional garage space.

Area 173.3 sq m 1,865 sq ft

THE WHILLAN 5 Bedroom Detached House

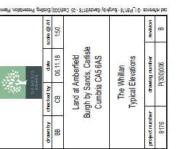
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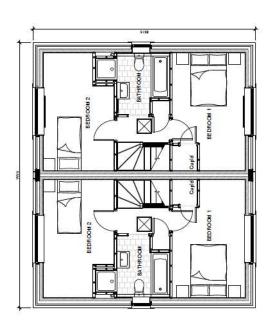
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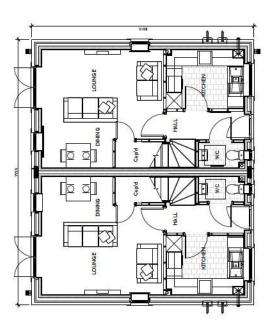
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THE CALDEW 2 Bedroom Semi Defached House

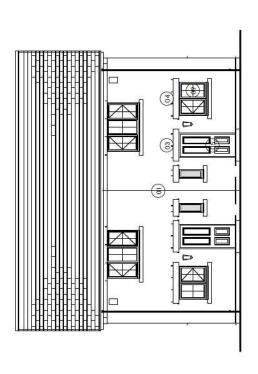
Area 66.7 sq m 718 sq ft

THE CALDEW
TYPICAL FIRST FLOOR PLAN
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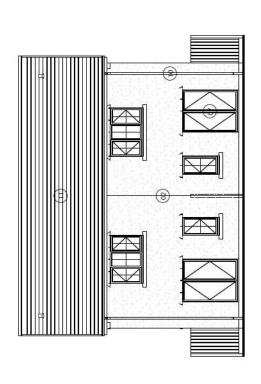


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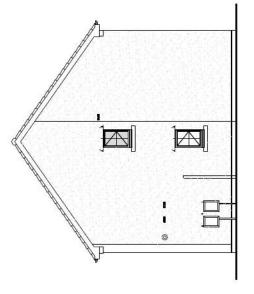
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THE CALDEW
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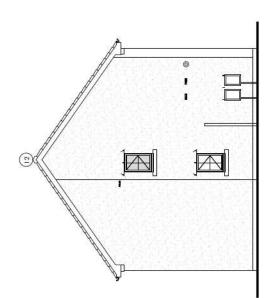
THE CALDEW
TYPICAL REAR ELEVATION
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THE CALDEW 2 Bedroom Semi Detached House

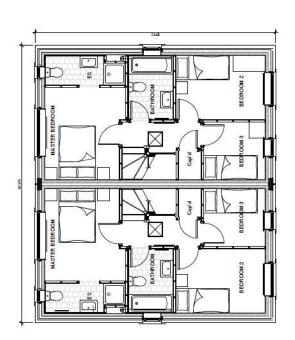
Area 66.7 sq m 718 sq ft

THE CALDEW
TYPICAL SIDE ELEVATION
Scale 1:50 @ A1

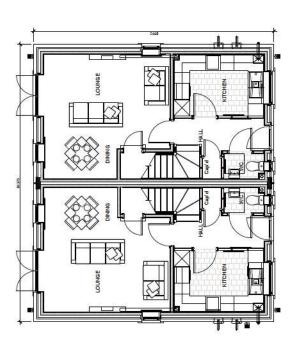


THE CALDEW
TYPICAL SIDE ELEVATION
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THE PETTERILL
TYPICAL FIRST FLOOR PLAN



BOWMARILEY
ARCHITECTS

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Land at Amberfield Burgh by Sands, Carlisle Cumbria CA5 6AS

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THE PETTERILL
TYPICAL GROUND FLOOR PLAN
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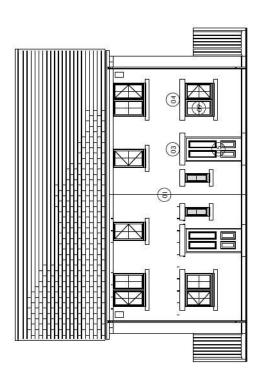
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project number drawing number 8176 P(200)012

