# **SCHEDULE A: Applications with Recommendation**

Item No: 07	Date of Committee: 23/11/2018	
<b>Appn Ref No:</b> 17/0995	Applicant: C/o Story Contracting	<b>Parish:</b> Wetheral
	<b>Agent:</b> PFK Planning	<b>Ward:</b> Wetheral
Location: Land off Broomfallen Road, Scotby, Carlisle, CA4 8DE		
<b>Proposal:</b> Erection Of 28no. Dwellings, Open Space And Associated Infrastructure (Revised Application)		
Date of Receipt: 23/11/2017	Statutory Expiry Date 22/02/2018	26 Week Determination 24/05/2018

# REPORT

**Case Officer:** Christopher Hardman

# 1. Recommendation

1.1 It is recommended that authority is given to the Corporate Director of Economic Development to issue an approval subject to completion of an appropriate Section 106 agreement to secure the provision of on-site affordable housing, the management and maintenance of the open space; the payment of £14,300 towards the provision and maintenance of off-site open space and play facilities; and, the payment of £72,306 towards local education provision.

# 2. Main Issues

- 2.1 Whether the proposal is acceptable in principle
- 2.2 Landscape and visual impact
- 2.3 The impact of the proposal on the living conditions/amenity of neighbouring residents and future occupiers
- 2.4 Whether the scale, layout and design of the proposed dwellings is acceptable
- 2.5 Housing mix and affordable housing
- 2.6 Highway issues
- 2.7 The impact of the proposal on ecology
- 2.8 Trees, hedgerows and landscaping
- 2.9 Flooding and drainage

- 2.10 Land contamination and stability
- 2.11 Archaeology
- 2.12 Planning Obligations Education & Open Space
- 2.13 Waste and recycling

# 3. Application Details

### The Site

- 3.1 The application relates to a largely square parcel of land extending to approx. 1.32 hectares and located on the southern edge of the village of Scotby adjacent to the public highway on the approach to Cumwhinton. The land is currently agricultural pasture used for the grazing of livestock. Within the site, there is an area of marsh and wetland at the westernmost side of the site with broad leafed tree planting along the north-west boundary and a substantial band of trees to the southern field boundary.
- 3.2 The topography of the land is such that the site slopes down from east to west with an approximate difference of 6 metres in level and a similar fall from the north-east to south-west corners of the site.
- 3.3 To the east, the site is bound by a mature hedgerow alongside the public highway and to the north by a similar hedgerow, beyond which runs a public bridalway which sweeps around the western limits of the site. To the immediate west of the site is Wash Beck watercourse.
- 3.4 South of the Settle to Carlisle Railway Line, Broomfallen Road is predominantly characterised by two storey dwellings of varying styles and designs. Properties are generally set back from the public highway with properties on the east side of the road being elevated from the road reflecting the topography of the surrounding area.
- 3.5 To the north of the site, beyond the bridleway, is a relatively modern development of four two storey detached properties of contemporary design with render finishes and tile roofs.
- 3.6 Opposite the site, to the east, is a working farm with associated outbuildings. The built form of the village then continues in a ribbon style form of development along the eastern side of the road with a mix of two and three storey properties.

# The Proposal

- 3.7 The application is a revised scheme based on planning approval for 28 dwellings on this site as granted by the Development Control Committee under application 12/0790 in September 2012.
- 3.8 This application seeks planning permission for the erection of 28 dwellings, together with associated open space and infrastructure. A single vehicular and pedestrian access point would be established along the eastern

boundary of the development to gain access to the site directly off Broomfallen Road. A pedestrian pavement would extend approx. 27m into the site at which point a shared surface would be provided.

- 3.9 The proposed layout comprises of a mix of detached, semidetached and terraced properties. In total, seven different house types are proposed which comprise a variety of 2, 3, 4 and 5 bedroom dwellings. The properties would all be two storey in height and completed in a range of materials including brick, stone and render.
- 3.10 Each dwelling is proposed to have a minimum of two dedicated off-street parking spaces with some of the larger dwellings incorporating single or double garages.
- 3.11 An area of land close to the western boundary has been put aside to form a detention basin as part of a Sustainable Drainage Scheme (SuDs) to manage surface water runoff from the site via a hydrobrake before discharge into the adjacent Wash Beck watercourse. A pumping station is proposed to manage foul water from the development.
- 3.12 The proposal also includes the provision of 0.26 hectares of onsite public open space provision and a cycle path to connect the site to the adjacent public bridleway.

## 4. Summary of Representations

- 4.1 The application has been published by means of neighbour notifications carried out in accordance with the formal procedures prescribed by the Town & Country Planning (Development Management Procedure) Order 2015. This has resulted in 31 neighbouring properties being notified of the proposed development, two Site Notices posted at the site and a notice published in the local press.
- 4.2 As a consequence, a single letter of objection has been received from a nearby resident. The concerns put forward by this resident are summarised as follows:
  - 1. Loss of light and privacy to properties at The Grange
  - 2. Overshadowing of properties at The Grange
  - 3. Design and appearance of the development
  - 4. Highway safety and traffic issues

# 5. Summary of Consultation Responses

Wetheral Parish Council: No observations.

<u>Cumbria County Council (Highways & Lead Local Flood Authority):</u> No objection subject to conditions.

#### Cumbria Constabulary:

The dwellings are laid out so that they overlook each other, without compromising privacy. I am encouraged to note the strong definition of some front garden curtilages by the use of continuous planting and would urge the deployment of physical (not symbolic) treatments to all frontages for this purpose. I am also pleased to note the deployment of 1.8m timber fencing to separate rear gardens and the interlocking of rear gardens (Units 19 - 25) to deter intrusion.

Car parking is generally 'on-plot' but as mentioned, physical treatments shall reinforce the concept of defensible space to parking areas and more obviously separate public and semi-private space.

But the Public Open Space, pump station and cycle link are positioned towards the rear of Units 7 – 10 and consequently will not be easily supervised. Views towards the POS shall be further obstructed by the fall in ground level towards the west of the site, the eventual establishment of the hedging forming the rear garden boundaries of Units 8 – 10 and other landscaping elements.

As proposed, I believe the POS is not an inclusive part of the site and therefore shall be more prone to ASB or nuisance gathering.

It appears to me, therefore, that although stated in 3.29 ".....Indeed all areas of the development are well overlooked by housing in order to lessen the opportunity for anti-social behaviour......the landscaping has been designed to ensure it does not create secluded areas.....or reduce natural surveillance" these objectives are not actually achieved.

Dwelling protection against burglary – I recommend the incorporation of exterior doors and ground floor windows compliant with PAS 24:2016 and fitted with laminated glazing (BS EN 356:2000) as appropriate. A significant proportion of domestic related burglary across the county is directed towards garages and other outbuildings. I therefore recommend the incorporation of garage vehicle entry doors compliant with LPS 1175 SR1 or STS 202 BR1.

Despite the rural location, dwellings should be provided with external lighting for security purposes. The deployment of low-energy 'white' light sources, controlled by photoelectric cell is recommended for this purpose.

### Cumbria County Council (Education Authority):

Using a dwelling led model on the housing mix provided of: 7 x 2 bed, 6 x 3 bed and 15 x 4+ bedroomed dwellings it is theoretically estimated to yield 11 children: 6 primary and 5 secondary pupils. The development is in the catchment of Scotby Primary School (1 mile) and Central Academy for secondary education (3.1 miles). The next nearest primary school is Cumwhinton (1.7 miles) and nearest secondary is Newman (3.2 miles) however, this is a faith school and does not have a specified catchment area and is currently relocated to a site at Harraby due to flood damage on the building.

Currently there are four developments affecting the primary schools used for this assessment and thirty three for the secondary schools. The table attached shows both the catchment and nearest schools and the developments that will affect them.

#### Primary

The catchment school of Scotby is full before any other developments are taken into account. The next nearest primary school is Cumwhinton Primary which also has no spaces available once the developments have been considered. Therefore education contribution of £72,306 ( $6 \times £12,051$ ) required to provide capacity at either Scotby Primary School or the nearest school where capacity can be provided to mitigate the impact of the proposed development.

### Secondary

Whilst it is considered the development of this site will further contribute to the pressure on secondary school places, taking into account the pooling restrictions that are applied through the CIL regulations where only five planning obligations can be pooled towards a single piece of infrastructure it is not considered that the scale of this development will generate a large enough contribution to use one of the five planning obligations up. Therefore no contribution will be sought for secondary school places.

### Primary

Subject to the above contribution being provided no contribution is sought in relation to primary school transport.

### Secondary

Richard Rose Central Academy is within the statutory walking distance, therefore no contribution is sought in relation to secondary school transport.

### Green Spaces:

A commuted sum of £11,200 for provision of new play equipment and an additional £3,100 for maintenance should also be payable for off-site provision.

### Cumbria County Council (Footpaths):

Public bridleway 138049 runs to the north and west side of the proposed development, the Bridleway must not be altered or obstructed before or after the works have been completed.

### Northern Gas Networks:

No objection subject to informative note to advise the applicant of Northern Gas Networks infrastructure in the area.

### Cumbria County Council (Historic Environment Officer):

Numerous prehistoric finds have been recovered from Scotby over the years and a 10th century hoard of coins and silver ingots was found very close to the site. The applicant has helpfully commissioned an archaeological geophysical survey of the site and the results indicate that buried archaeological assets of possible prehistoric origin may survive there. Any such remains would be disturbed by the construction of the proposed development.

I therefore recommend that, in the event planning consent is granted, the programme of archaeological investigation required by conditions 11 and 12 on previously approved permission 12/0790 is undertaken and is secured by attaching similarly-worded conditions.

#### United Utilities:

No objection to the proposal subject to the imposition of a planning condition to ensure the means of surface water discharge as proposed.

Local Environment, Waste Services: No objection.

#### Local Environment, Environmental Protection:

No objection subject to conditions to limit construction hours and construction stage mitigation measures in the interests of neighbouring residential amenity and other sensitive off-site receptors.

Natural England: No comment.

The Ramblers Association: No response.

The RSPB: No response.

#### 6. Officer's Report

#### Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, require that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF), published 24 July 2018, maintains the supremacy of development plan policies in the consideration of all proposals for development.
- 6.2 In this case, the relevant local policy framework, against which the proposal is considered, is the Carlisle District Local Plan 2015-2030 from which the following policies are of relevance to this application:
  - SP1 Sustainable Development
  - SP2 Strategic Growth and Distribution
  - SP5 Strategic Connectivity
  - SP6 Securing Good Design
  - SP8 Green and Blue Infrastructure
  - SP9 Healthy and Thriving Communities

- HO1 Housing Strategy and Delivery
- HO4 Affordable Housing
- IP1 Delivering Infrastructure
- IP2 Transport & Development
- **IP3** Parking Provision
- **IP4 Broadband Access**
- IP5 Waste Minimisation and the Recycling of Waste
- IP6 Foul Water Drainage on Development Sites
- **IP8** Planning Obligations
- CC4 Flood Risk and Development
- CC5 Surface Water Management and Sustainable Drainage Systems
- CM2 Educational Needs
- CM4 Planning Out Crime
- CM5 Environmental and Amenity Protection
- HE2 Scheduled Ancient Monuments and Non-Designated Archaeological Assets
- GI1 Landscapes
- GI3 Biodiversity and Geodiversity
- GI4 Open Space
- GI6 Trees and Hedgerows
- 6.3 The National Planning Practice Guidance (NPPG) is also a material consideration in the assessment of this proposed development, as are the Council's adopted Supplementary Planning Documents: 'Achieving Well Designed Housing'; 'Trees and Development'; 'Designing Out Crime'; and 'Affordable and Specialist Housing'.
- 6.4 The proposal raises the following planning issues:

# The Principle of Development

6.5 The revised NPPF reaffirms the planning system's role in the achievement of

sustainable development with a presumption in favour of such development where positive economic, social and environmental gains are mutually accrued. Paragraphs 10 and 11 of the NPPF advise that in order for sustainable development to be pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development which, for decision-taking, means:

*"approving development proposals that accord with an up-to-date development plan without delay; or* 

Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- *i.* the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- *ii.* any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"
- 6.6 This national planning approach is echoed by policy SP1 of the Carlisle District Local Plan 2015-2030 (CDLP) which pursues the achievement of sustainable development that improves the economic, social and environmental conditions of the District. Policy SP2 (Strategic Growth and Distribution) of the CDLP states that sufficient land will be identified to accommodate 9,606 net new homes between 2013 and 2030 including a minimum annualised average of:
  - 478 net new homes between 2013 and 2020; and
  - 626 net new homes between 2020 and 2030 (adjusted to have regard to delivery in the 2013-2020 period).
- 6.7 The application site is allocated for housing development under CDLP policy HO1 as site allocation R16 – Land at Broomfallen Road. The policy allocation suggests and indicative yield of 28 dwellings and delivery in years 0-5 of the Local Plan period.
- 6.8 Appendix 1 of the CDLP provides 'site profiles' of all housing sites allocated under policy HO1 setting out some of the issues associated with each site and any known constraints. The site profile for the application site is as follows:

### "R 16: Land at Broomfallen Road, Scotby

The site has planning permission for 28 houses (including seven affordable houses), subject to the signing of a Section 106 agreement to secure the affordable units, open space, community transport, education contribution and waste bins. The site is allocated to safeguard the planning permission.

*Highways advice: there are no fundamental issues with the proposed development.* 

Biodiversity: no statutory or non-statutory designations apply within or adjacent to the site. A key issue is that a length of hedgerow is to be removed for access to the site. This must be undertaken outside of the bird nesting season. The

area is especially important for protected species such as yellowhammer, spotted flycatcher and tree sparrow. Some form of appropriate compensatory planting should be undertaken so as to avoid a net loss of hedgerow biodiversity.

Heritage assessment: there is an unscheduled archaeological site to the north and south of this site. It is therefore recommended that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken in advance of development.

Other constraints: public bridleway 138049 runs along the northern and north western boundary of the site."

- 6.9 The application site benefits from an extant planning permission for 28 dwellings approved by members of the Development Control Committee in April 2013 with the subsequent decision notice being issued on 24 February 2016 following the satisfactory completion of a Section 106 legal agreement (Application Ref. 12/0790).
- 6.10 Accordingly, the principal of housing development on this site has previously been established through extant planning permission (12/0790) and the housing allocation under policy HO1. The Council has since adopted a new Local Plan, however, the site is allocated as part of the Local Plan and this new local policy framework does not diminish the principle of developing the site for housing. The principle of development, as presented by this application, is therefore established and accepted, subject to all other material considerations being satisfied.

### Landscape and visual impacts

- 6.11 The NPPF seeks to conserve and enhance the natural environment by protecting and enhancing valued landscapes. This approach is achieved locally through CDLP policies SP6 and GI1 which together require that development takes into consideration any important landscape or topographical features to ensure that local landscape character is respected and protected from excessive, harmful or inappropriate development.
- 6.12 The proposal involves the development of an open field which will undoubtedly have a visual impact upon local landscape character. However, the site is located on the southern edge of the settlement and will therefore be read alongside existing built development along Broomfallen Road which extends along the highway out of the settlement.
- 6.13 The topography of the site coupled with a strong southern boundary in the form of the existing belt of trees, that are to be retained as part of the proposal, will minimise any landscape impacts and reduce the visibility of the

development.

