

SCHEDULE A: Applications with Recommendation

16/0493

Item No: 01

Date of Committee: 21/10/2016

Appn Ref No:
16/0493

Applicant:
Magnus Homes Ltd

Parish:
Wetheral

Agent:
Bob Taylor Planning

Ward:
Wetheral

Location: Land to the rear of Culreouch & Emohruo, Station Road, Cumwhinton, Carlisle, CA4 8DJ

Proposal: Erection Of 8no. Dwellings (Outline)

Date of Receipt:
07/06/2016

Statutory Expiry Date
06/09/2016

26 Week Determination
21/10/2016

REPORT

Case Officer: Angus Hutchinson

1. Recommendation

1.1 The proposal is recommended for approval.

2. Main Issues

- 2.1 The consistency of the proposal with regard to the emerging Carlisle District Local Plan 2015-2030.
- 2.2 The impact on the living conditions of neighbouring residents.
- 2.3 Highway safety.
- 2.4 The impact on the visual amenity of the area.
- 2.5 The provision of affordable housing having regard to the viability of the scheme.
- 2.6 The impact on any wildlife interests.
- 2.7 The planning balance and sustainable development.

3. Application Details

Introduction

- 3.1 Members will recollect that during their previous Meeting consideration of the proposal was deferred in order to await receipt of pending advice on the

updated figures on viability submitted by the applicant, and the consequent comments of the Council's Housing Development section.

The Site

- 3.2 This application relates to 0.5 hectares of grazing land located on the northern side of Station Road to the immediate east of the on-going development at Thornedge; to the immediate north-east and north of the properties known as Wall End, Culreoch, and Emohruo; and north-west of Ashview and Station View. The application site rises to a summit from road level in a northerly direction set within a backdrop of relatively mature trees. The eastern boundary is delineated by a mature hedgerow whilst that to the south comprises the back gardens of the bungalows at Culreoch and Emohruo. A mature oak tree lies on the north-western boundary.
- 3.3 Access to the application site is currently achieved off Station Road (B6263) via a strip of land that runs between Culreoch and Emohruo. A public footpath runs northwards from the B6263 adjacent to Station View.
- 3.4 Cumwhinton has a primary school, public house, village hall, a post office and shop.
- 3.5 The Cumbria Landscape Character Guidance and Toolkit (CLCGT) (2011) identifies the site as falling within the Cumbria Landscape Character Type 5c: Rolling Lowland. The application site is approximately 350 metres to the west of Pow Maughan beck which flows into the River Eden and is part of the River Eden Special Area of Conservation catchment area. The wooded Cumbria Wildlife reserve at Quarry Bank is 850 metres to the east, and the Cotehill Pastures and Ponds SSSI neighbours Lonsdale Park to the south-east of the hamlet at Stripes.

Background

- 3.6 In relation to neighbouring land, in March 2015 (under application 14/0816) planning permission was given for the demolition of the existing house and stables at the property known as Thornedge, and the erection of 22no. dwellings. In July 2015, under application 14/0494, planning permission was given for the erection of five dwellings on land adjoining the property known as Lyndhurst. During the March 2016 Committee Meeting Members gave authority to issue an approval (subject to the satisfactory completion of a Section 106 Agreement) for the erection of 22 dwellings on land at Peter Gate, Cumwhinton.

The Proposal

- 3.7 The current application is seeking outline planning permission for the erection of 8 dwellings of which proposed plots 1-4 consist of single storey semi-detached bungalows; plot 5 is a single storey bungalow; plots 6 and 7 are dormer bungalows; and plot 8 is shown as a single storey bungalow. The submitted illustrative layout plan also shows the proposed garden serving plot 8 to be chamfered in the north-eastern corner with the area

planted to form a copse; a field gate and access to the remaining element of the field to be put in place; infill planting along the boundary with the development at Thornedge; and tree planting along the eastern and southern boundaries. The intention is for vehicular access to be achieved from the neighbouring development at Thornedge. As part of the development, the intention is to carry out works at the junction with Station Road including the widening of the existing pavement.

- 3.8 In addition to the submitted plans, the application is accompanied by a Planning Statement (Bob Taylor Planning); a Design and Access Statement (Bob Taylor Planning); a Desktop Study Environmental Assessment (Bob Taylor Planning); a Tree Survey; a Survey for Bats, Barn Owls & Breeding Birds (Cumberland Bat Group); a Transport Statement (Royal Haskoning DHV); a Landscape Statement (Eden Environment Ltd); a copy of a pre-development enquiry reply from United Utilities sent to A L Daines & Partners; and a confidential Viability Study prepared by the applicant.
- 3.9 An independent "Review of Appraisal of Financial Viability" has been undertaken by Carigiet Cowen on behalf of the City Council.

4. Summary of Representations

5. Summary of Consultation Responses

Cumbria County Council - (Local Highway & Lead Local Flood Authority): - no objection to this application but recommend the imposition of conditions regarding the design and construction of the carriageway, highway crossings, and the prevention of surface water discharging onto the highway.

Clerk to Wetheral PC: - no observations.

Local Environment - Environmental Protection: - no objection to this application.

Local Environment, Waste Services: - no objection in principle provided there is sufficient space for the waste collection vehicles to access the development.

United Utilities: - no objection subject to the imposition of relevant conditions regarding foul and surface water drainage, and the management/maintenance regime of the drainage systems.

Housing Development: - The Council's most recent SHMA (Strategic Housing Market Assessment) from September 2014 identified the need for 295 affordable homes per annum across Carlisle District, including 68 p.a. in the Carlisle Rural East Housing Market Area.

