# SCHEDULE A: Applications with Recommendation

13/0655

Item No: 10	Date of Committee: 15/11/2013	
<b>Appn Ref No:</b> 13/0655	Applicant: Top Notch Contractors Ltd	Parish:
Date of Receipt: 20/08/2013 13:02:41	<b>Agent:</b> Hyde Harrington	<b>Ward:</b> Botcherby
<b>Location:</b> Former Dairy Site, Holywell Crescent, Botcherby, Carlisle, CA1 2TD		

**Proposal:** Residential Development (Outline Application)

## REPORT

Case Officer: Angus Hutchinson

### 1. Recommendation

- 1.1 It is recommended for approval subject to the imposition of relevant conditions, and the satisfactory completion of a Section 106 agreement to secure:
  - a) the payment of a commuted sum towards sports and play provision of £107,838; and
  - b) the provision to each unit of a refuse wheeled bin.

If the S106 agreement is not completed within a reasonable time, Authority to Issue is requested to the Director of Economic Development to refuse the application.

### 2. Main Issues

- 2.1 whether or not the scale and type of development is appropriate and/or lead to any significant adverse effect on housing policies;
- 2.2 whether or not the development is appropriate and/or lead to any significant adverse effects on employment land provision;
- 2.3 Implications for local community infrastructure education, sports field/play equipment and refuse bins;
- 2.4 whether the proposal meets the objectives of saved Policy H5 of the CDLP regarding the provision of affordable/social housing;
- 2.5 whether there are any significant adverse effects on ecology;

- 2.6 whether the proposal would be detrimental to the living conditions and security of local residents, and highway safety/capacity; and
- 2.7 whether the proposal would be detrimental to the visual character of the area including trees.

### 3. Application Details

### The Site

- 3.1 This application relates to approximately 1.5 hectares of the former Botcherby Creamery located on the southern side of Holywell Crescent to the immediate west of its junction with Durranhill Road. To the immediate east there is the Durranhill Bridge serving Eastern Way; to the south the Durranhill Sidings associated with the Carlisle/Newcastle and the Carlisle/Settle/Leeds railway lines; to the west a field and the Crown Bevcan factory; and to the north terraced houses fronting Holywell Crescent.
- 3.2 The Creamery was closed in 2010 with all the former buildings, apart from the office/reception, demolished. The now derelict site is generally overgrown and has been subject to fly-tipping. The site is also characterised by the remnants of the former buildings and hard-standings, a copse of silver birch trees and a copse of goat willow as well as individual cherry and silver birch trees, and the boundary treatment in the form chain link and palisade fencing. A mixed coniferous and deciduous hedge fronts Holywell Crescent.
- 3.3 The houses on Holywell Crescent are two storeys in height and externally constructed with brick/rendered walls and tiled roofs. There is a bus stop outside 13/15 Holywell Crescent. Holywell Crescent serves as the access road for the Crown Bevcan factory.
- 3.4 In addition to the Crown Bevcan factory, there are industrial estates within the immediate vicinity at Durranhill and Rosehill. The area is served by Keenan Park and Melbourne Park with primary schools at Inglewood and Pennine Way.
- 3.5 Under the Proposals Map of the Carlisle District Local Plan 2001-2016 the application site is part of a designated Primary Employment Area.

### The Proposal

- 3.7 The current application seeks outline planning permission for residential development with all matters reserved for subsequent approval with the exception of "access". The means of access, via Holywell Crescent, is detailed on the submitted drawings/Topographic Survey Plan. The application is also accompanied by an illustrative Site Layout Plan.
- 3.8 The proposal is accompanied by a Planning Statement; Design and Access Statement; an Affordable Housing Statement; Phase 1 Land Contamination Report; Noise Report; Bat Survey and Related Report; European Protected

Species Report; and a Tree and Hedgerow Survey and Report.

#### 4. Summary of Representations

- 4.1 This application has been advertised in the form of press and site notices, and the direct notification of the occupiers of 20 neighbouring properties. The publicity making reference to the application representing a departure from the Local Plan. In response, no formal comments have been received. A local Councillor has, however, raised the following issues:
  - 1. there are kestrels and hawks in the woods as well as newts, frogs and bats;
  - 2. two-three years ago the chemical/waste tanks were vandalised leading to contamination;
  - 3. the site should be retained for commercial purposes and developed possibly creating a link to the railway sidings;
  - 4. the land inbetween the application site and the Bevcan factory would be land locked;
  - 5. there is a need to retain existing trees such as the goat willow copse;
  - 6. it is alleged that the applicant has not tried hard enough to market the site;
  - 7. compound existing problem of people parking in the bus layby; and
  - 8. the proposal needs to address the housing need in the area, such as one bed units.

#### 5. Summary of Consultation Responses

**Northern Gas Networks:** - no objections, however there may be apparatus in the area that may be at risk during construction works and should permission be granted, then we would require the developer to contact us directly.