- 6.14 The development would be visible when travelling along Broomfallen Road in a southerly direction towards Cumwhinton, however, the development would be well contained by existing landscape features along its north, south and western boundaries and as a southern extension to the village would relate well to the existing settlement. On this basis, the development would not amount to a prominent visual intrusion into the open countryside but rather form a logical extension to the existing settlement pattern.
- 6.15 Furthermore, the land has no special landscape designation that would warrant any particular consideration or indicate that development should be resisted.
- 6.16 Overall, the landscape and visual impacts of the proposal are considered to be minimal and localised to a degree that the proposal would be compliant with CDLP policies SP6 and GI1 and the associated provisions of the NPPF.

### Impact on residential amenity

- 6.17 The NPPF requires the planning process to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is a core principle of the planning system and is echoed by Policy SP6 of the CDLP which seeks to ensure there is no adverse effect on the residential amenity of existing areas, or adjacent land uses, or result in unacceptable conditions for future users and occupiers of the development.
- 6.18 The development has been designed and laid out to take account of the requirements set out in the Council's 'Achieving Well Designed Housing' Supplementary Planning Document and as such all proposed dwellings are compliant with the minimum separation distance of 21m between primary facing windows and 12m between primary windows and blank elevations. This would ensure acceptable levels of privacy and outlook for existing neighbouring residents and future occupiers of the proposed properties.
- 6.19 A single objector has suggested that the proposal would result in an unacceptable loss of privacy and overshadowing of existing properties to the immediate north of the site. In particular, the objector is concerned that the properties proposed for Plots 13 to 17 will overshadow a recently completed single storey property at Plot 1 The Grange and would overlook the property leading to a harmful loss of privacy and overbearing effect.
- 6.20 Plots 13 to 17 of the proposed development are two storey dwellings with north facing rear gardens. The separation distance between the rear facing elevation of these proposed properties and Plot 1 The Grange is 21m with an intervening mature hedgerow at a height of approx. 2m and a public bridalway. The existing site sits slightly higher (less than 1m) than the properties at The Grange and this change in level will largely be maintained with the finished floor levels of Plots 13 to 17 being set to reflect the falling gradient of the site from northeast down to southwest.

- 6.21 The 21m separation distance between properties and the retained hedgerow will maintain acceptable levels of privacy for existing and future occupants and is compliant with the Council's prescribed requirements to protect against overlooking. This distance will also ensure no adverse overbearing or oppressive impacts to any existing nearby properties. It is accepted that during winter months (November to February) when the sun is at its lowest in the sky there would be some loss of direct sunlight and overshadowing to existing properties to the immediate north of the site, including Plot 1 The Grange, as a result of the proposal, however, this does not amount to a significant adverse affect that would warrant a refusal of planning permission.
- 6.22 Overall, given the layout and orientation of the proposed properties and their relationship with existing neighbouring dwellings, it is not considered that the living conditions of existing residents or future occupants would suffer from any loss of privacy or unacceptable levels of overshadowing or harmful overbearing effects. In this regard the proposal would maintain acceptable levels of residential amenity and is therefore compliant with CDLP policy SP6 and the requisite requirements of the NPPF.
- 6.23 It is acknowledged that during the construction period neighbouring residents are likely to experience a level of disruption associated with the development, however, these effects can be adequately controlled through the imposition of planning conditions.

## Scale, layout and design

- 6.24 Policy SP6 of the CDLP requires development proposals to demonstrate a good standard of sustainable design that responds to, and is respectful of, the existing character and distinctiveness of the local area. This policy approach is echoed by Section 12 of the NPPF which emphasises that the creation of high quality buildings and places is fundamental to what the planning system and development process should achieve. Indeed, the framework insists that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.
- 6.25 To this end planning policies seek to ensure that development is appropriate in terms of quality to that of the surrounding area respecting the established form and pattern of development in relation to height, scale, massing, siting and use of appropriate materials, architectural detailing and landscaping.
- 6.26 When considering the acceptability of the proposal in terms of design, layout and scale, in the context of the site's allocation under CDLP policy HO1 the main issues are considered to focus around:
  - whether the scheme integrates into its surroundings by reinforcing existing connections and creating new ones;
  - whether the proposal has a mix of dwelling types and tenures that suit local requirements;
  - does the scheme create a distinctive character which takes advantage of

existing features;

- does it create well defined streets and spaces;
- is the scheme designed to make it easy to find your way around;
- are streets designed to encourage low vehicle speeds;
- is resident and visitor parking sufficient and well integrated;
- are public and private spaces clearly defined, attractive and safe;
- is there adequate external storage space for bins and recycling as well as cycles;
- is there adequate and effective open space.
- 6.27 The site is well-contained within the limits of an existing mature field boundary that will largely be retained as part of the proposal, with the exception of the eastern site boundary with Broomfallen Road where properties would front the highway with their own individual access via driveways. The remaining development would be accessed via a single new point of access taken directly off Broomfallen Road to provide vehicular and pedestrian access to the development. The housing would be laid out in a manner that seeks to make the best use of the site and reflecting the topography of the site with properties arranged around a single access road culminating in a cul-de-sac.
- 6.28 The proposed scheme would create a positive frontage onto Broomfallen Road which is an improvement on the previously approved scheme where the development turned away from the highway. In this context, the proposed development would continue the built form of Scotby in a logical and legible pattern of development that would complement the surrounding area whilst retaining strong landscape features to the south, west and northern boundaries of the site.
- 6.29 Proposed properties are a mix of 15 two storey detached houses, 10 two storey semi-detached houses and three two storey houses arranged in a terrace. Seven different house types are proposed, all with pitched roofs and a range of gable and hipped roof features to add interest, reduce massing and provide a varied design. The properties would be well proportioned and of an appropriate scale to that of the surrounding area. The proposed dwellings are mainly positioned to face each other with access and parking provision to the front of each property. All proposed dwellings have open front gardens and enclosed private rear gardens with intervening 1.8m high timber fencing. Garden areas are comparable to the size of the units they would serve, thereby ensuring that the development does not appear cramped or overdeveloped.
- 6.30 Proposed materials are varied throughout the development to add visual interest and avoid an overly uniform or bland appearance. Elements include facing brickwork, stone and limited render treatments, however, a detailed specification of the proposed suite of materials is yet to be agreed and therefore full details will be required via the imposition of a planning condition.
- 6.31 An area of open space is proposed towards the western side of the site to the rear of plots 8, 9 and 10 and adjacent to the proposed drainage detention basin. The open space would incorporate a cycle/footpath to connect the site

to the adjacent bridalway in order to improve movement between the site and the surrounding area. Concerns have been raised by Cumbria Police over the positioning of this open space which has limited natural surveillance, due to its positioning to the rear of three properties, which could give rise to anti-socal behaviour or nuisance gatherings However, the applicant's agent has advised that in order to provide some level of passive surveillance to the area, a house has been positioned to the top of the road in order to overlook the access to the area and lessen the possibility of anti-social behaviour.

### Housing mix and affordable housing

- 6.32 The NPPF supports the delivery of a variety of housing types, sizes and tenures to ensure the provision of housing to meet current and future housing need. CDLP housing policies seek to increase the range and choice of housing across the district by improving the balance of the district's housing stock in terms of dwelling size, type, and tenure.
- 6.33 The application site falls within Affordable Housing Zone A, which, in accordance with CDLP policy HO4, requires a 30% affordable housing contribution. In order to achieve mixed and inclusive communities, policy HO4 stipulates that the affordable housing provision shall be provided on site for developments of 11 units or over and the tenure split shall be 50% social or affordable rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from the market value and via the Council's Low Cost Housing Register).
- 6.34 The Council's Housing Development Officer has confirmed that to be compliant with the requirements of policy HO4, based on a 28-unit development, the affordable housing requirement would be to provide a minimum of eight units four social or affordable rent and four intermediate properties for discounted sale.
- 6.35 The proposal offers seven affordable units, all of which as intermediate housing for discounted sale. This is clearly contrary to the specific requirements of policy HO4, however, the applicant's agent is reliant on their extant planning consent (Ref. 12/0790) as a fallback position to justify this deficient level of affordable housing.
- 6.36 The extant planning permission for 28 dwellings on this site was granted in February 2016 prior to the adoption of the Carlisle District Local Plan 2015-2030. That extant permission includes the provision of seven affordable units, all as intermediate housing, in accordance with policy HO5 of the previous Local Plan which sought a 25% affordable housing contribution. However, since this permission was granted the Council adopted the Carlisle District Local plan 2015-2030 in November 2016 which now requires a 30% contribution for the scale of developed proposed on this site.
- 6.37 Notwithstanding the current policy requirement, the applicant's agent suggests that the extant planning permission represents a significant material consideration that indicates that the scheme, and level of affordable housing, as proposed, should be granted.

- 6.38 When considering the affordable housing requirement for this site there are clearly competing interests of the previous permission and the Council's adopted SPD which are both material considerations. The weight given to either of these needs to form part of any balanced judgement regarding the appropriate provision of affordable housing.
- 6.39 The starting point for consideration is the previous permission which provided for 7 discounted sale properties including flats and semi-detached housing. Whilst the revised poilcy seeks a contribution of 8 units the provision of flats are no longer considered to be desirable due to difficulties in finding occupiers for this form of development. The applicant has therefore revised the format of the housing by the provision of 4 semi-detached houses and a terace of 3 properties. The provision of all two-storey units is an improvement on the original permission and will provide much needed family accommodation.
- 6.40 The Council's SPD also considers that a mix of units should be provided with some being rented and some discounted sale. The fact that the previous permission did not include any rented accommodation is a material consideration in the mix of housing being provided. The change from flats to two storey accommodation has presented a financial increase in the contribution to affordable housing from the developemnt and therefore whilst not all sectors are being catered for by the new provision this is an improvement on the level of contribution from what was previously approved.
- 6.41 The applicant proposes to cluster all the affordable units together based on the previous permission contrary to the objectives of the Local Plan and NPPF which seek to achieve mixed and inclusive communities. Whilst the proposed new layout puts the affordable housing adjacent to larger properties it is still grouped together within the site.
- 6.42 When considering the overall position regarding affordable housing Members need to consider the balance of components provided, the policy and the previous permission. The proposed layout and provision is an improvement over and above the previous consent and therefore represents an improvement in affordable housing provision which policies seek to achieve. It does not provide the full ask in revised policy terms but some weight has to be given to the orignal position and therfore the improved contribution proposed are considered to be a satisfactory contribution to affordable housing.

### **Highway issues**

- 6.43 Policies IP2 and IP3 of the CDLP require all development proposals to be assessed against their impact on the transport network and to ensure adequate levels of parking provision. The policy impetus being to maintain highway safety, ensure good access to development sites via all modes of transport and to avoid unacceptable highway impacts.
- 6.44 Access will be taken mainly from a single point along the eastern site boundary and directly off Broomfallen Road. Individual access points are also

proposed to serve the main frontage plots. Off-street parking provision is to be provided in the form of two spaces per unit and four additional off-street visitor parking spaces dispersed throughout the site, resulting in a minimum of 60 off-street parking spaces and additional garage parking to some plots.

- 6.45 An objector raises concerns with the proposed individual access points to serve the frontage plots along Broomfallen Road, suggesting that this would jeopardise highway safety. However, the Highway Authority has been consulted over the proposal and has confirmed that the proposed access, parking provision and internal access road would be acceptable and therefore does not result in any highway safety or capacity concerns.
- 6.46 Furthermore, the proposal offers a pedestrian link to the existing pavement along Broomfallen Road connecting the development to the village to the north. A cycle path is also proposed to connect the development to the adjacent bridleway. This offers future occupiers good connectivity to the village of Scotby via sustainable modes of transport as an alternative to the private car.
- 6.47 Nevertheless, the Highway Authority has recommended a number of planning conditions to ensure that suitable standards of highway construction are achieved along with the provision of adequate visibility splays and the submission of a Construction Phase Traffic Management Plan to ensure highway safety during the construction phase of the development. Subject to the imposition of these conditions the Highway Authority offer no objection to the proposal.
- 6.48 Consequently, with regard to highway matters, the proposal would not result in an adverse impact on highway capacity, highway safety of be deficient in parking provision. The proposal is therefore compliant with the requirements of CDLP policies IP2 and IP3 and the associated provisions of the NPPF.

# Ecology

- 6.49 When considering whether the proposal safeguards the biodiversity and ecology of the area it is recognised that Local Planning Authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. In this case, the proposal relates to the development of residential dwellings on greenfield land. As such it is inevitable that there will be some impact upon local wildlife.
- 6.50 The authority should consider securing measures to enhance the biodiversity of a site from the applicant, if it is minded to grant permission for an application in accordance with Section 15 of the NPPF. This is reflected in

Section 40 of the Natural Environment and Rural Communities Act (2006) which states that every public authority must have regard to the purpose of conserving biodiversity. Local planning authorities must also have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted.

- 6.51 Policy GI3 of the CDLP seeks to ensure the protection and, where possible, enhancement of biodiversity assets across the District. These policies are consistent with Section 15 of the revised NPPF which advocate for the conservation and enhancement of the natural environment including the protection and enhancement of habitats and biodiversity.
- 6.52 The application is supported by a Phase 1 Ecological Appraisal and Habitat Survey which sets out the following findings:
  - The plant species assemblages recorded at the site are all common in the local area and are considered low ecological value. Domestic gardens and sympathetically landscaped open space is considered to offer habitat of equal or greater ecological value
  - None of the hedgerows around the site perimeter were considered important under the Hedgerow Regulations 1997
  - The plantation woodland and scrub lined stream corridor are considered to be the habitats of most ecological value and should be retained or enhanced
  - Birds are likely to utilise scrub on site for nesting between March and September. Any vegetation clearance should therefore be undertaken outside of this period
  - No notable or protected species were recorded at the site
- 6.53 Based on this information, it is not considered that the proposal would adversely impact on the habitat of any protected species nor adversely affect the conservation of such species. To ensure this is the case it is considered necessary to impose a planning condition to ensure that any site clearance works are conducted outside of the bird nesting season.
- 6.54 Submitted plans indicate that some hedgrows will be removed with others rationalised along with the removal of a small section of woodland along the western boundary of the site. As identified in the Ecological Appraisal these landscape features have the most ecological value and therefore an Avoidance and Mitigation Strategy which includes the retention of boundary trees and hedgerows wherever possible provision between garden boundaries to allow hedgehogs to move around the site, timing of works, protection of retained trees and provision of a means of escape in excavations left open overnight. Notwithstanding this requirement the loss of the section of hedgerow along the eastern boundary with Broomfallen Road to facilitate a positive roadside frontage is unfortunate but considered acceptable.
- 6.55 It is also noted that Natural England raise no objection to the proposal with

regard to its impact on ecology.

6.56 On the basis of the foregoing, and subject to conditions, it is considered that the proposal is consistent with the aims of policy GI3 of the CDLP which seeks to conserve and enhance biodiversity in conjunction with the relevant statutory requirements.

# Trees, hedgerows and landscaping

- 6.57 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges. In respect of new development, the city council will resist proposals which cause unacceptable tree loss, and which do not allow for the successful integration of existing trees. This aim is further reiterated in Policy SP6 which requires all developments to take into account important landscape features and ensure the enhancement and retention of existing hedges.
- 6.58 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing tree and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting it is important that these issues are considered at the very start of the planning process.
- 6.59 A detailed landscape plan has not been provided with the application and therefore will be secured by condition prior to the commencement of development. A tree survey and mitigation plan has been submitted with the application, however, the plans do not match the current proposed layout and therefore it is not possible to be clear over the extent of tree or hedgerow removal beyond that of the proposed removal of the eastern boundary hedgerow as indicated by all proposed layout plans.
- 6.60 The removal of the hedgerow which forms the eastern boundary of the site is unfortunate but will enable the provision of a positive frontage onto Broomfallen Road which will assist the development to integrate with the surrounding built form of the village. Notwithstanding the lack of detail in this regard, and given the general open character of the site, with boundary hedges and trees, it is considered that the proposed layout of residential properties could be achieved subject to the submission of further details to outline the extent of existing trees and hedgerows along the site boundaries, a justification for their removal or rationalisation and a mitigation plan to protect these features during the construction phase.