Policy HO4 of the emerging Local Plan requires 30% affordable units in Affordable Housing Zone A. Policy HO 4 stipulates that the affordable

housing provision should be 50% affordable/ social rent (usually through a Housing Association) and 50% intermediate housing (usually discounted sale at a 30% discount from market value through the Council's Low Cost Housing Register). However, on schemes of between 6 and 10 units in rural areas the Council can only require a financial contribution towards affordable housing rather than on site affordable provision.

In this context, the Housing Development section originally commented that the financial contribution, based on Local Plan policy HO4, would be equivalent to the cost of providing the units as affordable on site. Based on an 8 unit scheme with a 30% target in Affordable Housing Zone A, this would equate to 2 units (one intermediate unit at 30% discount & one affordable rent at 60% discount). This would be based on the values of the most 'affordable units 1 & 2. The market value in the applicant's viability study (per Hyde Harrington) is £175k for both of those units, which has been approved by Carigiet Cowen, acting on behalf of the Council. This would provide an affordable housing contribution of £157,500, calculated as follows:-

$$\begin{aligned}\text{£175,000 (x 30\%)} &= \text{£52,500} \\ \text{£175,000 (x 60\%)} &= \text{£105,000} \\ &\text{£157,500}\end{aligned}$$

Following receipt of the updated information provided by the applicant the Housing Development section has reappraised the build cost and compared this with the residue identified in the Review undertaken by Carigiet Cowen. In light of the results of this comparative exercise, Housing Development accept that the site could not viably deliver a financial contribution towards affordable housing.

6. Officer's Report

Assessment

- 6.1 Section 54a of the Town and Country Planning Act 1990/Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 At a local level, the relevant saved policies of the Carlisle District Local Plan 2001-2016 (CDLP) comprise DP1, CP1, CP2, CP3, CP5, CP6, CP7, CP10, CP11, CP12, CP15, CP16, CP17, H1, H3, LC4, and IM1; and those of the soon to be adopted Carlisle District Local Plan (CDLP) 2015-2030 are SP1, SP2, SP6, SP8, SP9, HO2, IP1, IP2, IP3, IP5, IP6, IP8, CC3, CC4, CC5, CM2, CM4, CM5, GI3, GI4, and GI6. At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014), the Natural Environment and Rural Communities Act (2006), and the Community Infrastructure Levy Regulations 2010 (as amended). In addition, the Housing and Planning Act was enacted on the 12th May 2016. Due regard should also be made with regard to the requirements of the public sector equality duty in Section 149 of the Equality Act 2010 with particular regard in this

case to the provision of affordable housing and policy HO4 of the CDLP 2015-2030.

- 6.3 Paragraph 215 of the NPPF highlights that due weight should be given to the relevant policies in existing Plans according to their degree of consistency with the NPPF (the closer the policies in the Plan to the policies in the Framework, the greater the weight that may be given). Paragraph 216 of the National Planning Policy Framework identifies that:

“From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”.*

- 6.4 Carlisle's emerging Local Plan (CDLP 2015-2030) is now at an advanced stage having received the Inspector's report and is now progressing through the Council's processes towards adoption by the Full Council on the 8th November 2016. As such, in view of the advanced stage of plan preparation, these policies carry significant weight.

- 6.5 Paragraph 6 confirms that the policies set out in paragraphs 8 to 219 of the Framework, taken as a whole, constitute the meaning of sustainable development. Paragraph 14 of the NPPF highlights the presumption in favour of sustainable development which is referred to as “a golden thread”. For decision-taking this means approving development proposals that accord with the development plan; and where the development plan is absent, silent or out of date, grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits; or
- specific policies in this Framework indicate development should be restricted.

- 6.6 Paragraph 17 of the Framework identifies 12 core planning principles including planning being a creative exercise in finding ways to enhance and improve the places in which people live their lives; always seeking to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings; taking account of the different roles and character of different areas; contribute to conserving and enhancing the natural environment; encourage the effective use of land in urban and rural areas; focusing significant development in locations which are or can be made sustainable; and deliver sufficient community and cultural facilities and services to meet local needs.

- 6.7 Paragraph 47 of the Framework requires that local authorities should identify “a supply of specific deliverable sites to provide five years” worth of housing against their housing requirements with an additional buffer of 20% (to ensure choice and competition in the market for land) for those authorities where there has been a record of persistent under delivery.
- 6.8 Policy SP2 (Strategic Growth and Distribution) of the CDLP (2015-2030), as modified, 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).
- 6.9 Policy HO2 ("Windfall Housing Development") states that new housing development on sites other than those allocated will be acceptable within Carlisle, Brompton, Longtown and villages within the rural area provided that the development will not prejudice the delivery of the spatial strategy of the Local Plan and compliance with a number of criteria.
- 6.10 The “Five Year Housing Land Supply Position Statement April 2015” indicated that on the basis of an average annual target of 480 net new homes, the District had a 6.1 year deliverable housing land supply. The Investment and Policy Section has subsequently confirmed that the City Council, based on the allocated sites in the CDLP 2015-2030 and windfall sites, can currently demonstrate a five year land supply for housing (inclusive of a 20% buffer).
- 6.11 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 paragraph 118 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.
- 6.12 Section 149(1) of the Equality Act 2010 establishes a duty to have due regard to three identified needs in the delivery of public services and the exercise of public powers, namely:
- a) to eliminate discrimination, harassment, victimisation etc;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics include age, gender, disability and race.