**Cumbria County Council - (Econ. Dir. Highways & Transportation): -** no objections based on the revised drawings (numbers 70490 Topo 03 Rev A and S13 Rev A) and the imposition of relevant conditions regarding the design and construction of: the carriageway, accesses, parking areas, visibility splays, and surface water drainage; and the submission of a plan reserving adequate land for the storage of materials etc during construction operations.

Local Environment - Environmental Protection (former Comm Env Services- Env Quality): - the mitigation measures outlined in the 'Noise Survey and Façade Acoustic Design report' and summarised in section 11, which was provided as part of the application process, must be implemented as part of the development in order to limit the noise intrusion into the proposed dwellings and achieve the sound levels outlined in the report.

The Preliminary Risk Assessment Summary & Recommendations outlined in the 'Phase 1: Desk Top Study Report' and summarised in section 5, which was provided as part of the application process, must be implemented and the Phase 2 intrusive ground investigation should be completed prior to commencing with any of the proposed development.

In the event that unexpected 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.

Housing Strategy: - comments awaited.

**Cumbria County Council - (Drainage): -** the surface water plans indicate small pockets of surface water can exist on the site. There may be a surface water drain or culverted watercourse running along the site closest to the rear of the properties on Holywell Crescent, and therefore would advise any developer to locate the drain and mark on any plans.

**Cumbria County Council - (Archaeological Services): -** no objections and do not wish to make any comments or recommendations.

**Cumbria Constabulary - North Area Community Safety Unit: -** It is apparent from the submitted Design and Access Statement that crime prevention has been considered as part of the design of this development. Whilst acknowledging that this application is for outline permission, the following recommendations are made.

- Dwellings positioned at road/footway junctions should feature dual aspect layouts, thereby maximising surveillance opportunities and avoiding routes being addressed by blank gable walls (reference to townscape opportunities).
- Front garden curtilages should be formed with physical treatments (fencing, hedging or continuous planting, for example) thereby establishing obvious thresholds between public and semi-private spaces and enhancing the perception of secure car parking.
- Support the proposal for formation of rear garden boundaries with vertical close-boarded fencing to at least 1.8m but open-boarded will be more appropriate in some locations to enhance surveillance opportunities.

- The existing chainlink fencing is <u>not</u> suitable as a site perimeter, due this type's vulnerability to climbing and breaching. This treatment could be reinforced with defensive planting but better replaced with a more robust and aesthetically appealing type (e.g. welded mesh).
- Rear access paths for waste bin management should be avoided. Each dwelling to have private access to rear garden space via full-height lockable gate.
- Dwelling exterior doors and windows to comply with PAS 24:2012 and fitted with laminated glazing where appropriate. If garages are provided, vehicle doors to comply with LPS 1175 or WCL 2.

**Network Rail:** - no objection in principle to the development. It is pleasing to note that in relation to soundproofing the developer has recognised that, although currently unused, the sidings and headshunt close to the development may be re-activated at any time and as such suitable mitigation needs to be in place.

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure.

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker.

Security of the railway boundary will need to be maintained at all times.

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside/acoustic fencing.

Note is taken of the proposal to erect a 1.8m close boarded fence for noise insulation purposes and this is considered acceptable.

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

Prior to the commencement of any works on site, the developer(s) must contact Network Rail to inform them of their intention to commence works.

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement.

Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority.

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

Any building should be situated at least 2 metres from Network Rail's boundary to allow construction and future maintenance to be carried out from the applicant's land.

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures.

The provisions of suitable mitigation for railway noise are noted and the provision of a 1.8m close boarded fence is supported. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be preferably positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing.

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting

should be provided as a condition if not already indicated on the application.

**Environment Agency (Waste Disp & Planning Liaison Team): -** no objections in principle. The site is located within Flood Zone 1 as defined in Table 3 of the Technical Guidance to the National Planning Policy Framework. With reference to the Environment Agency's Flood Zone Mapping the site is at little or no risk of flooding from River, tidal and coastal sources which shows the extent of floods with below 0.1% annual probability of occurrence.

In Flood Zone 1, where the risk of flooding from rivers or the sea is classified as low, a FRA is still required but it should be focused on the management of surface water run-off.

We recommend that any developer incorporates some form of Sustainable Drainage System to mitigate the impact that the creation of large impermeable areas would have on the local surface water drainage system. Alternatively we request that the run-off of surface water to the existing surface water infrastructure is maintained at the existing rates.

We also consider that planning permission could be granted subject to the imposition of a relevant condition regarding contamination.

**United Utilities:** - a public sewer crosses this site and we will not permit building over it. We will require an access strip width of 8 metres, 4 metres either side of the centre line of the sewer. Deep rooted shrubs and trees should not be planted in the vicinity pf the public sewer and overflows systems.

No objection providing specific conditions are included concerning: the details of how foul and surface water will be drained on separate systems; and the scheme for the disposal of surface water must be based on sustainable drainage principles and in line with the hierarchy outlined in Building Regulation H3.