# Flooding and drainage

6.61 In order to protect against pollution, CDLP policies IP6 and CC5 seek to

ensure that development proposals have adequate provision for the disposal of foul and surface water.

- 6.62 It is proposed that foul water drainage would be discharged into the existing main sewer system via a new foul water pumping station located within the site and ultimately adopted and maintained by United Utilities under a Section 104 agreement in respect of the Water Industries Act 1991 (as amended). This is considered to be acceptable and United Utilities offer no objection to this proposed arrangement.
- 6.63 As detailed within the applicant's Flood Risk Assessment (FRA), the site is not within an area of flood risk from fluvial or surface water sources. The FRA concludes that the site is located entirely within Flood Zone 1 and is at a low risk of flooding from all sources. The proposed development is classified as a 'more vulnerable' type of development which is acceptable at this location given the low risk of flooding.
- 6.64 Surface water drainage from the development is proposed to be conveyed via underground drainage pipes discharged into a detention basin located in the western corner of the site and adjacent to the area of open space. The detention basin will have a capacity of 365m<sup>3</sup> of surface water run-off and will discharge into the adjacent Ordinary Watercourse, Wash Beck, at an attenuated rate of 5 litres per second. The detention basin has been designed to cope with a 1 in 100 flood event with a 40% allowance for climate change.
- 6.65 The applicant has also provided an Operation and Maintenance Plan for the drainage arrangements for the site which specifies that: the detention basin and hydrobrake flow control system will be maintained by a third party management company; the highway access roads and drainage gullies within the site are to be adopted by the local Highway Authority; and, the foul and surface water gravity sewers will be adopted and maintained by United Utilities.
- 6.66 The Lead Local Flood Authority have been consulted over the proposed drainage arrangements and following the submission of further details to confirm infiltration rates on the site and the capacity of the detention basin to accommodate a 40% allowance for climate change they raise no objection to the development.

### Land contamination and stability

- 6.67 The NPPF requires the planning system to address issues associated with the development of known or suspected contaminated land or ground instability. Accordingly, the development of contaminated or potentially unstable land is a material planning consideration and the actual or possible presence of contamination or instability and the associated risks must be established and appropriately mitigated through the planning system.
- 6.68 Paragraph 178 of the NPPF states that planning decisions should ensure that:

- a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- a) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- b) adequate site investigation information, prepared by a competent person, is available to inform these assessments
- 6.69 This national policy approach is echoed by the local planning policy framework as set out in policy CM5 of the CDLP which requires proposals for development to address issues of potential land contamination or other hazards and only permits development on land affected by contamination or other hazards if mitigation and/or remediation is or can be carried out to a standard appropriate for the proposed end use to ensure a safe development with no threats to public safety or health.
- 6.70 To address this, the applicant has provided a 'Ground Investigation Report' for land contamination. The report concludes that an elevated concentration of led is present in the made ground in the far western part of the site. Given the proximity of the identified contaminated land to Wash Beck and the siting of the SuDS detention basin at this location, the report recommends that further analysis and investigations are required to fully understand the extent of this contamination and to inform a remediation strategy to safely manage or remove the contamination.
- 6.71 Officers concur with the recommendations of the Ground Investigation Report and conditions will be imposed to secure further investigation and remediation to ensure a safe development can be achieved.

### Archaeology

- 6.72 The County Council's Historic Environment Officer has advised that numerous prehistoric finds have been recovered from Scotby over the years and a 10th century hoard of coins and silver ingots was found very close to the site.
- 6.73 The applicant has submitted a Geophysical Survey of the site and the results indicate that buried archaeological assets of possible prehistoric origin may survive there. Any such remains would be disturbed by the construction of the proposed development and therefore the Historic Environment Officer recommends that an archaeological evaluation and, where necessary, a scheme of archaeological recording of the site be undertaken prior to the commencement of development. These requirements will be secured by appropriately worded planning conditions.

# Planning Obligations – Education & Open Space

- 6.74 On the matter of planning obligations Policy IP8 of the local plan makes clear that new development will be expected to provide infrastructure improvements which are directly related to and necessary to make the development acceptable.
- 6.75 Policy CM2 of the CDLP explains that to assist in the delivery of additional school places, where required, to meet the needs of development, contributions will be sought. In terms of primary school provision, Cumbria County Council has advised that the development is likely to yield six primary shool aged children. However, the catchment of Scotby Primary School is full and therefore an education contribution of £72,306 is required to provide capacity at either Scotby Primary School or the nearest school where capacity can be provided to mitigate the impact of the proposed development.
- 6.76 In terms of secondary school provision, Cumbria County Council has advised that, whilst the development would further contribute to the pressure of secondary school places, taking into account current pooling restrictions imposed by CIL regulations, it is not considered that the scale of this development would generate a significant enough obligation to warrant use of one of the five planning obligations towards secondary education provision. Therefore no contribution is sought for Secondary education provision.
- 6.77 Policy GI4 states that new housing developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal. On smaller housing sites, where on site provision is not appropriate the developer may be required to make commuted payments towards the upgrade of open space provision in the locality, especially if a deficit has been identified.
- 6.78 The proposed development would include a small area of public open space in the west of the site adjacent to the SuDS detention basin and to the rear of plots 8, 9 and 10. Whilst natural surveillance of this area is limited it would be overlooked by a single property, plot 20. The Council's Green Spaces Manager offers no objection to the proposed area of open space subject to the completion of a Section 106 agreeent to secure the future maintenance of the area and a commuted sum of £11,200 for off-site provision of new play equipment and an additional £3,100 for maintenance of the off-site provision.
- 6.79 Subject to securing these planning obligations the proposal would be compliant with CDLP policies IP8, CM2 and GI4 along with the associated requirements of the NPPF.

# Waste & recycling

6.80 In accordance with CDLP policy IP5 (Waste Minimisation and the Recycling of Waste) adequate provision has been provided within each plot for accommodating waste storage bins. The Council's Waste Services Team has advised that the site layout does not give rise to any concerns regarding waste collections and therefore waste collection vehicles should have no

problems serving the development. Accordingly, the Council's Waste Services Team offer no objection to the proposal.

# Conclusion

- 6.81 The proposed development represents a logical and sustainable extension to the southern edge of the village of Scotby which is reflected by its allocation for residential development under CDLP policy HO1 and its extant planning permission. The proposal also benefits from an extant planning permission for 28 dwellings on this site.
- 6.82 With regard to matters of scale, layout and design, the proposal offers a mix of dwelling types and designs which reflect the scale of the surrounding built environment. The proposed layout has sought to create a distinctive and attractive development which takes account of the topography of the site with well-defined and legible streets and spacing between properties with clearly defined public and private spaces.
- 6.83 Adequate off-street parking provision has been provided and a safe means of access would be provided to connect the development to the local highway network.
- 6.84 Supporting documentation adequately address matters of ecology, land contamination, trees and hedgerows, flooding and drainage, archaeology and where further information and mitigation is required it will be secured via planning conditions.
- 6.85 The proposal would not be detrimental to the character of the surrounding landscape and would not result in any unacceptable adverse effects on the living conditions of existing neighbouring residents or future occupiers.
- 6.86 In conclusion, having assessed the application against the relevant policies contained within both the local and national planning policy frameworks and all other material considerations, it is considered that, subject to conditions, the proposal represents a sustainable form of development with no unacceptable impacts. The proposal is therefore recommended for member's approval.
- 6.87 The officer recommendation is for members to give authority to the Corporate Director of Economic Development to issue an approval subject to completion of an appropriate Section 106 agreement to secure the provision of on-site affordable housing, the management and maintenance of the open space; the payment of £14,300 towards the provision and maintenance of off-site open space and play facilities; and, the payment of £72,306 towards local education provision.

# 7. Planning History

7.1 In February 2016 planning permission was granted for the erection of 28 dwellings (Ref. 12/0790).

# 8. Recommendation: Grant Subject to S106 Agreement

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 20 November 2017;
  - 2. the Location Plan (Drawing No. SS016.90.9.LP) received 20 November 2017;
  - 3. the Site Layout Plan (Drawing No. SS0016.90.9.SP Revision A) received 9 November 2018;
  - 4. the Proposed Finished Floor Levels and External Levels (Drawing No. K34557/A1/102 D) received 9 November 2018;
  - 5. the Proposed Elevation and Boundary Treatments (Drawing No. SS0016.90.9.TP Revision A) received 9 November 2018;
  - 6. the Proposed Foul and Surface Water Drainage Plan (Drawing No. K34557/A1/120 A) received 9 November 2018;
  - 7. the Proposed Exceedance Flow Route Plan (Drawing No. K34557/A3/122 A) received 9 November 2018;
  - the Proposed Highway Longitudinal Sections (Drawing No. K34557/A1/103A) received 20 November 2017;
  - 9. the Detention Basin Plan and Section (Drawing No. K34557/A1/121) received 20 November 2017;
  - 10. the Scott House Type Floor Plans 1 (Drawing No. SCO-PLP1) received 23 March 2018;
  - 11. the Scott House Type Floor Plans 3 (Drawing No. SCO-PLP3) received 23 March 2018;
  - 12. the Scott House Type Elevations 1/2 (Drawing No. SCO-PLE1/2) received 23 March 2018;
  - the Scott House Type Elevations 1/5 (Drawing No. SCO-PLE1/5) received 23 March 2018;
  - 14. the Graham House Type Floor Plans 1 (Drawing No. GRA-PLP1) received 20 November 2017;
  - 15. the Graham House Type Elevations 1/1 (Drawing No. GRA-PLE1/1) received 20 November 2017;
  - 16. the Glendenning House Type Floor Plans 1 (Drawing No. GLE-PLP1) received 20 November 2017;
  - 17. the Glendenning House Type Elevations 1/3 Drawing No. GLE-PLE1/3) received 20 November 2017;
  - the Armstrong V2 House Type Floor Plans 1 (Drawing No. ARM-PLP1) received 9 November 2018;
  - the Armstrong V2 House Type Elevations 1/2 (Drawing No. ARM-PLE1/2) received 9 November 2018;

- 20. the Routledge House Type Floor Plans 1 (Drawing No. ROU-PLP1) received 20 November 2017;
- 21. the Routledge House Type Elevations 1/1 (Drawing No. ROU-PLE1/1) received 20 November 2017;
- 22. the Routledge House Type Elevations 1/6 (Drawing No. ROU-PLE1/6) received 20 November 2017;
- 23. the Johnstone House Type Floor Plans 1 (Drawing No. JOH-PLP1) received 20 November 2017;
- 24. the Johnstone House Type Elevations 1/1 (Drawing No. JOH-PLE1/1) received 20 November 2017;
- 25. the Johnstone House Type Elevations 1/6 (Drawing No. JOH-PLE1/6) received 20 November 2017;
- 26. the Boundary Details 1800mm High Open Boarded Fence (Drawing No. BD-03) received 20 November 2017;
- 27. the Boundary Details 1800mm High Stone Wall (Drawing No. BD-18)
- 28. the Single Detached Garage 1 Elevations, Plan & Section 1 (Drawing No. SG1-EPS1) received 20 November 2017;
- 29. the Ground Investigation Report and its recommendations received 6 March 2018;
- 30. the Flood Risk Assessment and Drainage Strategy received 20 November 2017;
- 31. the Operation and Maintenance Plan for Sustainable Drainage Systems received 20 November 2017;
- 32. the Ecological Appraisal and its recommendations received 20 November 2017;
- 33. the Notice of Decision; and
- 34. any such variation as may subsequently be approved in writing by the Local Planning Authority.
- **Reason:** In order to ensure that the development is carried out in complete accordance with the approved documents and to avoid any ambiguity as to what constitutes the permission.
- 3. Notwithstanding any description of materials in the application hereby approved, no external materials shall be used until a schedule and detailed specification of materials and finishes for all external surfaces for each dwelling, along with a sample for the external walls and roof coverings, has been submitted to, and approved in writing by the Local Planning Authority. The specification of the materials shall include the type, manufacturer's specification, colour and texture of the materials to be used and any finish to be applied.
  - **Reason:** To ensure that the materials are suitable for the site and harmonise with the surrounding area in accordance policy SP6 of the Carlisle District Local Plan 2015-2030.
- 4. Prior to their use on site, a detailed specification of the hard surface finishes to all public and private external areas of the development hereby approved shall be submitted to, and approved in writing by, the Local Planning Authority. The specification of the materials shall include the type, manufacturer's specification, colour and texture of the proposed surface

finish.

- **Reason:** To ensure that the materials are suitable for the site and harmonise with the surrounding area in accordance policy SP6 of the Carlisle District Local Plan 2015-2030.
- 5. Notwithstanding the submitted details and approved plans and documents, development shall not commence until a detailed landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall indicate the proposed types, species planting heights and planting densities of all trees, shrubs and other landscape features.
  - **Reason:** To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policy SP6 of the Carlisle District Local Plan 2015-2030.
- 6. The landscaping scheme approved under Condition No. 5 shall be fully implemented either contemporaneously with the completion of individual plots or, alternatively, not later than the end of the planting and seeding season following completion of the development and maintained thereafter to the satisfaction of the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
  - **Reason:** To ensure a satisfactory landscaping scheme is implemented to fulfil the requirements of policy SP6 of the Carlisle District Local Plan 2015-2030.
- 7. Notwithstanding the submitted details and approved plans and documents, development shall not commence until a Tree and Hedgerow Survey, Arboricultural Implications Assessment and a Tree and Hedgerow Constraints/Protection Plan has been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall be prepared by a suitably qualified and competent individual in accordance with BS5837 2012 and detail all trees and sections of hedgerow proposed for removal or rationalisation with adequate justification.
  - **Reason:** In order to ensure that adequate consideration and protection is afforded to all trees and hedgerows on the site in support of policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.
- 8. Prior to the commencement of the development hereby permitted protective fencing shall be erected around those hedges and trees to be retained and shall not be removed until all construction works and all plant and temporary accommodation have been removed from the site. Within the protection zone and the restricted area:
  - c) no fires shall be lit within 10 metres of the nearest point of the canopy of any retained tree

- no equipment, machinery or structure shall be attached to or supported by a retained tree or hedge or by the hedge protection barrier;
- 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;
- no alterations or variations to the approved tree and hedge protection schemes shall be made without prior written consent of the local planning authority;
- no materials or vehicles shall be stored or parked within tree or hedgerow protection areas;
- no alterations to the natural/ existing ground level shall occur (except in accordance with the approved scheme);
- no excavations will be carried out within the fenced off area.

If any trenches for services are required in the fenced off area, they shall be excavated or backfilled by hand and any roots encountered with a diameter of 25mm or more shall be left unsevered.

Those trees and hedges chosen for retention and protection shall not for the duration of the development works be damaged or destroyed, felled, lopped or topped without the prior written consent of the local planning authority.