- 6.13 In the context that the City Council (based on the allocated sites in the CDLP 2015-2030 and windfall sites) can currently demonstrate a five year land supply for housing (inclusive of a 20% buffer), it is considered that the main issues for this outline application revolve around: 1) the consistency of the proposal with regard to the emerging Carlisle District Local Plan 2015-2030; 2) the impact on the living conditions of neighbouring residents; 3) highway safety; 4) the impact on the visual amenity of the area; 5) the provision of affordable housing having regard to the viability of the scheme; 6) the impact on any wildlife interests; and 7) the planning balance and sustainable development.

1) Consistency With The Carlisle District Local Plan 2015 – 2030

- 6.14 Under the emerging CDLP 2015-2030 there are two sites allocated for residential development, namely “R8” (land west of How Croft) and “R9” (land adjacent to Beech Cottage already the subject of permission under 12/0856). In the context of the overall plan period for the CDLP 2015-2030 and the ongoing development in Cumwhinton, it is considered that the current proposal for 8 dwellings should not prejudice either the overall strategy of the emerging development plan nor the delivery of the two allocated sites.
- 6.15 On the basis of the foregoing it is considered that the application should be considered as a windfall site and therefore assessed in the context of Policy HO2 of the CDLP 2015-2030.

2) Living Conditions

- 6.16 Two core planning principles of the Framework are for planning to be a creative exercise in finding ways to enhance and improve the places in which people live their lives; and to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings (para. 17).
- 6.17 Moreover, criterion 5 of Policy HO2 (Windfall Housing Development) of the CDLP 2015 - 2030 requires that proposals are “*compatible with adjacent land users*”, and criterion 7 of Policy SP6 (Securing Good Design) of the CDLP 2015 - 2030 seeks to ensure that proposals do not “*result in unacceptable conditions for future users and occupiers of the development*”.
- 6.18 When considering the impact of the proposal on existing residents it is recognised that potential issues can arise during both the construction phase and with regard to any scheme once completed. In the case of the former, this can be controlled by the imposition of relevant conditions. It is also the case that matters of design, layout etc would be the subject of a Reserved Matters application should permission be granted, and any other matters of detail (such as site levels, boundary treatment, landscaping etc) can also be the subject of any conditional approval. As an aside, the submitted illustrative layout plan shows a separation distance between the

proposed bungalows on plots 1 - 2 and Culreoch of 20 metres; separation distances between the end wall of Emohruo and plot 3 of 16.5 - 18 metres; and a separation distance between Ashview and plot 4 of 26 metres.

- 6.19 On this basis, it is considered that the scheme in principle will not lead to problems associated with losses in privacy or overshadowing/losses in light sufficient to merit the refusal of permission. It is recognised that the proposal could lead to increases in noise and disturbance, however, when viewed in the nature of the proposed development, this is also not considered to be of a scale or form that merits the refusal of permission.

3) Highway Safety

- 6.20 The submitted Transport Statement highlights that the local highway network would be able to accommodate the additional traffic associated with the proposed development. Based on the submitted information accompanying this application, the Highway Authority has not raised any objections.

4) Visual Amenity

- 6.21 In relation to this matter, it is evident that the application site can be viewed from the public footpath on the immediately neighbouring land (field number 3200) leading to Scotby. It also appears that the site, to varying degrees, can be viewed along the road leading to Wetheral Pasture; the public footpath that leads to Scotby to the east of Beck Bridge; along the road leading from Wetheral Pasture to Wetheral Shield; from Peter Gate; the road leading to Cumwhinton from junction 42 of the M6; and the road leading from Cumwhinton to Scotby.
- 6.22 The submitted Planning Statement (PS) accompanying the application explains that criterion 3 of Policy HO2 (Windfall Housing) in the CDLP 2015 - 2030 states that:

"...on the edge of settlements the site is well contained within the existing landscape features, is physically connected, and integrates with, the settlement, and does not lead to an unacceptable intrusion into open countryside"

Paragraph 5.16 of the justification for Policy HO2 says:

"Development is more likely to be acceptable on sites that are physically contained by existing landscape features such as hedges, trees, woodland or topography, physically and visibly connected to the village, and do not adversely impact on wider views into or out of a village."

The PS explaining that from the language used in this policy, some intrusion into open countryside is anticipated - the key test is one of acceptability.

- 6.23 The submitted Landscape Statement highlights the following:

- the development proposal is small in relation to the size of Thornedge, is

- fitted immediately adjacent to other housing and is contained within existing field boundaries;
 - the proposed buildings are to be set into the slope, uses single storey and dormer dwelling types, and will use appropriate tree and hedgerow species to suit the landscape character and benefit wildlife; and
 - the site is visually well contained and would cause minimal adverse impacts and some benefits to landscape character.
- 6.24 When assessing this issue, Members should also be aware that criterion 1 of Policy HO2 of the CDLP 2015 - 2030 requires that *"the scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement"*.
- 6.25 Based on the foregoing it is considered that the proposed development extends the built form of Cumwhinton. As such, it will have an impact on the historic settlement pattern. However, the applicant has sought to minimise any adverse impact in terms of the height and massing of the proposed dwellings, site/floor levels, the provision of landscaping, and the shape of proposed plot 8. In this light it is considered that any impact on the visual amenity of the area is not of such an extent that would merit the refusal of planning permission in itself.