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

Natural England: - comments awaited.

**Local Environment - Waste Services: -** please ensure that there is a sufficient access for a refuse collection vehicle to collect and turn. The developer will also be expected to purchase a refuse wheeled bin for each property at a cost currently of £30 per bin plus £150 one off delivery charge to an agreed location.

**Open Spaces Manager:** - we would wish to receive contributions towards sports and play provision as there is likely to be additional pressure on existing facilities (Melbourne Park) as a result of the development. The cost of the sports pitch and play area provision with the standard ten years maintenance is £107,838.

**Cumbria County Council - Children's Services: -** using a population led model, 66 dwellings would yield 13 primary aged pupils and 9 secondary aged pupils. The estimated pupil yield has been calculated by assuming, based on 2001 census data for Cumbria, that every household contains an average of 0.33 children of school age.

The development lies within a shared catchment of Inglewood Infant and Junior Schools and Pennine Way School. In our projections Inglewood Infant and Junior Schools are full and are projected to be so for the foreseeable future. While at Pennine Way the school is currently full, however, the County Council is currently building a new school, which will expand the school. Therefore we are projecting that there will be a number of spaces available, approximately 30 per year from September 2014.

Therefore, we feel that there are currently projected to be sufficient primary school places available in the area to accommodate the expected level of demand from this development, and therefore no contribution is sought in respect of those pupils. Also there are currently projected to be sufficient secondary school places available in the area to accommodate the expected level of demand from this development, and therefore no contribution is sought in respect of those pupils. This is a very broad estimate at this stage, and further work will have to be undertaken once we see a breakdown of the housing mix arising out of a subsequent detailed planning application.

#### 6. Officer's Report

#### Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan currently comprises the Carlisle District Local Plan 2001-2016 (CDLP). In April 2012 the government published its National Planning Policy Framework. As up-to-date government advice, this is clearly a highly material consideration in the determination of the application. The NPPF seeks sustainable development/growth in economic, environmental and social respects. The NPPF explains in paragraph 14 that at the heart of the Framework there is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:
  - approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or specific policies in the Framework indicate development should be restricted.
- 6.2 Furthermore, the NPPF *"does not change the statutory status of the*

development plan as the starting point for decision-making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise." (para 12).

- 6.3 Members also need to have regard to the Carlisle Strategic Housing Land Availability Assessment (SHLAA); the City Council's 2011 Housing Needs and Demand Study; the Carlisle Affordable Housing Economic Viability Assessment (November 2012); the City Council's "Five Years Housing Land Supply: Position Statement" (30.09.12); the Carlisle Employment Sites Study: Implications for M6 Corridor (Final Report, June 2010); and the Economic Review of Carlisle (January 2013) prepared by the Carlisle Economic Partnership. The Achieving Well Designed Housing Supplementary Planning Document is also of relevance.
- 6.4 When assessing this application there are considered to be seven main issues, namely:
  - whether or not the scale and type of development is appropriate and/or lead to any significant adverse effect on housing policies;
  - whether or not the development is appropriate and/or lead to any significant adverse effects on employment land provision;
  - Implications for local community infrastructure education, sports field/play equipment and refuse bins;
  - whether the proposal meets the objectives of saved Policy H5 of the CDLP regarding the provision of affordable/social housing;
  - whether there are any significant adverse effects on ecology;
  - whether the proposal would be detrimental to the living conditions and security of local residents, and highway safety/capacity; and
  - whether the proposal would be detrimental to the visual character of the area including trees.

# 1) Whether or not the development is appropriate and/or lead to any significant adverse effect on housing policies

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

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

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

"..identify a supply of specific, developable sites or broad locations for growth,

for years 6-10 and, where possible, for years 11-15."

6.7 Paragraph 49 of the NPPF states that:

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

- 6.8 Under the NPPF *"deliverable"* means a site that is available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the site is viable. To be considered *"developable"*, sites should be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged (Footnotes 11 and 12).
- 6.9 The NPPF contains a requirement, that where a plan is silent, or there is a shortage deliverable and developable land to meet needs, then a presumption in favour of sustainable development comes into force. In effect, local planning authorities should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits associated with it.
- 6.10 The current adopted CDLP 2001-2016 does not allocate the application site for residential development but, reflecting its former use at the time of preparing the Local Plan, is part of a designated Primary Employment Area. Naturally, under Policies DP1 and H1 of the Local Plan Carlisle is identified as a sustainable development location.
- 6.11 Under the Carlisle Strategic Housing Land Availability Assessment (SHLAA) (September 2012), the site is described as being "developable", however, "whilst this site is in a suitable location for housing development in terms of sustainability, the main issue to be addressed is the loss of a local employment site." As a result, the "Carlisle District Local Plan 2015-2030 Preferred Options Consultation" does not identify the site as a preferred housing allocation. In response to the Preferred Options Consultation a local councillor has written to confirm his preference for the site to be used partly for industrial and partly for residential purposes.
- 6.12 On the 18<sup>th</sup> April 2011 the Council's Executive resolved to keep the 5-year target of the former Regional Spatial Strategy (RSS) i.e. an annual target for Carlisle of 450 net dwellings per year, i.e. 2,250 residential units over 5 years. There is also a requirement to have a 5% (equivalent to 112 dwellings) additional "buffer" unless there has been a record of persistent under delivery of housing when it should be increased to 20% (i.e. equivalent to 450 dwellings). In the case of Carlisle, since 2006/07 there has been an annual shortfall in delivery of target which cumulatively equates to 583 dwellings. This is deemed to be persistent and therefore an additional 20% buffer is required equivalent to 90 dwellings per year. On the basis of the foregoing