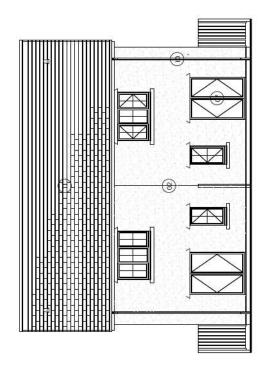
The Petterill Typical Floor Plans

Tel deliberation of the state o	Postlander Postlander
H PE	THE PETERILL 38 Bedroom Semi Defached House

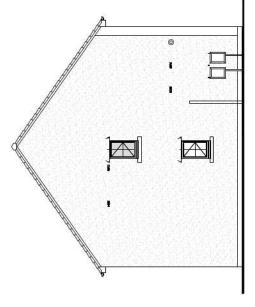
3 Bedroom Semi Detacl	Area 76.35q m 821.5q ft
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THE PETTERILL
TYPICAL FRONT ELEVATION
Schell:50 @ Al



THE PETTERILL
TYPICAL REAR ELEVATION
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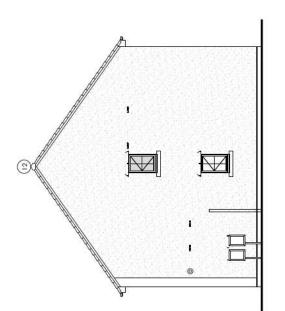
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THE PETERILL 3 Bedroom Semi Defached House

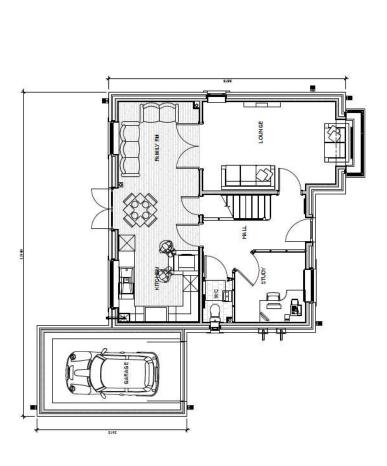
Area 76.3 sq m 821 sq ft

THE PETTERILL
TYPICAL SIDE ELEVATION
%cole 1:50 @ A1

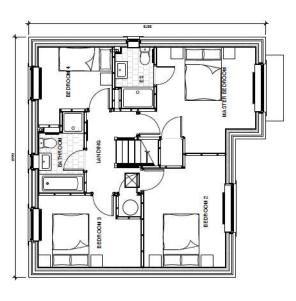


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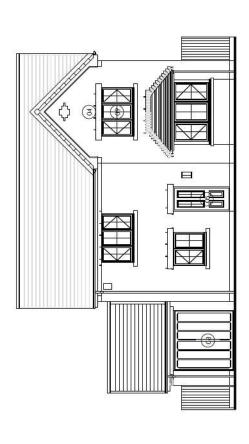


THE LOWTHER 4 Bedroom Detached House

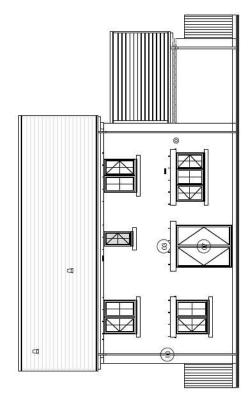
Area 123.2 sq m 1,326 sq ft Plus 14,4 sq m / 155 sq ff of additional garage space.