5) Affordable Housing and Viability

- 6.26 Policy HO4 of the CDLP 2015 - 2030, as modified, requires 30% affordable units in Affordable Housing Zone A. This is in the context of the Council's Strategic Housing Market Assessment (SHMA 2014) addresses the need for affordable housing and shows an overall calculation of housing need over a 17 year period from 2013 to 2020 as being an average of 295 per annum. Nevertheless, paragraph 5.27 of the justification accompanying Policy HO4 explains that:

"The Policy contains a viability cushion.....Therefore when the requirements of this policy make a site unviable, the Council will expect the developer to submit an appraisalbefore a departure from the policy will be allowed."

This ties in with paragraph 173 of the Framework:

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking.....To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

- 6.27 On the matter of planning obligations Policy IP 8, as modified, of the CDLP 2015-2030 makes clear that new development will be expected to provide infrastructure improvements which are directly related to and necessary to make the development acceptable. Where a developer seeks to depart from any planning obligations sought, it will be necessary for them to demonstrate

that such contributions are nevertheless being maximised as far as it is viable to do so, and that ultimately the wider economic, social and environmental benefits to be realised from approving the proposal in the absence of such contributions outweigh the harm doing so.

- 6.28 In this case, the City Council's Housing Services has confirmed that this site falls within Affordable Housing Zone B of the emerging Local Plan, which would normally require a 20% affordable housing contribution i.e. equivalent to two units (one intermediate unit at 30% discount and one affordable rent at 60% discount).
- 6.29 The applicant has submitted a Viability Study which concludes that the effects on viability would lead to a deficit such that no affordable housing provision is justified. By way of contrast, the City Council commissioned Carigiet Cowen to undertake an independent Review of viability which concluded that the site would be able to deliver an affordable housing contribution. When comparing the results of the Viability Study and Review the apparent differences revolve around the expected land value, disposal costs and what are headed as "other" costs. However, when the build costs are reappraised based on figures from the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors and compared with the residue identified in the Review undertaken by Carigiet Cowen there is an evident shortfall such that the site could not viably deliver a financial contribution towards affordable housing.
- 6.30 This aside, the absence of any contribution towards affordable housing provision (and therefore the potential adverse impact on groups with relevant characteristics under the Equality Act 2010) represents a recognised drawback to this application. The Housing Development section has put this into a wider context by highlighting that the Council's most recent SHMA (Strategic Housing Market Assessment) from September 2014 identified the need for 295 affordable homes per annum across Carlisle District, including 68 p.a. in the Carlisle Rural East Housing Market Area.

6) the impact on any wildlife interests

- 6.31 Policy CP2 (Biodiversity) of the CDLP 2001-2016 and Policy GI3 (Biodiversity & Geodiversity) of the CDLP 2015-2030 both seek to ensure the protection and, where possible, enhancement of biodiversity assets across the District. These policies are consistent with Section 11 of the Framework.
- 6.32 The Survey for Bats, Barn Owls & Breeding Birds undertaken on behalf of the applicant by the Cumberland Bat Group explains that bat activity was observed around the hedgerow with likely emergence from the site to the south with wing warming in the sheltered hedge to the southeast of the Thornedge site then along the hedgerow on the way to the main feeding area in the fields and hedgerow to the north. The hedge that runs along the boundary of the application site with Thornedge is currently being used by most bats travelling from the roost areas in the village to the feeding area to the north. In the long term hedges and planting to the west and east

boundaries would form additional flight and feeding routes. The Survey recommends that bat boxes should be fitted prior to work starting to act as a safe refuge for the bats during the build.

- 6.33 Based on the foregoing it is considered that the above, inclusive of safeguarding existing hedgerows, can be the subject of relevant conditions.

7) Planning Balance and Sustainable Development

- 6.34 The economic, social and environmental dimensions of sustainable development are set out in paragraph 7 of the Framework. With regard to economic considerations, the proposed residential units would provide employment during the construction phase, the New Homes Bonus, Council Tax income, and the occupiers would contribute to the local economy. Environmentally, the proposed development extends the built form of Cumwhinton. As such, it will have an impact on the historic settlement pattern. However, the applicant intends to minimise any adverse impact in terms of the height and massing of the proposed dwellings, site/floor levels, the provision of landscaping, limiting the extent of the development, and the shape of proposed plot 8. On balance, it is considered that the environmental role of sustainable development would be satisfied. Any impacts on ecology can be mitigated and measures to enhance biodiversity also undertaken through the imposition of relevant conditions.
- 6.35 In social terms, the proposal would widen the choice of dwelling types with particular regard to the provision of bungalows, and provide an accessible location. This is, however, in the context that the City Council (based on the allocated sites in the CDLP 2015-2030 and windfall sites) can currently demonstrate a five year land supply for housing (inclusive of a 20% buffer) The absence of any provision in terms of affordable housing counts against the application.
- 6.36 When weighing the various advantages and disadvantages, it is considered that any harm to the social role of sustainable development would not in this case outweigh the remaining social, economic and environmental benefits of the scheme

Conclusion

- 6.37 In conclusion, it is considered that the current proposal will not prejudice either the overall strategy of the emerging development plan nor the delivery of the two allocated sites in Cumwhinton. Furthermore, it is considered that the scheme in principle will not be sufficiently detrimental to the living conditions of neighbouring residents/uses so as to merit the refusal of permission. The Highway Authority has not raised any objections on safety grounds, and any impacts on wildlife can be mitigated and the subject of enhancement through the imposition of relevant conditions.
- 6.38 The proposed residential units would provide employment during the construction phase, the New Homes Bonus, Council Tax income, and the

occupiers would contribute to the local economy. Environmentally, the proposed development extends the built form of Cumwhinton but, on balance, it is considered that the environmental role of sustainable development would be satisfied.