- **Reason:** In order to ensure that adequate protection is afforded to all hedges to be retained on site in support of Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.
- 9. All work associated with the construction of the development hereby approved, shall be carried out only between 07:30 hours and 18:00 hours on Mondays to Fridays inclusive, 07:30 hours and 13:00 hours on Saturdays and at no time on Sundays or Bank / Public Holidays.
  - **Reason:** To safeguard the amenities of the occupiers of neighbouring premises in accordance with policy SP6 and CM5 of the Carlisle District Local Plan 2015-2030.
- 10. Development shall not commence until a Construction Environmental Management Plan has been submitted to, and agreed in writing, by the Local Planning Authority. This shall include noise management measures, waste minimisation and management measures, bio-security measures to prevent the introduction of disease and invasive species, measures to prevent pollution including the management of site drainage such as the use of silt traps during construction, the checking and testing of imported fill material where required to ensure suitability for use and prevent the spread invasive species, the construction hours of working, wheel washing, vibration management, dust management, vermin control, 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.

- **Reason:** To safeguard the living conditions of neighbouring residents, prevent pollution, and mitigate impacts on wildlife in accordance with Policies GI1, SP6 and CM5 of the Carlisle District Local Plan 2015-2030.
- 11. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP shall include details of:
  - the construction of the site access and the creation, positioning and maintenance of associated visibility splays;
  - access gates will be hung to open away from the public highway no less than 10m from the carriageway edge and shall incorporate appropriate visibility displays;
  - the pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
  - the surfacing of the access roads from the public highway into the site shall extend for a minimum of 25m;
  - construction vehicle routing;
  - the management of junctions to and crossings of the public highway and other public rights of way/footway;
  - the scheduling and timing of movements, temporary warning signs and banksman.
  - **Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users to ensure an adequate form of development that does not adversely affect the amenities of the occupiers of neighbouring premises in accordance with Cumbria Local Transport Plan policy LD8 and policy IP2 of the Carlisle District Local Plan 2015-2030.
- 12. Development shall not commence until a Construction Method Statement including details of all on-site construction works, post-construction reinstatement, drainage, mitigation, and other restoration, together with details of their timetabling has been submitted to and approved by the local planning authority and shall include measures to secure:
  - formation of the construction compound and access tracks and any areas of hardstanding;
  - cleaning of site entrances and the adjacent public highway;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;
  - post-construction restoration/reinstatement of the working areas.
  - **Reason:** The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users in accordance with Policies SP6 and CM5 of the Carlisle District Local Plan

2015-2030 and to support Local Transport Policy LD8.

- 13. The development shall be carried out in strict accordance with the Construction Environmental Management Plan, Construction Traffic Management Plan the Construction Method Statement as approved under Condition No.'s 10, 11 and 12 of this planning permission.
  - **Reason:** In order to ensure that the development is carried out in complete accordance with the approved details and to avoid any ambiguity as to what constitutes the permission.
- 14. The carriageway, footways, footpaths, cycleways, etc. shall be designed, constructed, drained and lit to a standard suitable for adoption by the Local Highway Authority and in this respect further detailed plans and specifications, including longitudinal/cross sections, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.
  - **Reason:** To ensure a minimum standard of construction is achieved in the interests of highway safety and in accordance with Cumbria Local Transport Plan policies LD5, LD7 and LD8 and policy IP2 of the Carlisle District Local Plan 2015-2030.
- 15. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs, mobility scooters, etc. to safely manoeuvre at kerb lines. Detailed plans and specifications, including longitudinal/cross sections of all such ramps, shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide.
  - **Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety in accordance with Cumbria Local Transport Plan policies LD5, LD7 and LD8 and policy IP2 of the Carlisle District Local Plan 2015-2030.
- 16. The development shall be carried out in strict accordance with the details and specifications approved under Condition No.'s 14 and 15 of this planning permission. The approved works shall be fully completed before any dwelling is occupied and retained as such thereafter.
  - **Reason:** In order to ensure that the development is carried out in complete accordance with the approved details and to avoid any ambiguity as to what constitutes the permission.
- 17. No dwelling shall be occupied until visibility splays providing clear visibility of 90 metres measured 2.4 metres down the centre of the access road and the nearside channel lines of the adjacent public 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 in accordance with Policies SP6 and CM5 of the Carlisle district Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.
- 18. No dwelling shall be occupied until the respective estate/access road (including associated footways, turning heads and surface water drainage where applicable) has been constructed in all respects to base course level and street lighting has been provided and brought into full operational use.
  - **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 in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.
- 19. No dwelling shall be occupied until the respective drive and parking area/spaces for that unit have been completed in accordance with the approved plans. The car parking shall thereafter be retained in accordance with the approved plans and available for use as car parking and no other use whatsoever.
  - **Reason:** To ensure that the matters specified are provided to ensure a minimum standard of parking in accordance with Policy IP3 of the Carlisle District Local Plan 2015-2030.
- 20. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate roads, footways and cycle path.
  - **Reason:** In the interests of highway safety in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Policies LD7 and LD8.
- 21. 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 in writing by the Local Planning Authority.

This written scheme of investigation will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which will be dependent upon the results of the evaluation.
- **Reason:** To afford reasonable opportunity for an examination to be made to determine the existence of any remains of

archaeological interest within the site and for the examination and recording of such remains in accordance with Policy HE1 of the Carlisle District Local Plan 2015-2030.

- 22. Where the results of the programme of archaeological work referred to in Condition No. 21 of this planning permission make it appropriate, there shall be carried out within one year of the completion of that programme on site, or within such timescale as otherwise agreed in writing by the Local Planning Authority: an archaeological post-excavation assessment and analysis, the preparation of a site archive ready for deposition at a store, the completion of an archive report, and the preparation and submission of a report of the results for publication in a suitable specialist journal.
  - **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 in accordance with Policy HE1 of the Carlisle District Local Plan 2015-2030.
- 23. Development shall not commence until full details of the proposed wildlife compensation, mitigation and enhancement measures (including subsequent management and retention), and the timetable for such have been submitted to and approved in writing by local planning authority.

**Reason:** To ensure such works are carried out in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

24. Notwithstanding the submitted details and approved documents, development shall not commence until a further intrusive site investigation has been undertaken, as per the recommendations of the submitted Ground Investigation Report received 6 March 2018, and a Phase 2 Risk Assessment report of the findings is submitted to the Local Planning Authority for written approval.

The site investigations will consist of a series of boreholes / trial pits, insitu testing, groundwater and ground gas monitoring, soil sampling and chemical and geotechnical laboratory testing of samples to assess potential contamination issues and inform foundation design. The site investigations and Phase 2 Risk Assessment report shall identify potential contamination, and possible areas which may require remedial works in order to make the site suitable for its proposed end use to ensure that no contamination is present that poses a risk to future users of the site and construction workers. Reference should be made to CLR 11 - Model Procedures for the Management of Land Contamination and BS 10175:2011 - Investigation of Potentially Contaminated Sites - Code of Practice. The Risk Assessment should confirm possible pollutant linkages and should provide recommendations with regard to an appropriate remediation scheme, which will ensure safe redevelopment.

**Reason:** In order to ensure the land is suitable for its end use and to ensure the development is carried out without unacceptable safety or health risks to the public and/or offsite receptors in

accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

- 25. The recommendations of the intrusive site investigation and the Phase 2 Risk Assessment Report approved by the Local Planning Authority under Condition No.24 of this planning permission shall be fully implemented prior to commencement of the development hereby permitted.
  - **Reason:** In order to ensure the land is suitable for its end use and to ensure the development is carried out without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.
- 26. Following completion of the Intrusive Site Investigation and Phase 2 Risk Assessment (required by Condition No.24), and following the approval of the documentation by the Local Planning Authority, if the findings of the Phase 2 investigation recommend that remediation works be undertaken then a 'Remediation Scheme' is required to be produced and submitted to the Local Planning Authority for approval prior to the commencement of the development and before any remediation works commence.

The scheme will be required to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings or other property and the natural and historical environment. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- **Reason:** To ensure that risks from land contamination to the future users of the site 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 safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.
- 27. The Remediation Scheme approved under Condition No.26 shall be fully implemented prior to commencement of the development hereby approved and maintained for the life of the development.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

**Reason:** To ensure that risks from land contamination to the future users of the site 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 safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.

- 28. Following completion of the remediation measures approved under Condition No.26, and prior to first use of the development, a detailed Remediation Verification Report shall be submitted to the Local Planning Authority for written approval. The report should verify that the required works regarding contamination have been carried out in complete accordance with the approved Remediation Scheme and should provide a summary of the remedial works carried out together with documentary evidence and post remediation test results to demonstrate that the required standard of remediation has been achieved.
  - **Reason:** To ensure that risks from land contamination to the future users of the site 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 safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.
- 29. 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 shall be submitted to and approved in writing by the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

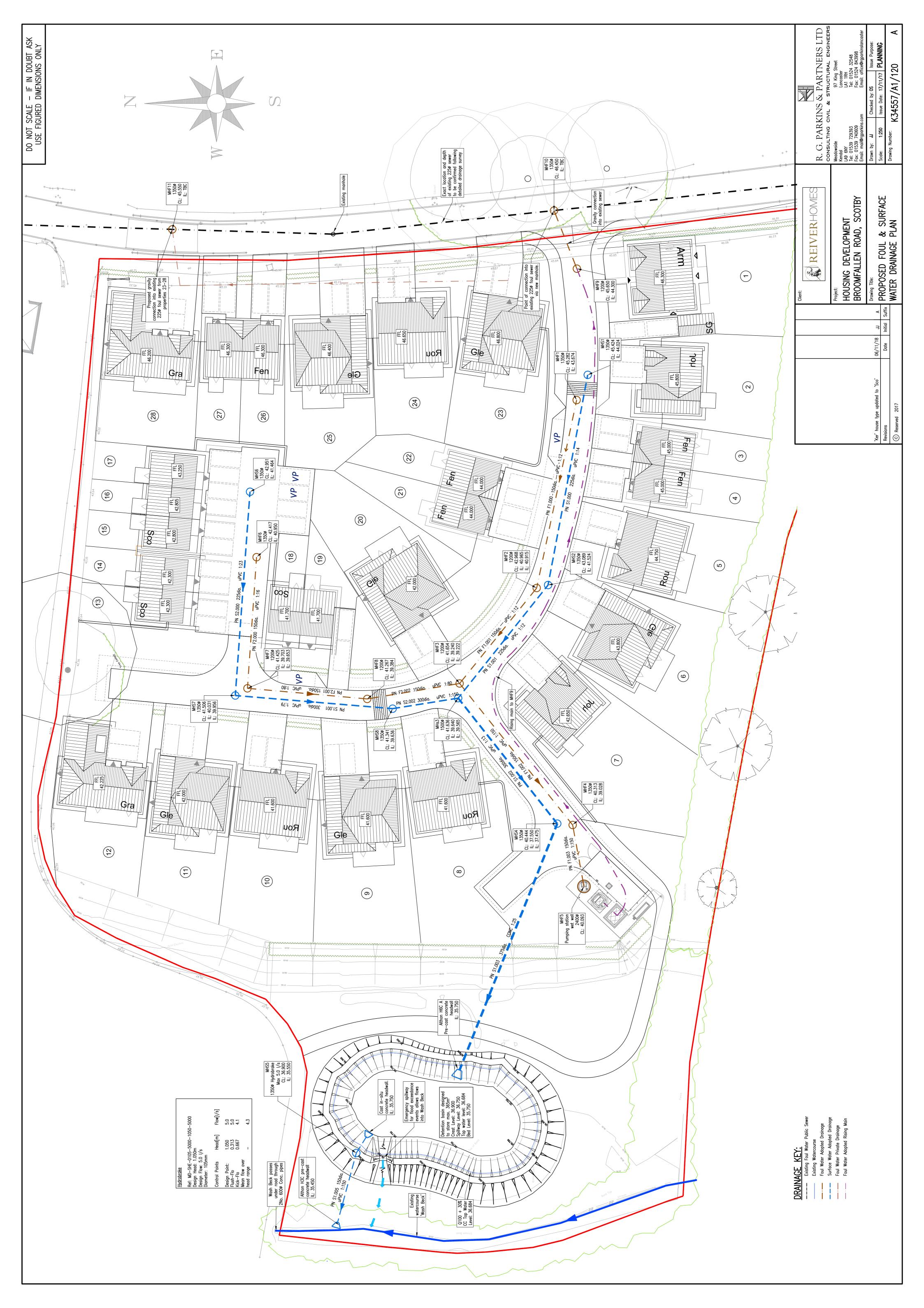
- **Reason:** To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable safety or health risks to the public and/or offsite receptors in accordance with the National Planning Policy Framework and policy CM5 of the Carlisle District Local Plan 2015-2030.
- 30. No dwelling shall be occupied until the surface and foul water drainage systems have been completed in accordance with the approved plans and details.
  - **Reason:** To ensure the provision of surface and foul water drainage in accordance with policies IP6 and CC5 of the Carlisle District Local Plan 2015-2030.

- 31. No site clearance or works to hedges shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and such survey has been agreed in writing beforehand by the Local Planning Authority.
  - **Reason:** To protect nesting birds in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.
- 32. The development shall be carried out in strict accordance with the details and specifications approved under Condition No.'s 3, 4, 7, 21 and 23 of this planning permission.
  - **Reason:** In order to ensure that the development is carried out in complete accordance with the approved details and to avoid any ambiguity as to what constitutes the permission.











House Type (2 bed)

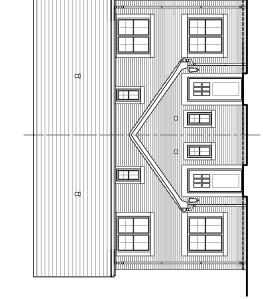
# The Scott

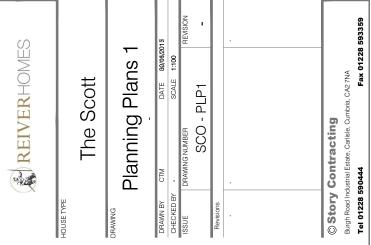
GF/FF 64.75 sq.m. (696.96 sq.ft.)

© Reiver Homes.