TYPICAL FIRST FLOOR PLAN

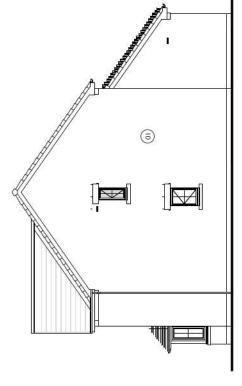




THE LOWTHER
TYPICAL FRONT ELEVATION
Scale 150 ® Al



THE LOWTHER
TYPICAL REAR ELEVATION
SCHOOL SCHOOL



EXTERNAL FINISHES KEY

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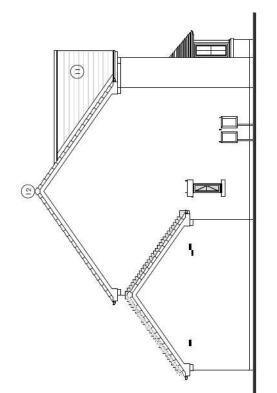
OK Window Clifthood - Steins, Codour

Plus 14,4 sq m / 155 sq ft of additional garage space.

Area 123.2 sq m 1,326 sq ft

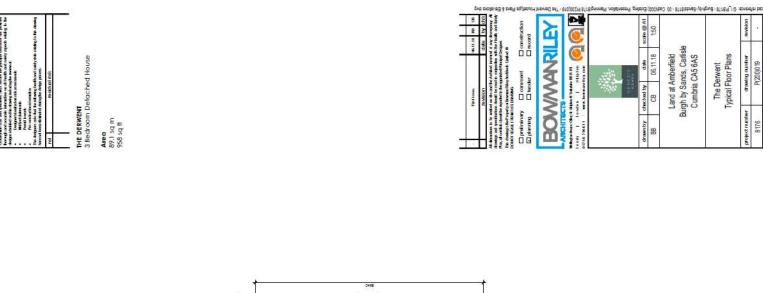
THE LOWTHER 4 Bedroom Detached House

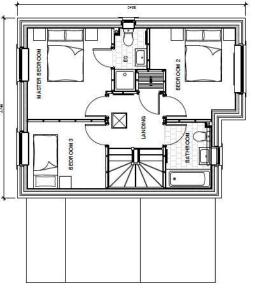
THE LOWTHER
TYPICAL SIDE ELEVATION
Scale 1:50 @ A1



THE LOWTHER
TYPICAL SIDE ELEVATION
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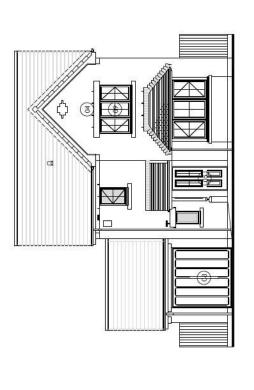
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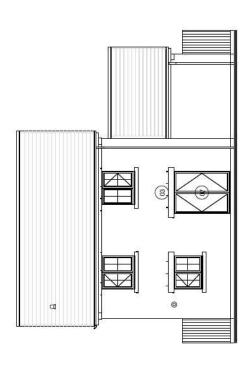
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THE DERWENT
TYPICAL GROUND FLOOR PLAN
SCHOLDS & AL

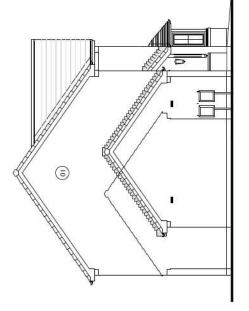
THE DERWENT
TYPICAL FIRST FLOOR PLAN
Scale 1:50 @ A1



THE DERWENT
TYPICAL FRONT ELEVATION
Scale 1:30 @ A1



THE DERWENT
TYPICAL REAR ELEVATION
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EXTERNAL FINISHES KEY

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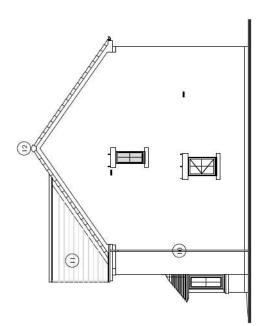
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ON Winner Citibined Stron, Colour BC,