- 6.39 In social terms, the proposal would widen the choice of dwelling types with particular regard to the provision of bungalows, and relates to an accessible location. However, the absence of any provision in terms of affordable housing counts against the application.
- 6.40 In overall terms it is considered that any harm to the social role of sustainable development would not in this case outweigh the remaining social, economic and environmental benefits of the scheme, and the recommendation is for approval.

7. Planning History

- 7.1 The available records indicate that the current application site has not previously been the subject of an application for planning permission. In relation to neighbouring land, in March 2015 (under application 14/0816) planning permission was given for the demolition of the existing house and stables at the property known as Thornedge, and the erection of 22no. dwellings. In July 2015, under application 14/0494, planning permission was given for the erection of five dwellings on land adjoining the property known as Lyndhurst.

8. Recommendation: Grant Permission

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 1 year beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
- i) The expiration of 3 years from the date of the grant of this permission, or
 - ii) The expiration of 2 years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990. (as amended by The Planning and Compulsory Purchase Act 2004).

2. Before any work is commenced, details of the layout, scale, appearance (inclusive of boundary treatment), access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved by the local planning authority.

Reason: The application was submitted as an outline application in accordance with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3. The approved documents for this Outline Permission comprise:

1. the submitted planning application form received 3rd June 2016;
2. the Location Plan (drawing no. 15-C-13832/200 Rev A) received 7th June 2016;
3. the As Proposed Site Plan & Block Plan (drawing no. 005) received 7th June 2016;
4. the As Proposed Site Plan & Block Plan (drawing no. 004) received 7th June 2016;
5. the Illustrative Layout for 8 Units (drawing no. 06) received 3rd June 2016;
6. the Illustrative Elevations for 8 Units (drawing no. 07) received 3rd June 2016;
7. the Road Layout Plan (drawing no. 15-C-13832/141 Rev D) received 3rd June 2016;
8. the Tree Protection Plan (drawing no. 15-C-13832/142 Rev A) received 3rd June 2016;
9. the Design & Access Statement received 6th June 2016;
10. the Desk Top Study Environmental Assessment received 6th June 2016;
11. the Pre development Enquiry Reply from United Utilities received 3rd June 2016;
12. the Landscape Statement received 3rd June 2016;
13. the Tree Survey received 3rd June 2016;
14. the Survey for Bats, Barn Owls & Breeding Birds received 3rd June 2016;
15. the Transport Statement received 3rd June 2016;
16. the Planning Statement received 7th June 2016;
17. the Viability Study received 7th June 2016;
18. the Appendices received 3rd June 2016;
19. the Notice of Decision; and
20. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

4. Not more than 8 dwellings shall be erected on the site pursuant to this permission.

Reason: The local planning authority wish to control the scale of the development to enable a further assessment on viability should the nature of the proposal change in the future.

5. Prior to the commencement of development details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor and ridge heights of the dwellings hereby permitted shall be

submitted to and approved in writing by the local planning authority.

Reason: In order that the approved development overcomes any problems associated with the topography of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order), no additional windows shall be inserted above the ground floor on the south elevations of the proposed dwellings adjoining the southern boundary (plots 1 - 4 as shown on the submitted Illustrative layout for 8 units, drawing number 06 prepared by Eden Environment Ltd) without the prior approval of the local planning authority.

Reason: In order to protect the privacy and living conditions of residents in close proximity to the site.

7. Prior to the commencement of development bat boxes shall be provided based on the Survey for Bats, Barn Owls & Breeding Birds prepared by Steve Wake of the Cumberland Bat Group in accordance with details submitted to and approved in writing beforehand by the local planning authority.

Reason: To safeguard and conserve local ecology/biodiversity in accordance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

8. No vegetation suitable for nesting birds shall be cleared or removed during the period 1 March to 15 August in any calendar year unless a breeding bird survey of the area to be cleared or removed has been undertaken (in accordance with a scheme previously submitted to, and approved in writing by, the Local Planning Authority) and the findings of the survey satisfies the standards and/or measures set out in the approved scheme.

Reason: In order not to disturb or deter the nesting of any birds to ensure compliance with Policy CP2 of the Carlisle District Local Plan 2001-2016.

9. Prior to the occupation of any dwelling hereby permitted the Proposed Highway Works as identified in Plan 5 attached to the Transport Statement prepared by Royal Haskoning DHV dated 02 June 2016 shall be carried out in full.

Reason: In the interests of highway safety.

10. The carriageway and footways shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No highway related work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be

constructed before the development is completed.

Reason: To ensure a minimum standard of construction in the interests of highway safety in accord with Policy H1 of the Carlisle District Local Plan 2001-2016.

11. Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to inconvenience and danger to road users and to support Local Transport Plan Policies S3 and LD9.

12. Before any dwelling hereby permitted is occupied its respective off-street parking provision together with vehicular access thereto and the associated turning area shall be provided in accordance with the approved plans. The access, parking, and, turning area shall be used for no other purpose without the prior approval of the local planning authority.

Reason: To ensure that each dwelling is provided with parking to the satisfaction of the local planning authority.

13. Prior to the occupation of any dwelling hereby permitted the existing field access onto Station Road shall be permanently closed and the highway crossings and boundaries reinstated in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority.

Reason: In the interests of highway safety.

14. No development shall take place until details of a landscaping scheme has been submitted to and approved by the local planning authority.

Reason: To ensure that a satisfactory landscaping scheme is prepared.