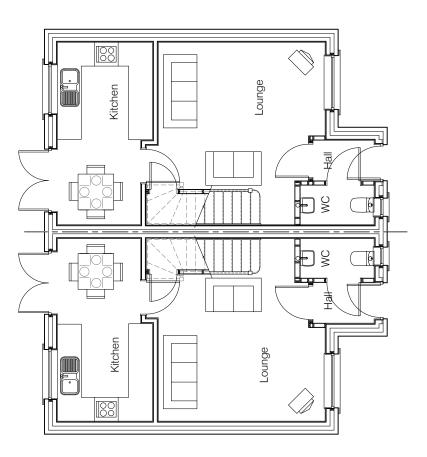
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850





### First Floor Plan



Bedroom(2(

Bathroom

Bathroom

Bedroom 2

l H  $\swarrow$ 

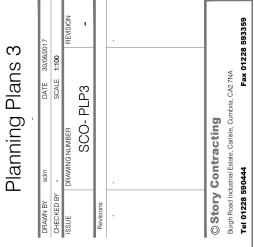
Master Bedroom

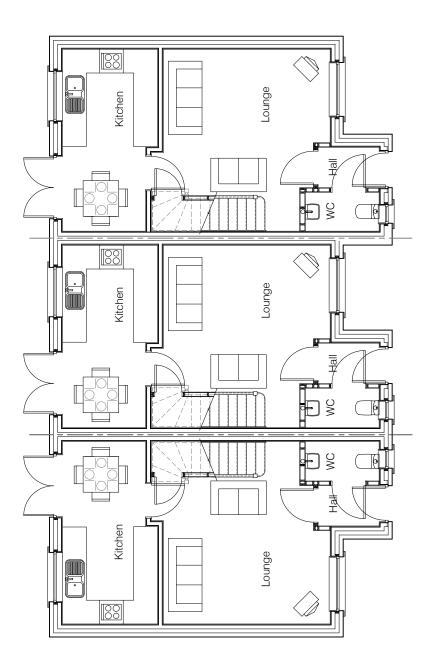
Master Bedroom

<u>Landing</u>

Landing

### Ground Floor Plan



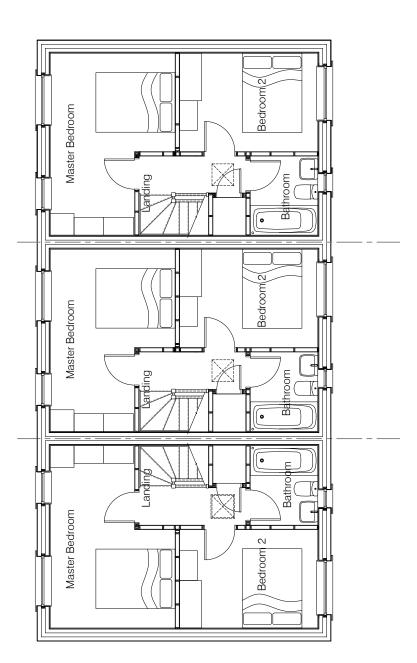


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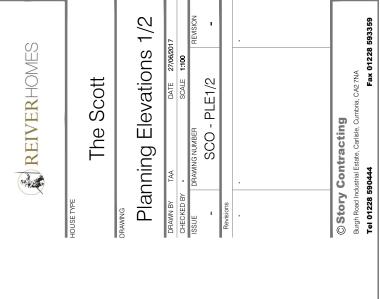
The Scott

DRAWING

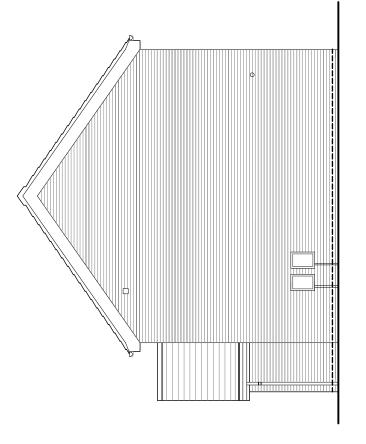
HOUSE TYPE

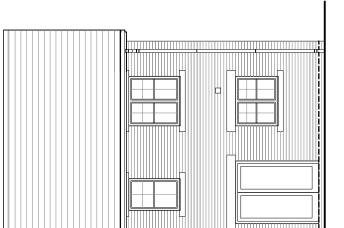


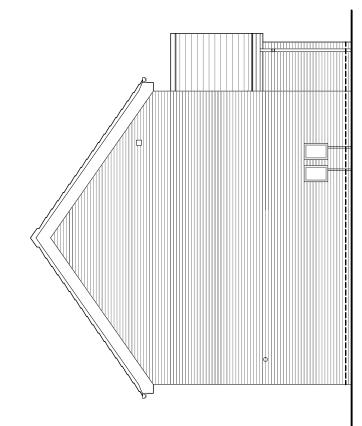
First Floor Plan



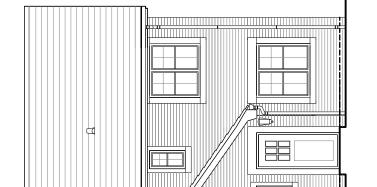
#### Side Elevation



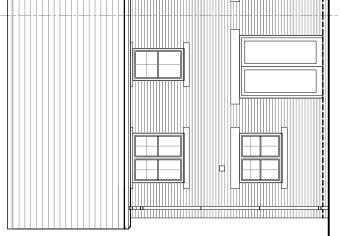




#### Side Elevation

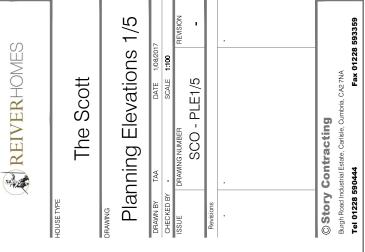


#### Rear Elevation

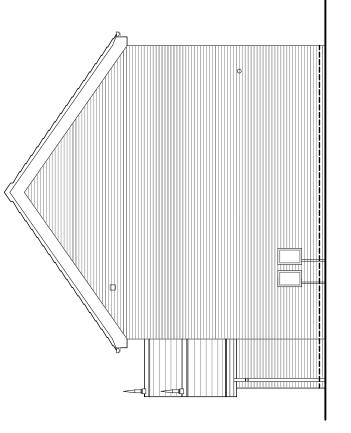


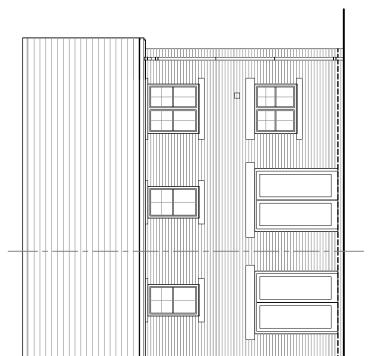
#### Front Elevation

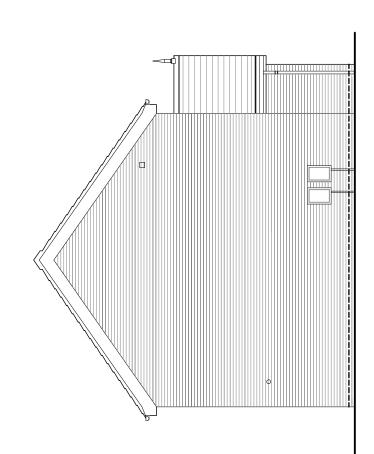




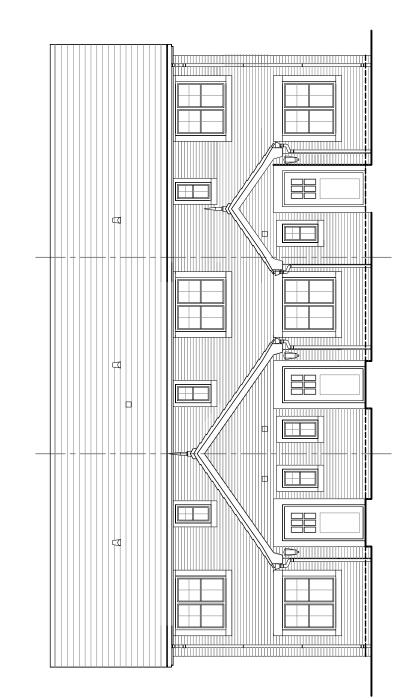
#### Side Elevation



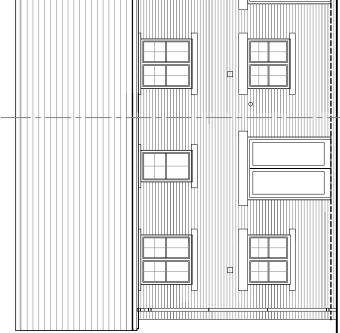




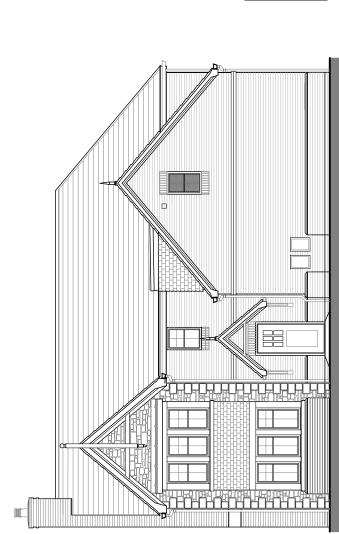
Side Elevation



#### Rear Elevation



#### Front Elevation





## House Type

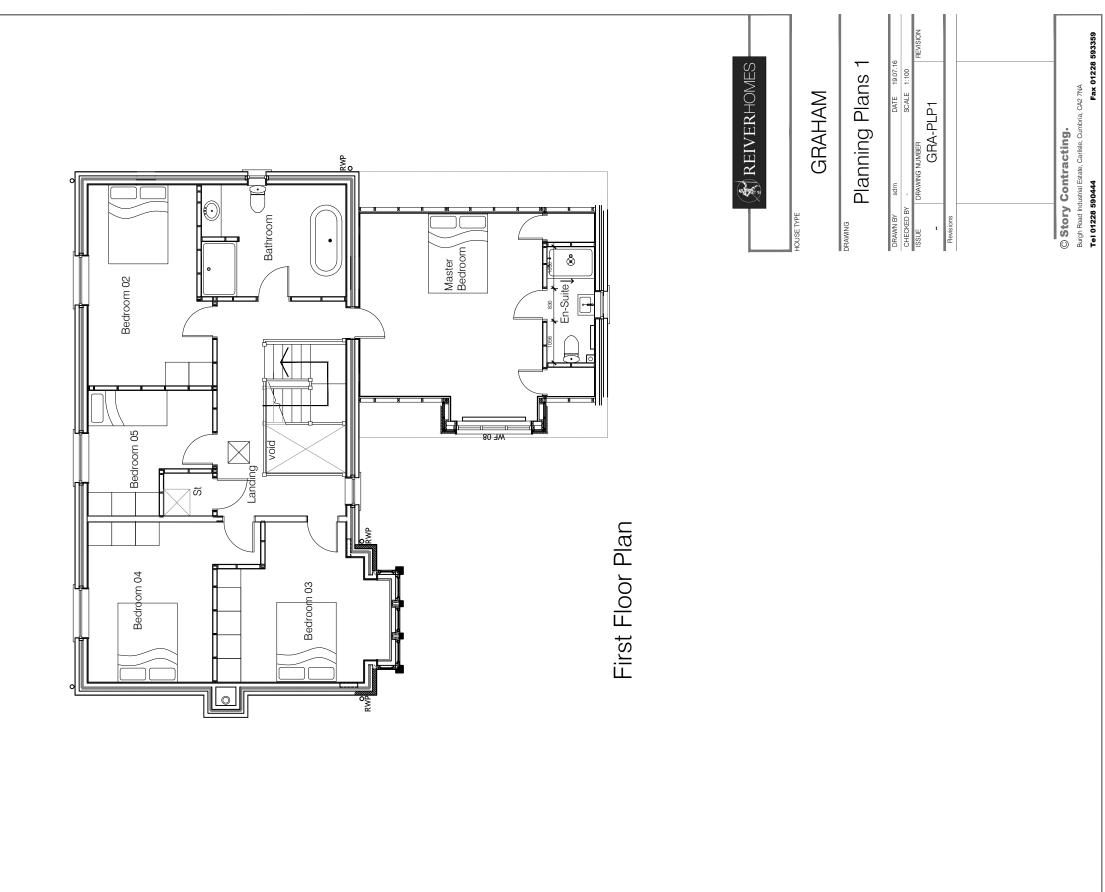
# The Graham

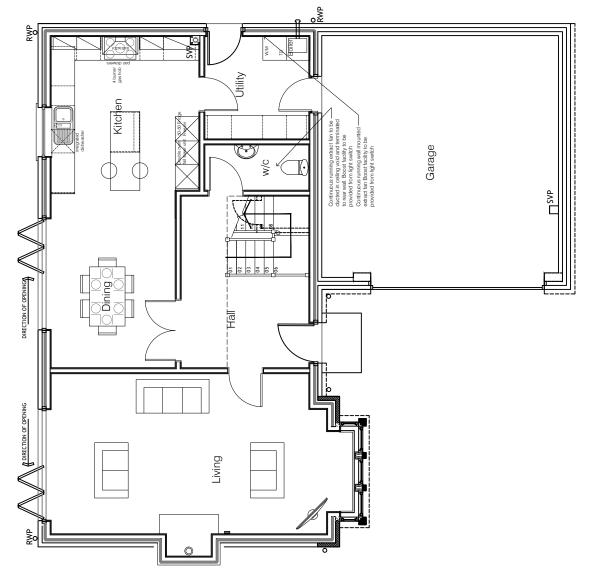
GF/FF 196.73 sq.m. (2117.48 sq.ft.) Garage 36.17 sq.m. (389.33 sq.ft.).

© Reiver Homes.

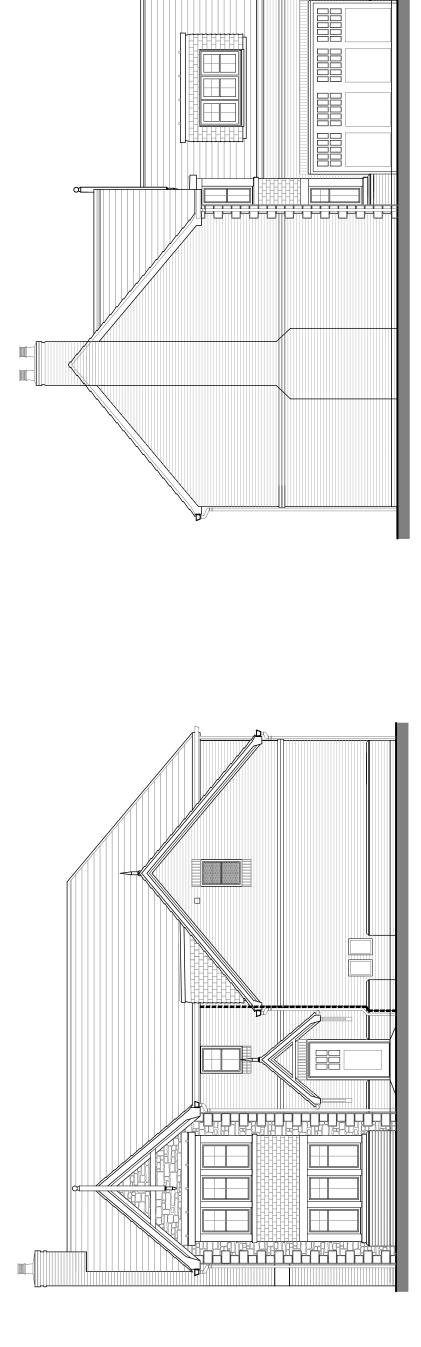
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850

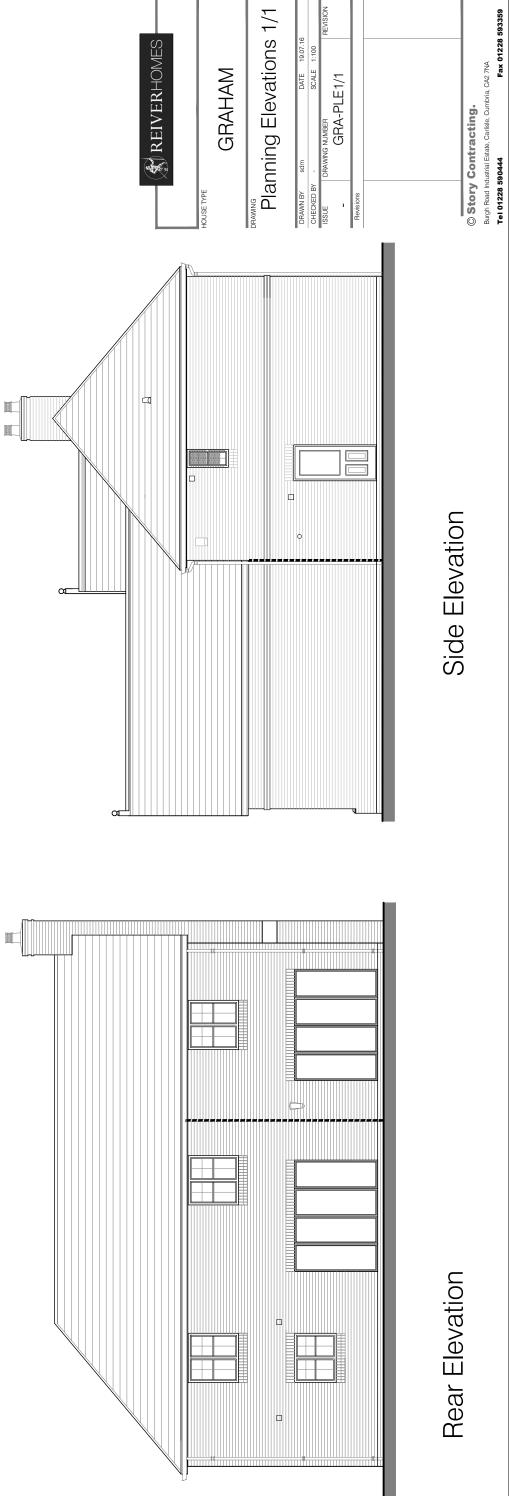




### Ground Floor Plan



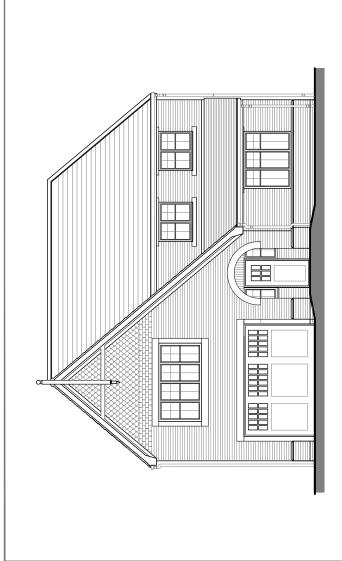
Side Elevation



/ISION

DATE SCALE

#### Front Elevation





## House Type

# **(**)

GF/FF 183.82 sq.m. (1978.62 sq.ft.). Garage 26.29 sq.m. (282.98 sq.ft.).