the 5 year requirement is 2700 dwellings.

- 6.13 The "Economic Review of Carlisle" (January 2013) suggests that a realistic assessment of housing need and demand, based on the Council's Housing Need and Demand Study, would fall within the range between 400 and 665 per annum. The modelling undertaken by DTZ indicating that around 545 homes would be required each year until 2025 just to maintain the size of the existing working-age population. Provision above this level would be required to support growth in the workforce and employment over the next 20 years.
- 6.14 The City Council's "Five Years Housing Land Supply: Position Statement As of 30 September 2012" gives an overall figure of 2,765 dwellings which equates to 6.14 years supply and, against a figure of 2,700, gives 102.4% of requirement. In the intervening period authority to issue approval has been given for major residential development schemes such as Houghton (application 12/0610) and Dalston (12/0878). As such there is currently sufficient supply of specific deliverable sites to provide five years worth of housing to meet the housing requirement of 450 dwellings per year with an additional buffer of 20%.
- 6.15 In summary, the current application site is designated a Primary Employment Area, and the latest figures indicate that there is six years supply of deliverable sites although this is less than identified in the "Economic Review of Carlisle" (January 2013). Conversely, the proposed development of the site is compatible with the existing residential development at Hollywell Crescent, it involves the re-development of brownfield land, and is in a sustainable location. Under the SHLAA, whilst not allocating land, this site was considered to be developable. Considering the existing size and role of Carlisle, the scale of development proposed is not considered untoward. Subsequently, the main issue that needs to be addressed is the loss of the land as a local employment site

# 2) Whether or not the development is appropriate and/or lead to any significant adverse effects on employment land provision

- 6.16 Paragraph 22 of the NPPF explains that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 6.17 Policy EC1 of the Local Plan 2001-2016 seeks the retention of Primary Employment Areas for B1, B2 and B8 purposes although it does allow redevelopment or changes of use within such areas for other purposes where:
  - the existing use of the site adversely affects or could adversely affect adjacent residential properties or the local environment;
  - the proposed alternative use provides for needed community building or public amenity space;

- the proposed alternative use is essential for the redevelopment of the majority of the site for employment purposes; and
- the alternative development would be appropriate in terms of scale and design to the surrounding area and the amenity of adjacent properties would not be prejudiced.
- 6.18 The site appears to have been on the City Council's Vacant Property Register since 2009. More recently, the letter from Hyde Harrington dated the 4<sup>th</sup> July 2013 explains that negotiations were ongoing between March and October 2012 with Bevcan at the end of which they withdrew from a proposed purchase because the proposed distribution centre to be built by Stobarts at the Airport, would alter the dynamics of the logistics industry within the City. In the intervening period a "For Sale" board was placed on the front gate on the 26<sup>th</sup> March; it was advertised in the Cumberland News on the 26<sup>th</sup> April; and details placed on the Hyde Harrington website. In response Hyde Harrington received enquiries but they have not been followed up with any offers or firm proposals. The letter goes on to explain that there is a ready supply of (employment) land available for development across the City; the Durranhill and Rosehill Estates are the recognised business locations in this sector of the City which have better access to the road networks; the site is opposite a housing estate meaning that any business is likely to favour sites where is less likelihood of tension from conflicting uses. The letter concludes by saying that the change of use for residential purposes would be more likely to produce investment and development within this area of the City.
- 6.19 Inn June 2010 DTZ prepared a report on the "Carlisle Employment Sites Study: Implications for M6 Corridor" which identified employment sites to be retained and managed; those appropriate to consider alternatives; and those considered to be no longer required for employment use and which could be released immediately for residential or mixed use. The current application site fell into the latter category with the potential alternative use summarised as "residential for vacated dairy part of the site".
- 6.20 The currently available records indicate that there is 1 hectare of land available at Durranhill Industrial Estate and 2.7 hectares available at Rosehill Industrial Estate.
- 6.21 In summary, it is recognised that the land is currently designated a Primary Employment Area and that the decision regarding the development at the Airport is the subject of a Judicial Review. This aside, the site has been unsuccessfully marketed, there are existing alternatives within the vicinity in the form of Rosehill and Durranhill Industrial Estates, and there are other proposals for employment development relating to the City, for example the current application (number 13/0709) regarding Brunthill, Kingmoor Park. On this basis it is considered that the retention of the site for employment purposes would be at odds with paragraph 22 of the NPPF. The relationship of any residential units on the application site to the Crown Bevcan factory would be consistent with regard to the existing circumstances experienced by the occupiers of the dwellings on Hollywell Crescent.