15. All works comprised in the approved details of landscaping shall be carried out contemporaneously in the first planting and seeding season following occupation or completion (by plastering out) of each respective dwelling hereby permitted whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented.

16. For the duration of the development works existing trees and hedgerows to be retained shall be protected in accordance with drawing number 1557/011 Rev A. The local planning authority shall be notified at least seven days

before work starts on site so that barrier positions can be established. Within this protected area there shall be no excavation, tipping or stacking, nor compaction of the ground by any other means.

Reason: To protect trees and hedges during development works.

17. All works comprised in the approved details of boundary treatment shall be carried out contemporaneously with the completion (by the plastering out) of each dwelling hereby permitted.

Reason: To ensure that the appearance of the area is not prejudiced by lack of satisfactory screening which is not carried out in a co-ordinated manner.

18. Prior to the occupation of each dwelling hereby permitted suitable receptacles shall be provided for the collection of waste and recycling in line with the schemes available in the Carlisle district.

Reason: In accordance with Policy CP14 of the Carlisle District Local Plan 2001-2016.

19. Samples or full details of all materials to be used on the exterior of each dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority before any work is commenced.

Reason: To safeguard the character of the area.

20. Details shall be submitted of the proposed hard surface finishes to all external areas within the proposed scheme and approved by the Local Planning Authority before any site works commence.

Reason: To ensure that materials to be used are acceptable.

21. Prior to the commencement of any development hereby approved, a scheme for the disposal of foul and surface water and for the provision and implementation of any necessary surface water regulation systems, that restrict surface water runoff to a maximum pass forward flow of 5 l/s regardless of storm event, shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall be implemented during construction in accordance with the approved plans and retained thereafter.

Reason: To reduce the risk of flooding, safeguard local watercourses, avoid pollution of the water environment, and to reduce the likelihood of overloading and pollution of the existing drainage system.

22. No construction work associated with the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 18.00 hours on weekdays and 13.00 hours on Saturdays (nor at any times on Sundays or Bank Holidays).

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

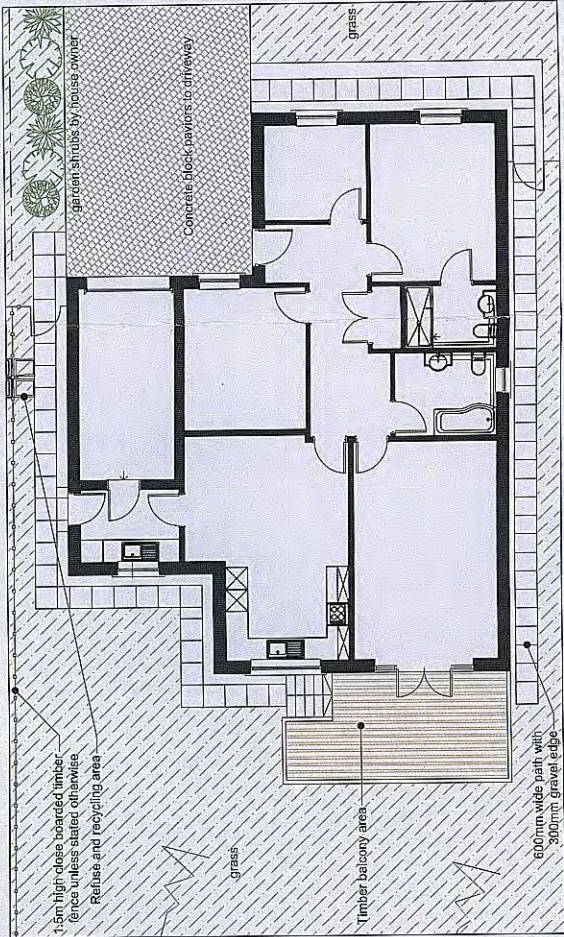
NOTES AND AMENDMENTS
The drawing is copyright ©. Figured dimensions are to be followed in preference to scaled dimensions and particulars are to be taken from the actual work where possible. Any discrepancy must be reported to the architect immediately and before proceeding.

REVISIONS	Rev	Description	Drawn	Date



Block Plan 1:500

- LEGEND**
- Adoptable road
 - Adoptable footpath to contain services
 - 1.8m high close boarded timber fence unless stated otherwise
 - Garden wall 750mm high unless noted otherwise
 - low level shrub barrier by homeowner
 - Existing tree to remain
 - Root Protection Area (12 x trunk dia)
 - Paved Patio Area
 - Refuse & recycle area
 - Proposed Hedgerow/Tree
 - Existing Hedgerow
 - Proposed Hedgerow
 - Existing Levels for reference
 - Proposed Level
 - Proposed Root Protection zones provided by temporary chestnut pole fencing to BS 5837:2012.
 - Proposed Hedge Protection provided by temporary hedges fenced coupled together and secured with weighted plastic feet. Offset from hedge 1.5m from centre of hedge wherever possible.