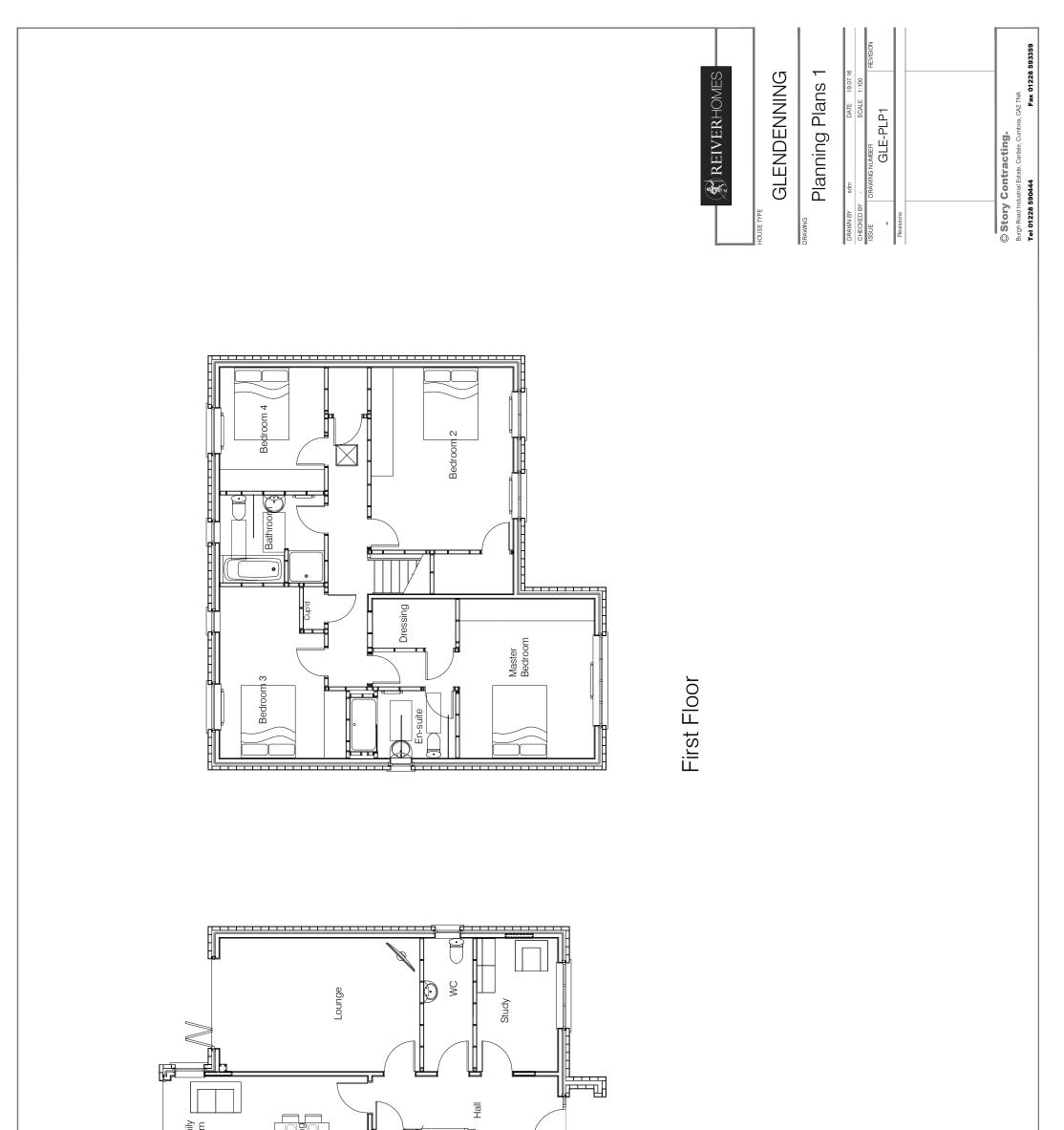
© Reiver Homes.

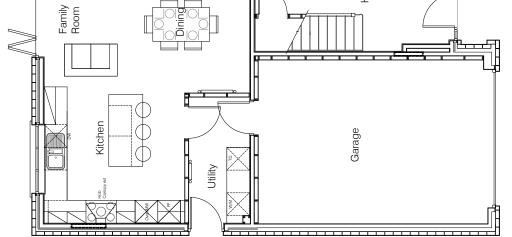
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850

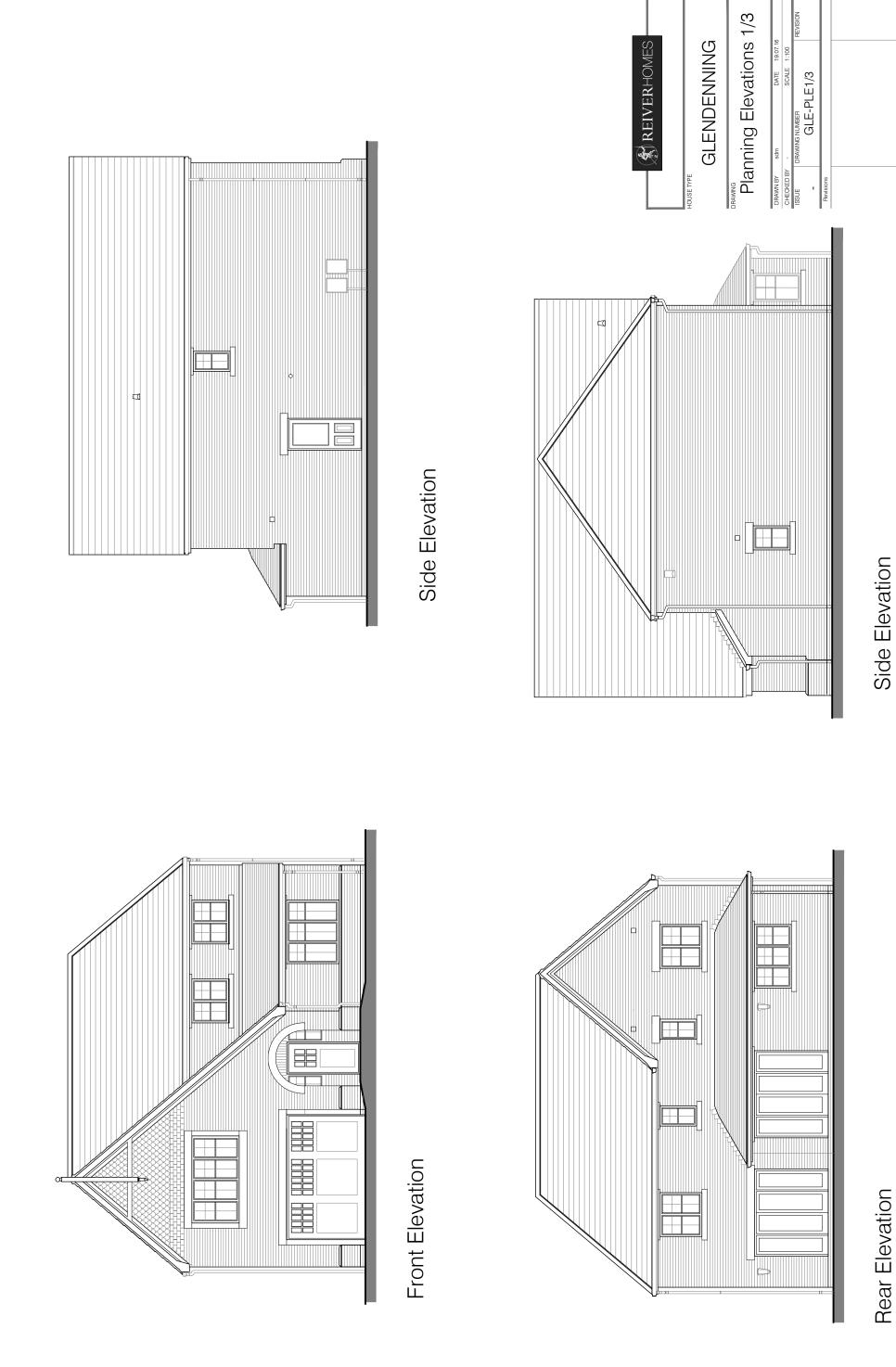
Fax 01228 640851

#### Ţ





#### Ground Floor



#### Rear Elevation

Story Contracting. Bugh Road Industrial Estate, Cartisle, Cumbria, CA2 7NA Tel 01228 590444 Fax 01228 593359



House Type

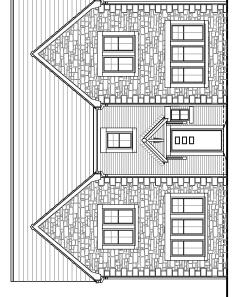
## The Armstrong V2

GF/FF 179.63 sq.m. (1933 sq.ft.)

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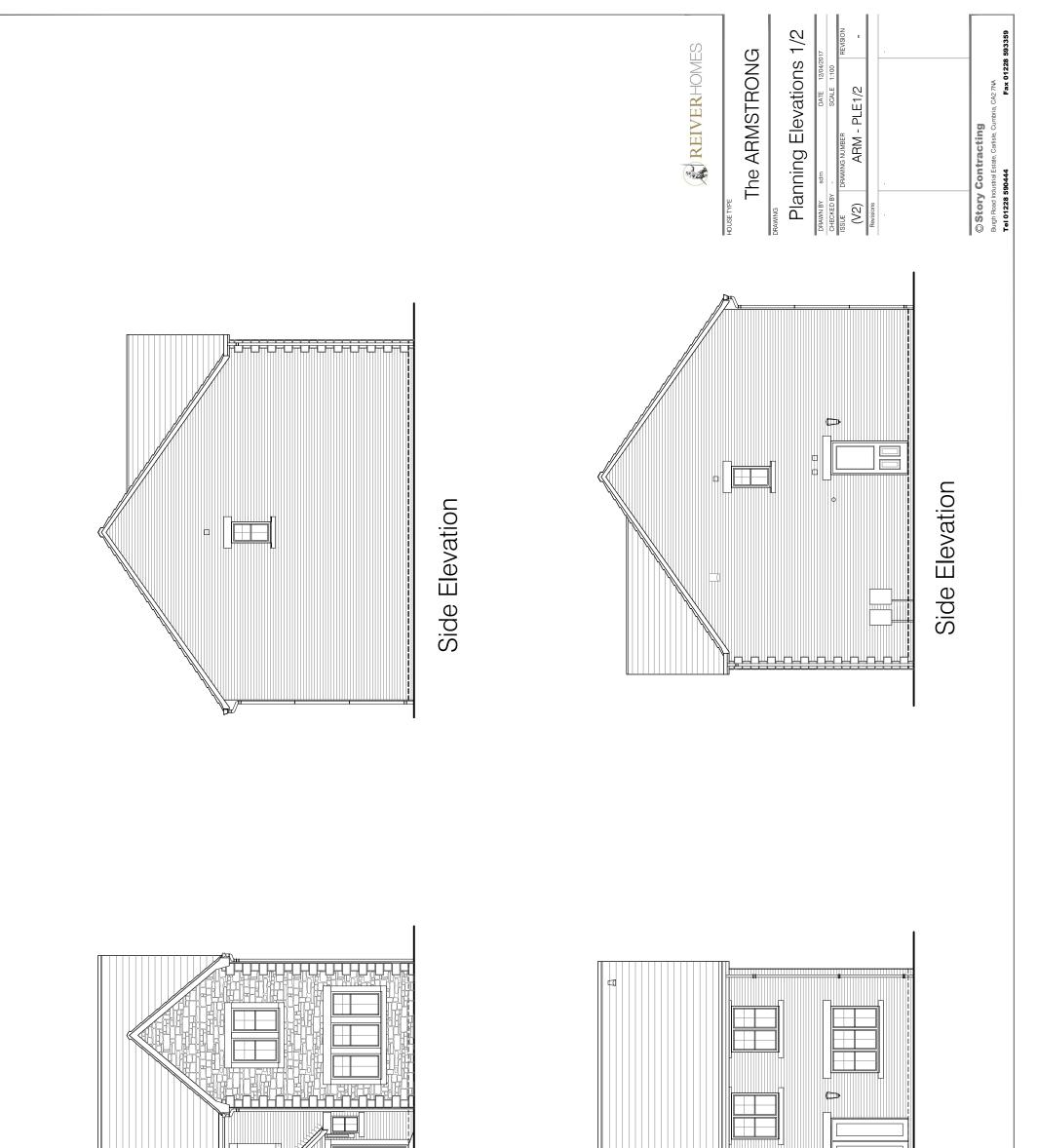
Tel 01228 640850



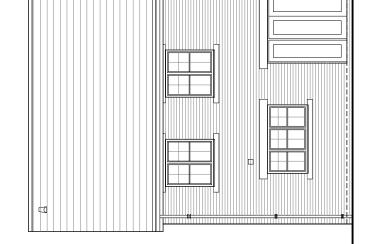




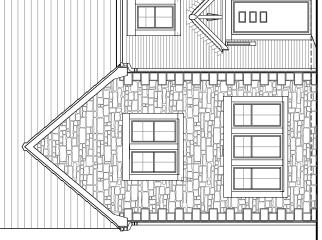
Note: Gable window required on specific plots only - please refer to site layout for plot designations.