# 3) Implications for local community infrastructure – education, sports field/play equipment and refuse bins

- 6.22 The County Council has confirmed that there are currently projected to be sufficient primary and secondary school places available in the area to accommodate the expected level of demand from this development, and therefore no contribution has been sought.
- 6.23 In relation to the provision of a sports field/pitch and play area provision, the applicant has agreed to pay the commuted sum (£107,838) recommended by the City Council's Open Spaces Manager. This can be secured through the completion of a Section 106 Agreement.
- 6.24 The applicant has also agreed to provide refuse bins in accord with the comments received from Waste Services. This can also be achieved through a Section 106 Agreement but it would need to be worded in such a way that it relates to the provision of a particular type/size of bin(s) as opposed to specifying the supply from the Council.

# 4) Whether the proposal meets the objectives of Policy H5 of the CDLP regarding the provision of affordable/social housing

- 6.25 Policy H5 of the Local Plan 2001-2016 explains that on allocated and windfall sites of 10 or more dwellings in the urban area, a contribution of 30% of units on-site towards affordable housing will be expected.
- 6.26 In response the applicant has highlighted that, if outline permission is obtained, the site will be marketed. Accordingly, at this point in time there is no fixed level or range of housing types to meet "affordable housing" requirements can be defined with certainty. The applicant therefore recommends that to cover all eventualities a condition is imposed based upon the Planning Inspectorate's model condition used by Inspectors.
- 6.27 The provision of affordable housing has typically been covered under a Section 106 Agreement. However, as the applicant is aware, there are instances where it has also been the subject of a condition.

### 5) Whether there are any significant adverse effects on ecology

- 6.28 The key issues in this case relate to the possible impacts of the proposal on nature conservation interests "off-site" together with the "on-site" effects upon features and habitats, including protected species.
- 6.29 The submitted Bat Survey by Open Space highlights that there are 20 records for bats within 2km of the site. The site may be of some significance to local populations due to the trees, scrub and hedges on/around the site. No roosts were present and the existing derelict building is unsuitable for use by bats. Should any individual bat opportunistically take up roosting, there may be some negligible risk of disturbance or injury when the roof cladding, soffits

and window boards are removed/demolished. There is some very low risk that works to remove a tree to the west of the building may harm individual bats, if present. There may be some impact on local populations of foraging/commuting bats should external lighting on site be significantly increased or directed at adjacent habitat. A minimal lighting scheme will reduce any impacts. Tree planting indicated on the plans will compensate for the proposed tree removal. Roost provision built into the design of the new buildings would also enhance the site for roosting bats.

- 6.30 The Bat Survey also identified that there was evidence to suggest some use of the building by breeding birds. There may be some impact on breeding birds should works commence during the bird breeding season (March September inclusive).
- 6.31 The submitted Scoping Survey for European Protected Species explains that:
  - the majority of the habitats on site are of low conservation interest in terms of vegetation with no mitigation required;
  - there is no potential for great crested newt to be present breeding on site and features that may offer hibernacula are not highly suitable;
  - it is considered unlikely for badger to be present within the proposed area;
  - there is some potential for birds to use the scrub, trees or building present on site to breed. There may be impact on local populations if any tree or scrub removal/demolition/general works are undertaken suring the bird breeding season (March-August);
  - there will be no impact on barn owl, with no mitigation required;
  - it is considered the impact on brown hare populations is negligible, with no mitigation required;
  - it is extremely unlikely for dormouse to be present on site or within adjacent habitat;
  - the proposed works are unlikely to impact on local hedgehog populations;
  - otter may opportunistically use the site and adjacent areas for commuting/resting – works should consider the low risk that individual otter may investigate the site during works;
  - red squirrel may use tree cover adjacent site boundaries to forage and commute it is considered unlikely for this species to breed on site;
  - the proposed development is unlikely to impact on local reptile populations, with no mitigation required; and
  - the loss or degradation of some of the habitat on site may impact on smaller invertebrate species (such as hoverflies, beetles, moths) if present.
- 6.32 The Bat Report and Scoping Survey both contain recommendations and mitigation. Providing the recommendations and mitigation are followed and conditioned, it is concluded that the proposed development is unlikely to significantly impact on the populations of protected species and other wildlife.