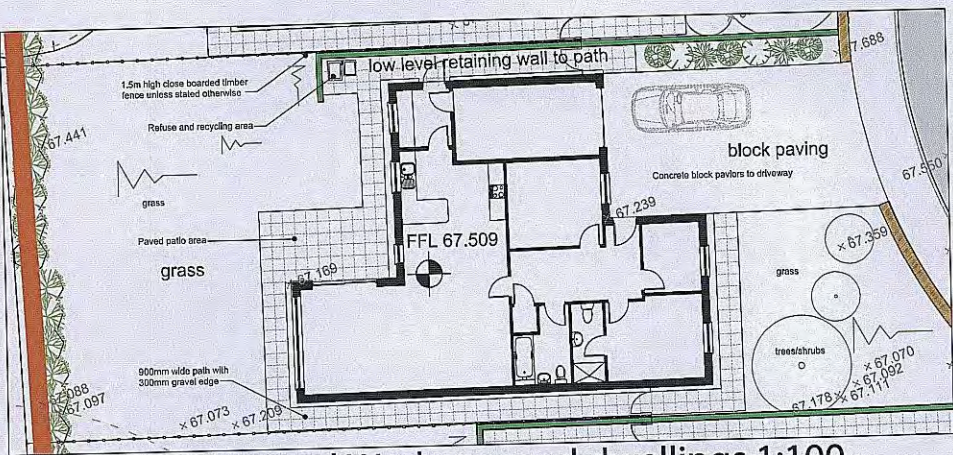
Typical External Works around dwellings 1:100



Site Plan 1:200

ashwooddesign
associates ltd
12A Clifford Court, Parkhouse Business Park, Castle CA3 0UG
01223 520850
01223 520851
www.ashwooddesign.co.uk

Purpose:	Planning
Client:	Mr. F. Batey
Project:	Residential Development Lyndhurst Cumwhinton
Title:	As Proposed Site Plan and Block Plan
Scale:	noted
Sheet Size:	A1
Drawn:	PM
Date:	05/2015
Project No:	1592
Drawing No:	004
Revision:	-



Typical External Works around dwellings 1:100



Block Plan
1:500

Plot No.	Type	Style	Bedrooms
Plot 1	Type 1	Bungalow with integral garage	3
Plot 2	Type 1	Bungalow with integral garage	3
Plot 3	Type 1	Bungalow with integral garage	3
Plot 4	Type 2	Semi Detached with 2 no. parking spaces	3
Plot 5	Type 2	Semi Detached with 2 no. parking spaces	3
Plot 6	Type 3	Detached with integral garage	3
Plot 7	Type 4	Detached with detached garage	3
Plot 8	Type 2	Semi Detached with 2 no. parking spaces	3
Plot 9	Type 2	Semi Detached with 2 no. parking spaces	3
Plot 10	Type 3	Detached with integral garage	3
Plot 11	Type 3	Detached with integral garage	3
Plot 12	Type 2	Semi Detached with 2 no. parking spaces	3
Plot 13	Type 2	Semi Detached with 2 no. parking spaces	3
Plot 14	Type 7	Detached with integral garage	3
Plot 15	Type 6a	Link house with 2 no. parking spaces	3
Plot 16	Type 6a	Link house with 2 no. parking spaces	3
Plot 17	Type 6b	Link house with 2 no. parking spaces	3
Plot 18	Type 6b	Link house with 2 no. parking spaces	3
Plot 19	Type 6a	Link house with 2 no. parking spaces	3
Plot 20	Type 6a	Link house with 2 no. parking spaces	3
Plot 21	Type 5a	Farm house semi detached with detached garage	4
Plot 22	Type 5b	Farm house semi detached with detached garage	3

- LEGEND**
- 1.5m high close boarded timber fence unless stated otherwise
 - stone wall
 - facing brick wall
 - low level shrub barrier by homeowner
 - Existing tree to remain
 - Root Protection Area (12 x trunk dia)
 - Paved Patio Area
 - Landscaping by developer
 - Refuse & recycle area
 - Proposed Hedgerow Tree
 - Existing Hedgerow
 - Proposed Hedgerow
 - Existing Levels for reference
 - Proposed Level

RECEIVED
07 JUN 2016
16/0493



12A Clifford Court, Parkside Business Park, Carlisle CA3 0JG
t 01228 210010
f 01228 210081
e ashwood@ashwooddesign.co.uk
www.ashwooddesign.co.uk

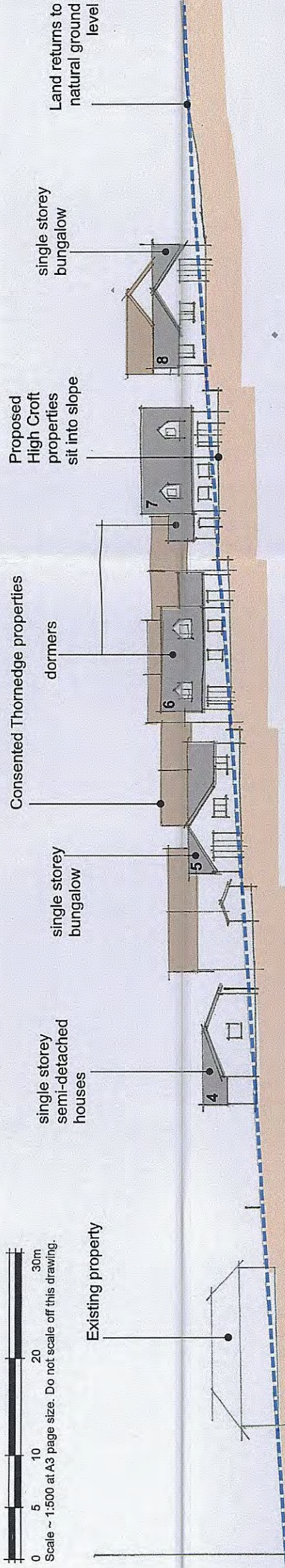
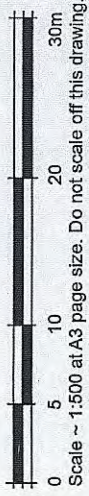
Project:
Magnus Homes Ltd
Residential Development
Thornedge, Cumwhinton