#### Rear Elevation



#### Front Elevation





House Type

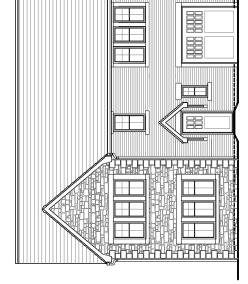
# The Routledge

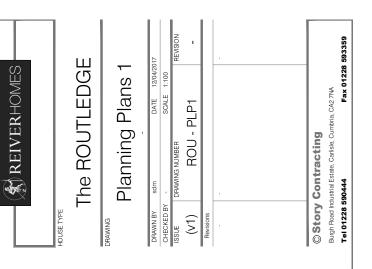
GF/FF 168.18 sq.m. (1810.28 sq.ft.) Garage 18.79 sq.m. (202.25 sq.ft.)

© Reiver Homes.

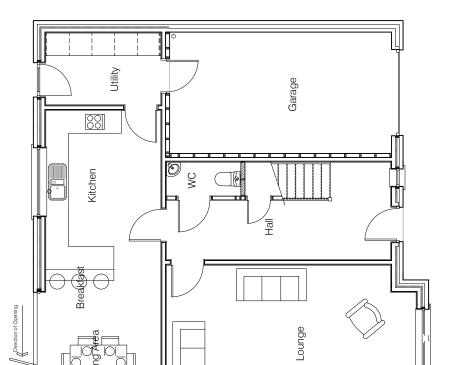
Burgh Rd Industrial Estate, Carlisle, Cumbria. CA2 7NA.

Tel 01228 640850









4

Bedroom 4

Cup'd

0m 3

Bedroc

En-Suite

Landing

 $\square$ 

Bathroom 

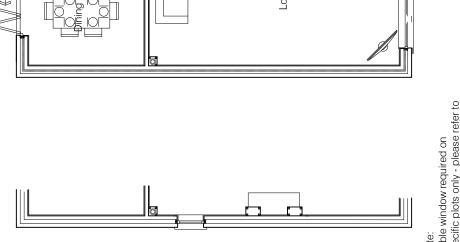
]()

)[

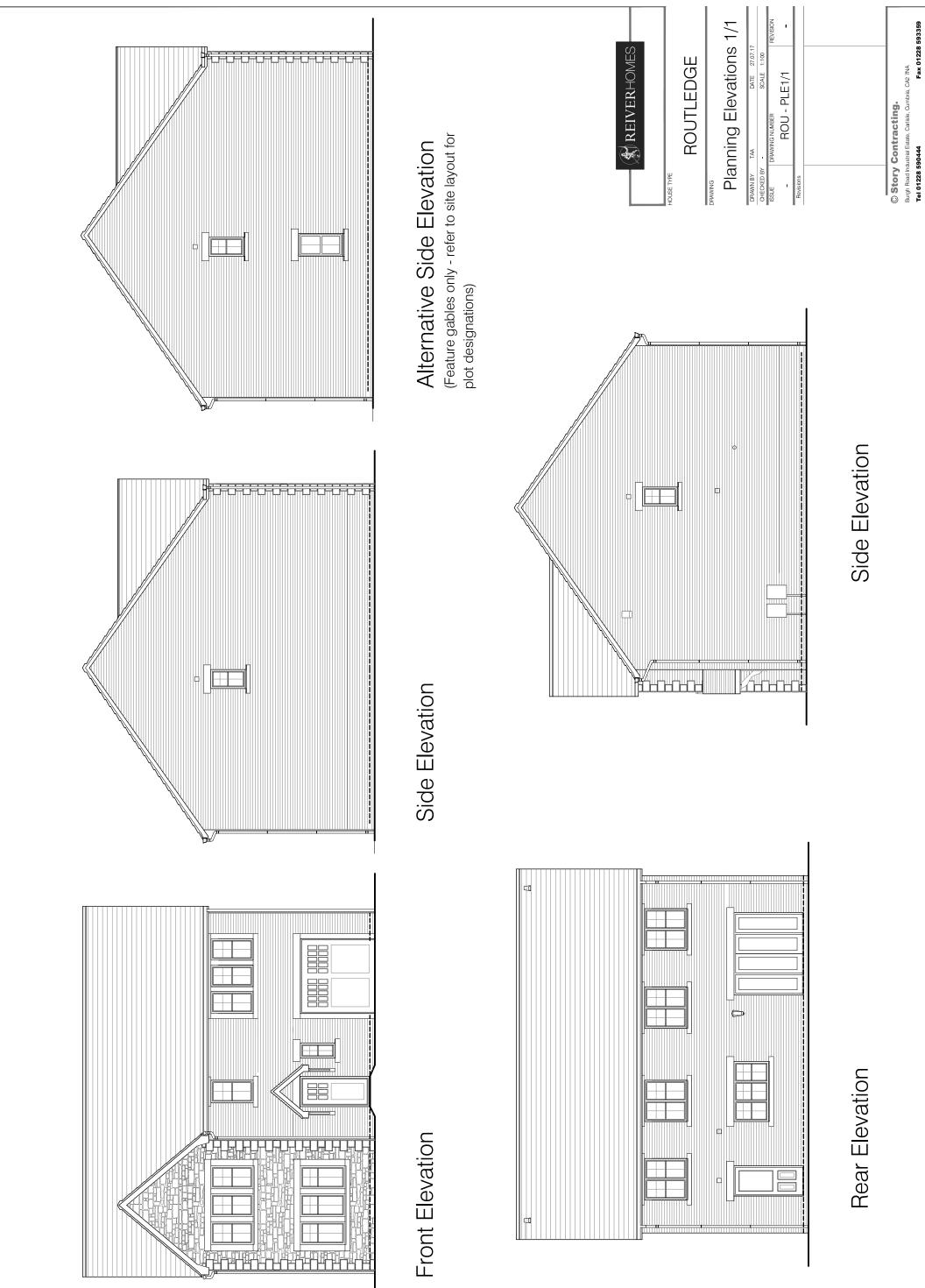
Master Bedroom

B¢droom 2





Note: Gable window required on specific plots only - please refer to site layout for plot designations.











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House Type

# The John Stone

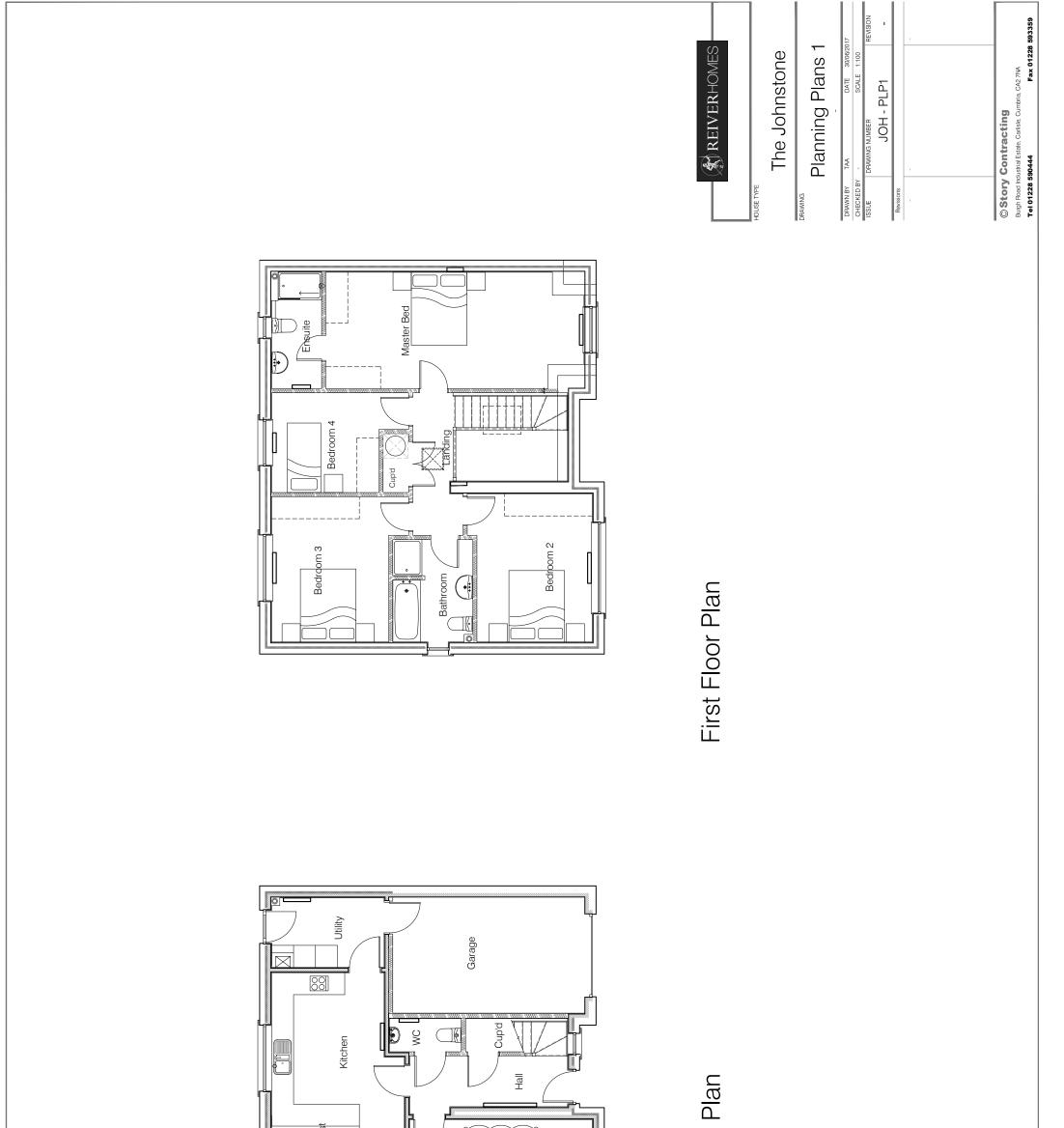
GF/FF 149.23 sq.m. (1606.3 sq.ft.) GAR 16.74 sq.m. (180.19 sq.ft.)

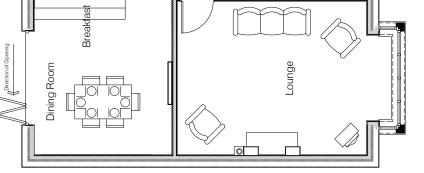
© Reiver Homes.

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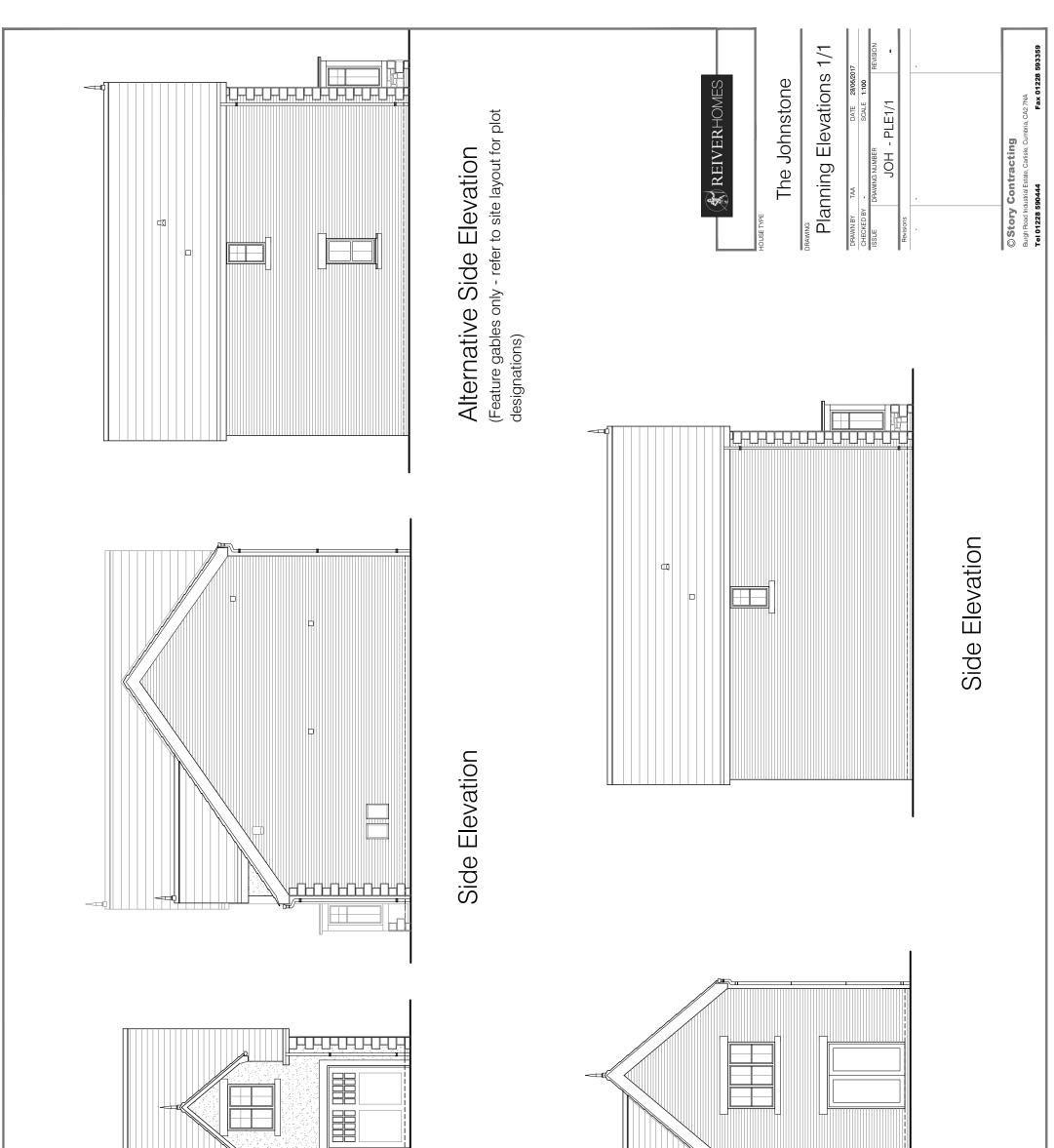
Tel 01228 640850