# 6) Whether the proposal would be detrimental to the living conditions and security of local residents, and highway safety/capacity

- 6.33 When assessing the impact of the proposal on the living conditions of existing residents Members will appreciate that this is an outline application with subsequent details (such as layout and design) subject to subsequent approval as reserved matters. It is also evident that the former use was for commercial purposes.
- 6.34 General concerns regarding the large scale imposition of any sort of development on a community seeking to preserve its identity are understandable. The problems associated with the "swamping" of an existing community usually manifest themselves through pressures on existing services/facilities, and/or the creation of social instability. In this case there is no evidence that facilities would be overwhelmed. Furthermore, there is no reason to believe that residents would cause, or make worse, any social discord.
- 6.35 Any concerns relating to construction noise and the hours of construction can be addressed through the imposition of relevant conditions. The proposed dwellings can also be insulated with regard to any sources of noise, such as the railway sidings/lines.
- 6.36 In relation to highway safety, the County Highways Authority has not raised any objections to the proposed means of access; is aware that the remaining matters can be addressed when considering future reserved matters/discharge of conditions applications, but is satisfied that there is nothing to sustain a refusal on highways/traffic grounds for this development.

# 7) Whether the proposal would be detrimental to the visual character of the area including trees

6.37 In relation to visual amenity, the site is bounded by trees and existing development such that views of the proposed development would either be screened or substantially filtered. The existing silver birch and cherry tress within the site have significant amounts of decay rendering them potentially dangerous. The goat willow appears to have been badly damaged by animals browsing on the trunks. The loss of trees within the site can be mitigated by the planting of new species as part of any landscaping scheme.

### **Other Matters**

- 6.38 Environmental Quality Services has pointed out that the Preliminary Risk Assessment Summary & Recommendations outlined in the 'Phase 1: Desk Top Study Report' must be implemented and the Phase 2 intrusive ground investigation should be completed prior to commencing with any of the proposed development. The undertaking of the further works can be the subject of an imposed condition(s) should permission be granted. Any issues associated with air quality stemming from the Bevcan factory would be separately controlled under the Environmental Services regulations.
- 6.39 The application site falls within Flood Zone 1 (Low Probability suitable for all uses). The main risk of flooding from this site is to third party land. On this

basis, the provision of a SUDS in combination with a surface water management system (informed by the undertaking of a Flood Risk Assessment based on a detailed proposal) can be the subject of a condition. United Utilities has not raised any objection to the proposed development providing specific conditions are included in the planning permission concerning only foul drainage connected into the foul sewer.

6.40 Article 8 and Article 1 Protocol 1 of the Humans Rights Act are relevant but the impact of the development in these respects will be minimal and the separate rights of the individuals under this legislation will not be prejudiced. If it was to be alleged that there was conflict it is considered not to be significant enough to warrant the refusal of permission.

### Conclusion

- 6.41 The current application site is designated a Primary Employment Area, and the latest figures indicate that there is six years supply of deliverable sites. Conversely, the proposed development of the site is compatible with the existing residential development at Hollywell Crescent; it involves the re-development of brownfield land; and is in a sustainable location. Under the SHLAA, whilst not allocating land, this site was considered to be developable. Considering the existing size and role of Carlisle, the scale of development proposed is not considered untoward.
- 6.42 The site has been unsuccessfully marketed, there are existing alternatives within the vicinity in the form of Rosehill and Durranhill Industrial Estates, and there are other proposals for employment development relating to the City, for example the current application (number 13/0709) regarding Brunthill, Kingmoor Park. On this basis it is considered that the retention of the site for employment purposes would be at odds with paragraph 22 of the NPPF. The relationship of any residential units on the application site to the Crown Bevcan factory would be consistent with regard to the existing circumstances experienced by the occupiers of the dwellings on Hollywell Crescent.
- 6.43 In the case of education, the County Council has confirmed that there are currently projected to be sufficient primary and secondary school places available in the area to accommodate the expected level of demand from this development. The provision and maintenance of a sports pitch, play area, and refuse bins can be secured through the completion of a Section 106 Agreement. There is no evidence that facilities would be overwhelmed and no reason to believe that residents would cause, or make worse, any social discord.
- 6.44 The provision of affordable/social housing, the ecological mitigation/recommendations, noise insulation, construction operations, highway works, landscaping, contamination, surface water, and foul drainage can be the subject of relevant conditions.
- 6.45 On balance, having weighed up the arguments for and against the proposal, it is concluded that any harm is outweighed by the benefits and the proposal is recommended for approval subject to the imposition of relevant conditions,

and the satisfactory completion of a s106 agreement to secure:

- a) the payment of a commuted sum towards sports and play provision of £107,838; and
- e) the provision to each unit of a refuse wheeled bin.