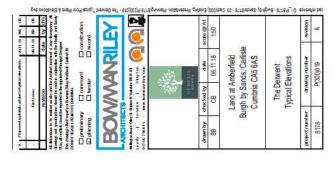
THE DERWENT 3 Bedroom Detached House

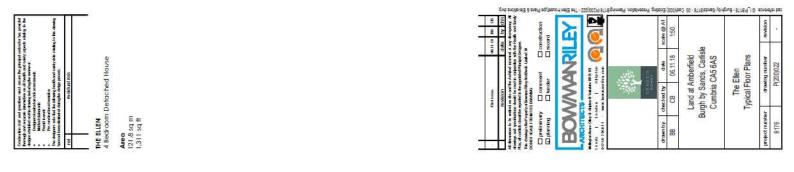
Area 89.1 sq m 958 sq ft

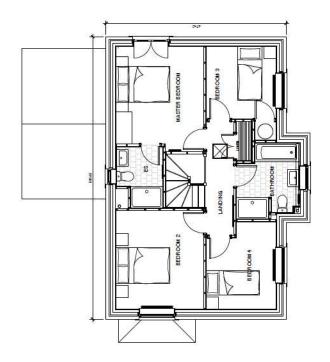
THE DERWENT
TYPICAL SIDE ELEVATION
Scale 1:50 @ A 1



THE DERWENT
TYPICAL SIDE ELEVATION
SCHOLLSOR AL



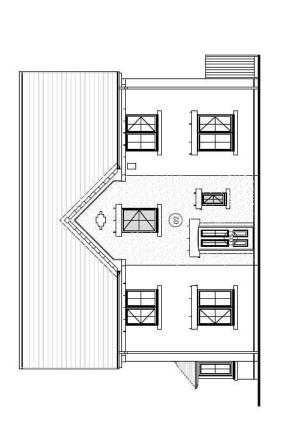




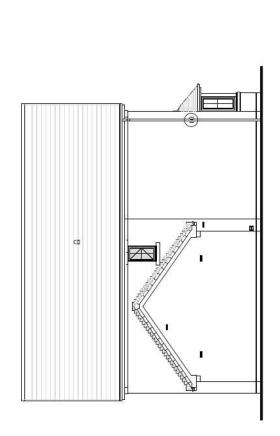
THE ELLEN
TYPICAL FIRST FLOOR PLAN
Scale 1:50 @ Al

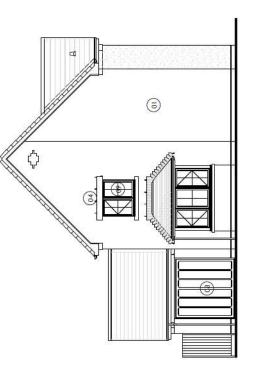


THE ELLEN
TYPICAL GROUND FLOOR PLAN
Scale 150 @ A.1



THE ELLEN
TYPICAL FRONT ELEVATION
Scale 1:50 @ A1





EXTERNAL FINISHES REY

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OR Rendan Familia. Reknot Barght, Colour BC

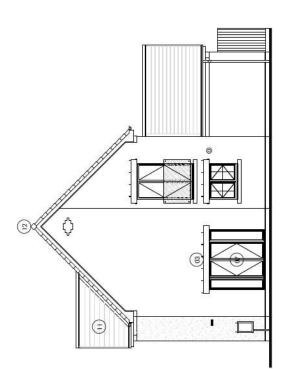
Coort Coll Annal Strans, Colour BC

ON Mindow Cill Annal Strans, Colour BC

THE ELLEN 4 Bedroom Detached House

Area 121.8 sq m 1,311 sq #

THE ELLEN
TYPICAL SIDE ELEVATION
Scale 1:50 @ A1



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BOWWANILEY

THE ELLEN
TYPICAL SIDE ELEVATION
Scale 150 @ A1

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project number drawing number 8176 P(300)022

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Land at Amberfield Burgh by Sands, Carlisle Cumbria CA5 6AS

THE ELLEN
TYPICAL REAR ELEVATION
Scale 1:50 ® A1