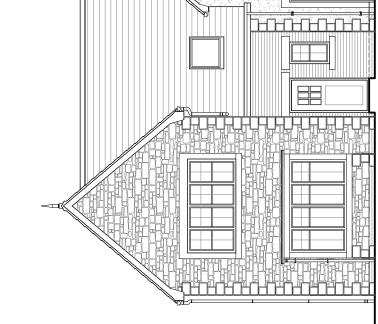




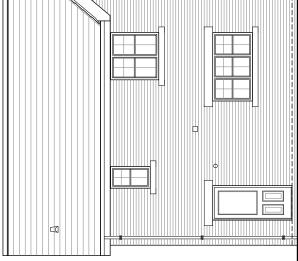


#### Ground Floor

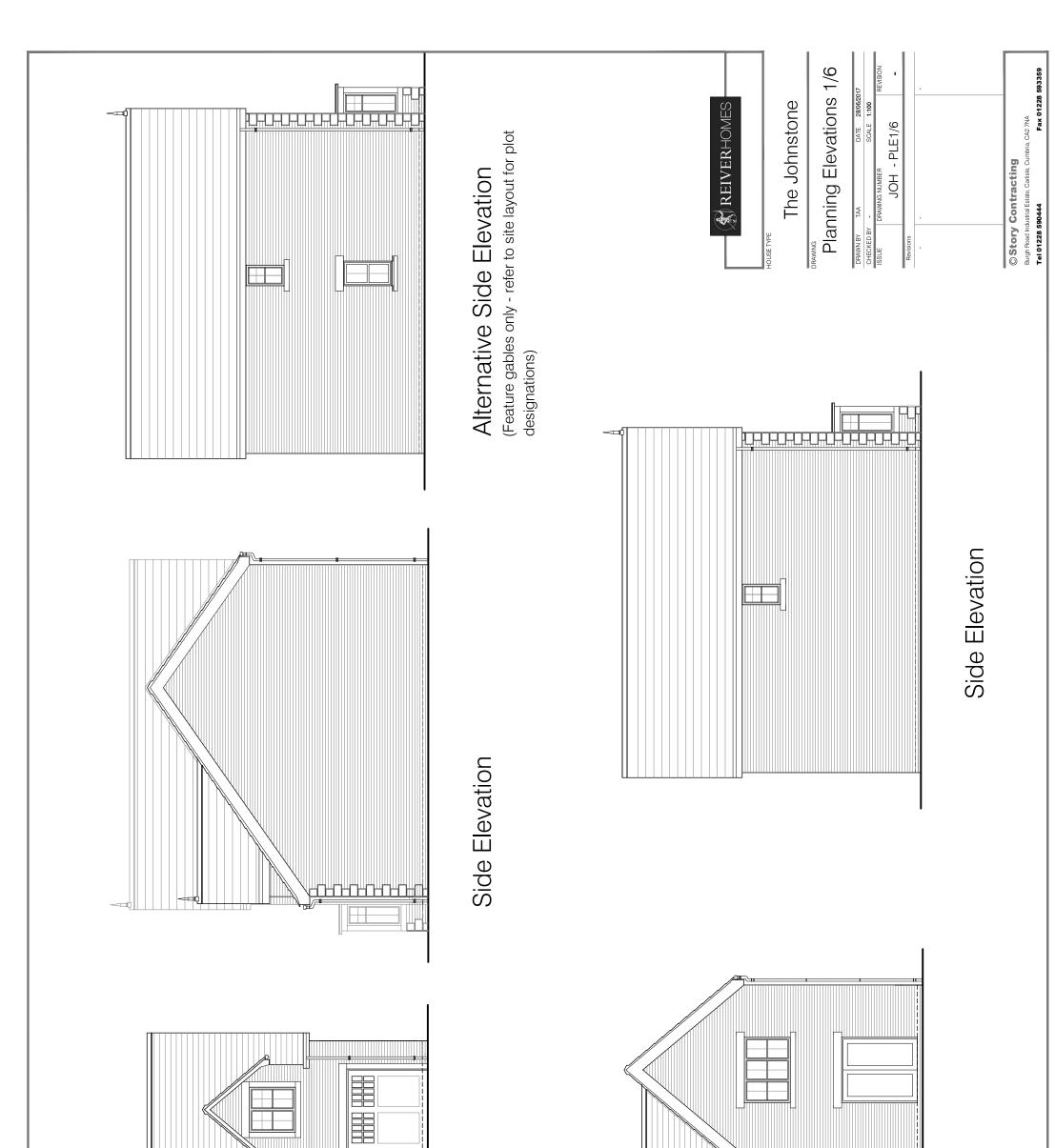


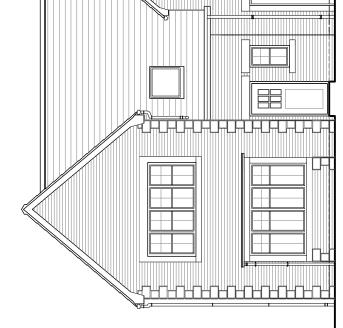


#### Front Elevation

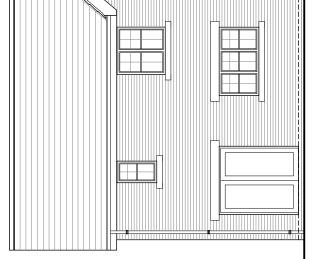


#### Rear Elevation





#### Front Elevation

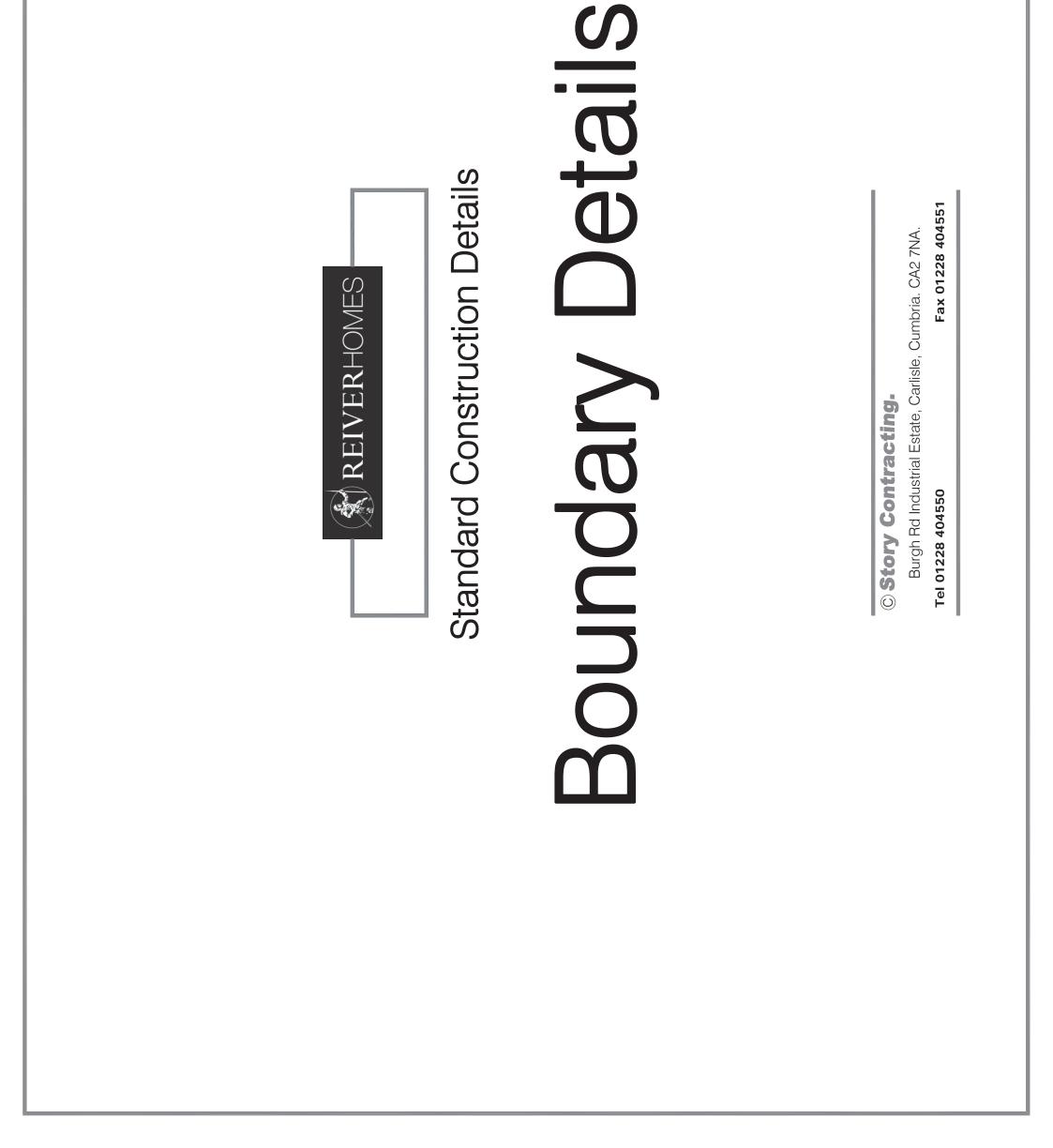


#### Rear Elevation



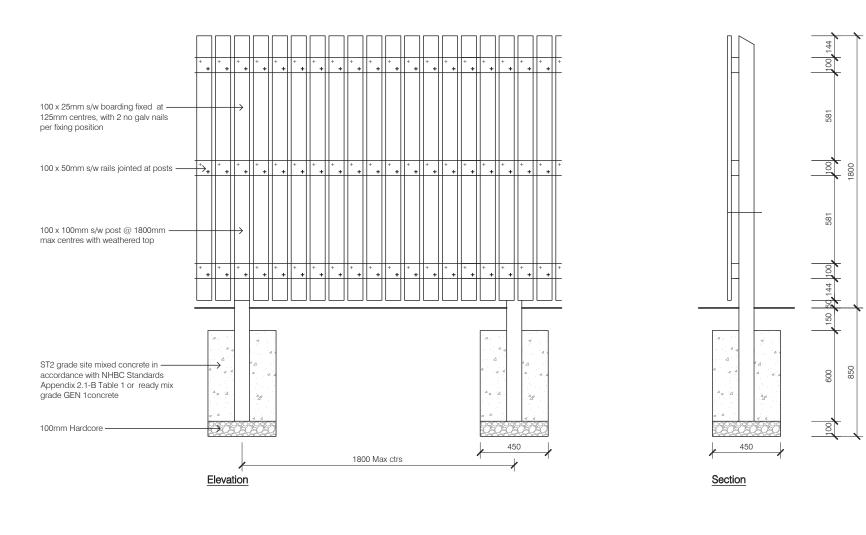
Tel 01228 404550

Fax 01228 404551

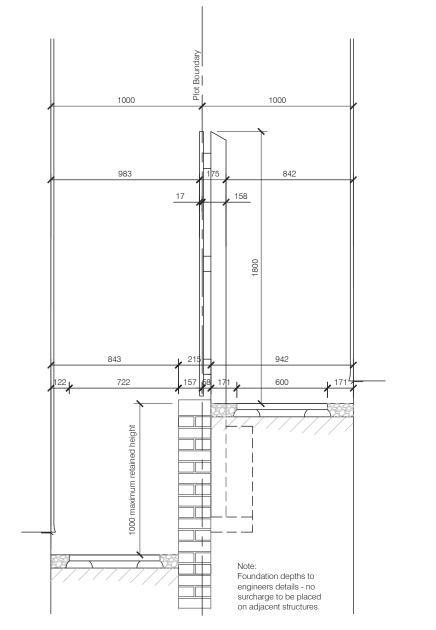


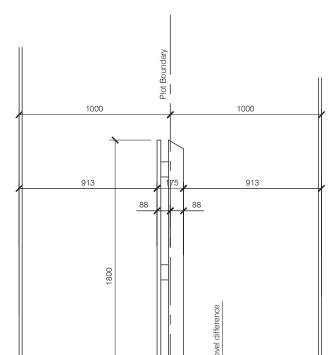
Standard Construction Details

**REIVERHOMES** 

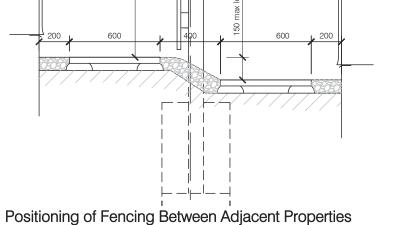


#### 1800mm High Open Boarded Fence





Positioning of Fencing Between Adjacent Properties (max level difference between floor levels 1000mm).

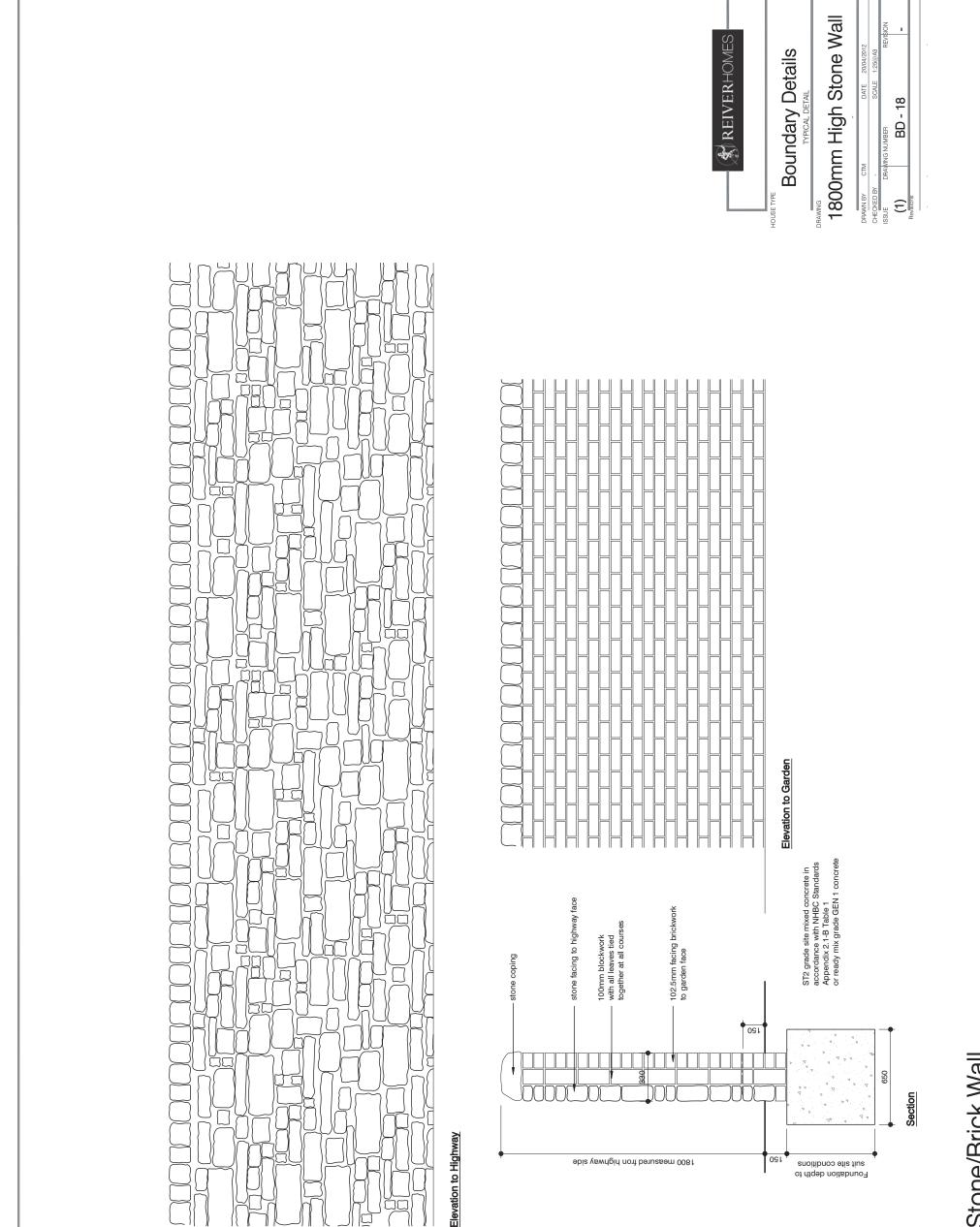


(max level difference between floor levels 200mm).

HOUSE TYPE Boundary Details TYPICAL DETAIL			
1800mm High Fence			
OPEN BOARDED			
DRAWN BY	sdm DATE	20/04/2	
CHECKED BY	- SCALE	1:25@A	
			REVISION
ISSUE	DRAWING NUMBER		ILVISION
issue (1)	DRAWING NUMBER BD - 03		-
			-

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## 1800mm High Stone/Brick Wall