## 7. Planning History

7.1 The available records do not indicate the site as having previously been the subject of an application.

## 8. Recommendation: Grant Subject to S106 Agreement

- 1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
  - i) The expiration of 5 years from the date of the grant of this permission, or
  - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
  - **Reason:** In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended by The Planning and Compulsory Purchase Act 2004).
- 2. Before any work is commenced, details of the layout, scale, appearance, and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the Local Planning Authority.
  - **Reason:** The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.
- 3. The approved documents for this planning consent comprise:
  - 1. The Planning Application Form dated the 19th August 2013;
  - The site location plan, Block Plan (drawing number 70490), the Topographic survey- As existing (1 and 2) (drawing numbers 70490/Topo/01 and 02), the Topographic survey - With proposed road junction (drawing number 70490/Topo/03 Rev. A);
  - 3. Planning Statement (received 20.08.13);
  - 4. Scoping Survey for European Protected Species ( OpenSpace ref: OP-CWS Dairy SCS28v1);
  - 5. Daytime Roost Inspection Survey (OpenSpace ref:

OP-CWSDairy-BAT65v1);

- 6. Affordable Housing Statement (received 20.08.13);
- 7. Drainage Statement (reference number RO/11042.1) prepared by RWO Associates;
- Tree and Hedge Survey Report (OpenSpace ref: OP-CWS Dairy-TRE35v1);
- 9. Phase 1:Dest Top Study Report (Project No: 13-085) prepared by arc environmental;
- Noise Survey and Facade Acoustic Design (report no. 2717.2) prepared by Apex Acoustics Ltd;
- 11. Design and Access Statement (received 20.08.13);
- 12. The Notice of Decision; and
- 13. Any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

- 4. Prior to the commencement on any part of the site there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. That phasing plan shall include the phasing of the overall development hereby permitted in terms of:
  - 1. the provision of pedestrian and vehicular connectivity;
  - 2. the provision of foul and surface water drainage infrastructure;
  - 3. the delivery of other services such as gas, electricity and telecommunications;
  - 4. the provision of storage receptacles for waste and recyclable materials for each residential unit including suitable accessing arrangements for recyclable/waste collection vehicles; and
  - 5. the provision of bat friendly ridge tiles, and bat and bird boxes.

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

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

5. The development of the proposed residential units shall not be commenced until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

a) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of the residential units;

b) the timetable for the making available of the affordable housing in relation to the programme for completion of construction works and the occupancy of the residential units;

c) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Provider is involved;

d) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing unless other arrangements are agreed in writing by the Local Planning Authority; and

e) if applicable, the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and means by which such occupancy criteria shall be enforced.

6. Prior to the commencement of development a Construction Management Plan shall be submitted to and agreed, in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, wheel washing, use of vibro-compaction machinery/vibration management, dust management, external lighting, security (inclusive of the railway boundary), provision of Armco safety barriers, demolition and clearance works near to the operational railway infrastructure, vehicle control within the site and localised traffic management and protocols for contact and consultation with local people and other matters to be agreed with the Local Planning Authority.

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

- **Reason:** To safeguard the living conditions of neighbouring residents and mitigate impacts on ecology and operational railway infrastructure in accordance with Policies CP2, CP5, CP6 and LE2 of the Carlisle District Local Plan 2001-2016.
- 7. Samples or full details of all materials to be used on the exterior shall be submitted to and approved, in writing, by the Local Planning Authority before any work is commenced.
  - **Reason:** To ensure the materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 8. No development shall commence until details of the proposed hard surface finishes to all public and private external areas within the proposed scheme have been submitted to and approved, in writing, by the Local Planning

**Reason:** To ensure sufficient affordable housing is delivered on site, in accordance with Policy H5 of the Carlisle District Local Plan and the National Planning Policy Framework.

### Authority.

- **Reason:** To ensure the materials used are acceptable and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 9. No development shall take place until full details of the proposed landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.
  - **Reason:** To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 10. Any clearance of or damage to trees, saplings, bramble scrub, hedgerows or demolition of the existing building shall take place in accord with the proposed mitigation and recommendations contained in the "Daytime Roost Inspection Survey" (ref: OP-CWSDairy-BAT65v1) and "Scoping Survey for European Protected Species" (ref: OP-CWS Dairy-SCS28v1) prepared by OpenSpace.
  - **Reason:** To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.
- 11. Any clearance works associated with the hereby permitted development shall be undertaken in accordance with the recommendations and mitigation identifed in the "Scoping Survey for European Protected Species at the Former CWS Dairy, Botcherby, Carlisle" (March 2013) prepared by OpenSpace.
  - **Reason:** To protect features of recognised nature conservation importance, in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.
- No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

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

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

Planning Authority. The Flood Risk Assessment and Drainage Strategy shall provide:

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

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

- **Reason:** To ensure adequate means of surface water disposal; to prevent and reduce the risk of flooding; and avoid impacts on a designated site in accordance with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.
- 14. No development shall commence until a comprehensive foul drainage scheme identifying the location of the proposed connection point(s) into the existing foul drainage system, and a flow and load impact assessment to demonstrate that the existing foul drainage system has the capacity to cope with the increased load, have been submitted to and agreed, in writing, by the Local Planning Authority.
  - **Reason:** To ensure that adequate drainage facilities are available and to ensure compliance with Policy CP12 of the Carlisle District Local Plan 2001-2016.
- 15. No dwelling shall be occupied until the respective foul and surface water drainage works, submitted under the above conditions 13 and 14, have been completed in accordance with the details approved by the Local Planning Authority.
  - **Reason:** To ensure that adequate drainage facilities are available which are comprehensive in extent and follow a co-ordinated sequence in accord with Policies CP2, CP10, CP12 and LE2 of the Carlisle District Local Plan 2001-2016.
- 16. No development shall commence until details of any walls, gates, fences and other means of permanent enclosure and/or boundary treatment to be erected (inclusive of the 1.8 metre high solid noise mitigation barrier surrounding the site) have been submitted to and approved in writing, by the

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

- **Reason:** To ensure that the details are acceptable and to ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies CP5 and CP17 of the Carlisle District Local Plan 2001-2016.
- 17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no electricity sub-stations or gas governors shall be erected without the prior permission of the Local Planning Authority.
  - **Reason:** The local planning authority wish to retain control over the erection of electricity sub-stations and gas governors in order to maintain the visual integrity of the development in accordance with Policy CP5 of the Carlisle District Local Plan 2001-2016.
- 18. Prior to the commencement of development details of the height of any residential unit hereby permitted in relation to the existing and proposed ground levels and the height of the proposed finished floor levels (inclusive of any garages) shall be submitted to and approved, in writing, beforehand by the Local Planning Authority.
  - **Reason:** In order that the approved development overcomes any problem associated with the topography of the area, safeguards the living conditions of neighbouring residents in accordance with Policy H1 of the Carlisle District Local Plan 2001-2016.
- 19. No development shall commence until further investigation works have been undertaken to assess the nature and degree of contamination and a consequent report prepared and submitted to the Local Planning Authority. Should any contamination be identified a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. Upon completion of the approved remediation measures, a remediation report must also be submitted to the Local Planning Authority for approval in writing.
  - **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.

- 20. Prior to the commencement of the hereby permitted development a Phase 2 intrusive ground investigation shall be carried out the results of which shall be submitted to and approved in writing beforehand by the Local Planning Authority. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the condition above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
  - **Reason:** To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policies LE2 and LE29 of the Carlisle District Local Plan 2001-2016.
- 21. The carriageway, footways, and provision of ramps on each side of every junction shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details with levels and full engineering details, shall be submitted with the first Reserved Matters application to the Local Planning Authority. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed progressively as the constituent phases of the site are developed and prior to the completion of the last dwellinghouse (by the plastering out) within that phase of the said development, as specified in the phasing plan and/or programme required to be submitted by condition 4.
  - **Reason:** To ensure a minimum standard of construction in the interests of highway safety and to support Local Transport Plan Policies LD5, LD7 and LD8.
- 22. No residential unit hereby permitted shall be occupied until the respective estate road has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use together with the associated means of vehicular and pedestrian access, parking provision, drainage, and provison of any necessary Armco barriers in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority. The access and parking facilities shall thereafter be retained and capable of use at all times and shall not be removed or altered without the prior consent of the Local Planning Authority.

**Reason:** To ensure that the matters specified are designed and provided

to ensure a minimum standard of access when the development is brought into use.

- 23. No development shall commence until visibility splays providing clear visibility of 43 metres measured along the nearside channel lines of the public road from a position 2.4 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision of The Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.
  - **Reason:** In the interests of highway safety and to support Local Transport Policies LD7 and LD8.
- 24. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, and footways/footpaths.
  - **Reason:** In the interests of highway safety and to support Local Transport Policies LD7 and LD8.
- 25. Before any development takes place, a plan shall be submitted for the prior written approval of the Local Planning Authority reserving adequate land for the storage of materials, parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.
  - **Reason:** The carrying out of this development without provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Policy LD8.
- 26. In each Phase, adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable broadband, telephone, electricity and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

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

Notwithstanding the provisions of Article 3(1) and the Schedule 2 Part 17 Class G (b) of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no distribution pole or overhead lines within the area shall be erected, save with the express consent of the Local Planning Authority. **Reason:** To maintain the visual character of the locality in accord with Policy CP5 of the Carlisle District Local Plan 2001-2016.

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

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

28. No residential unit hereby permitted shall be occupied until a 1.8 metre solid barrier surrounding the site and the respective minimum glazing (for all windows) and ventilation strategy options identified in the "Noise Survey and Facade Acoustic Design" report number 2717.2 prepared by Andrew C Gibson of Apex Acoustics Limited have been fully installed and completed.

29. No residential unit hereby permitted shall be occupied until an external lighting scheme that minimises any potential impacts of light pollution has been completed in accordance with details submitted to and approved in writing beforehand by the Local Planning Authority.

**Reason:** To safeguard the ecology and environment of the area.

**Reason:** To safeguard the living conditions of the occupiers of the residential units.

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