As Proposed
Site Plan & Block Plan

Scale	Sheet Size	Drawn	Date
Noted	A0	PM	07/2014
Project Ref	Design Ref	Revision	
1557	005		

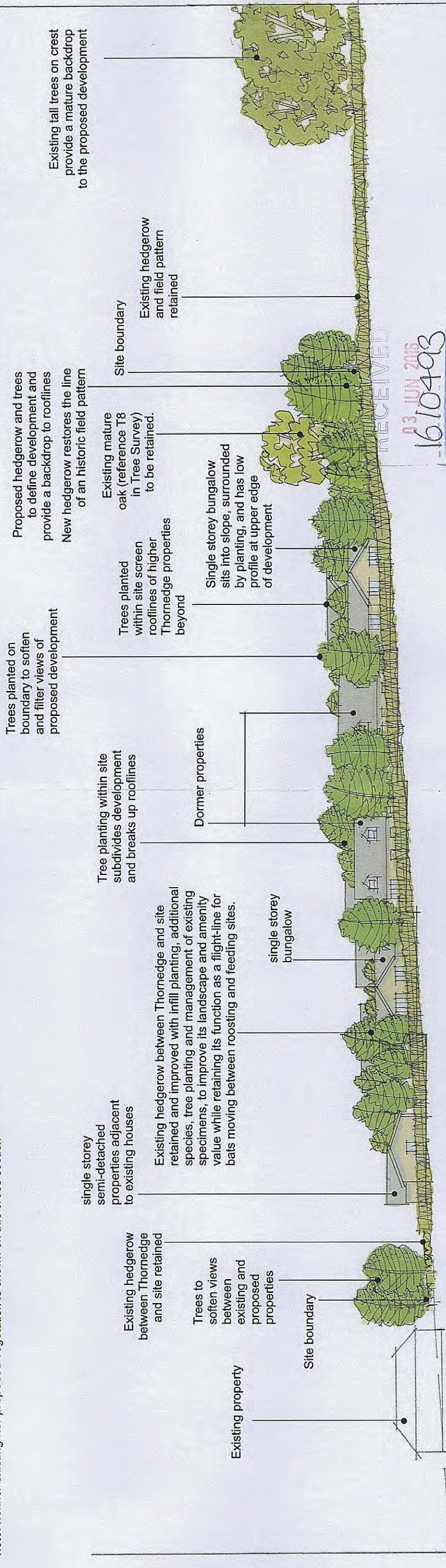
Site Plan
1:200





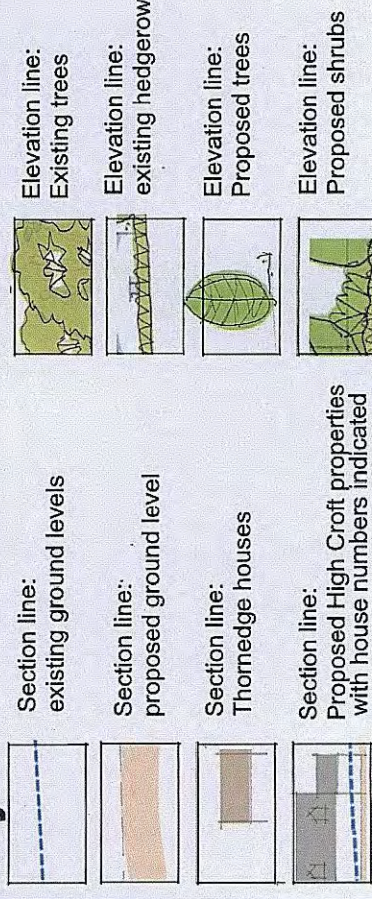
Sketch cross section through site showing comparative heights of consented Thornedge and proposed properties

note: neither existing nor proposed vegetation is shown on this cross section



Sketch elevation from north east

Key



drawing number

07

drawing name

Illustrative elevation for 8 units

project
Residential development land east
of Thornedge, Cumwhinton

client

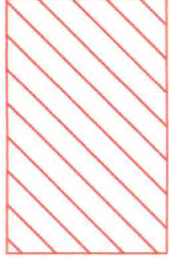
Magnus Homes

Eden Environment Ltd
www.edenenvironment.com

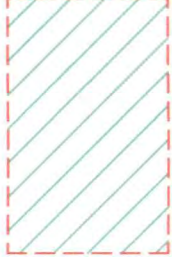
revision	date	notes
R 03	02.06.2016	hedgerow and oak on w boundary retained
R 02	27.04.2016	additional tree shown on elevation
R01	19.04.2016	house numbers & additional notes added
R 00	17.04.2016	original drawing

LEGEND

PROPOSED ROOT PROTECTION ZONES
PROVIDED BY TEMPORARY CHESTNUT
PALE FENCING TO BS 5837:2012



PROPOSED HEDGE PROTECTION
PROVIDED BY FLEET TOGETHER AND
SECURED WITH WEATHERED PLASTIC
FEET OFFSET FROM HEDGE 1.5m
WHEREVER POSSIBLE.



STONE WALL



CLIENT
MAGNUS HOMES LTD

TITLE
HIGHCROFT, CUMWHINTON
TREE PROTECTION PLAN

DRAWN
JUN 2016

DATE
JUN 2016

SCALE
1:250 @ A1

DRAWING NO.
15-C-13832/142

A.L. DAINES
PARTNERS

Consulting Civil and Structural Engineers
28 Castle Street, Carlisle, Cumbria CA3 8TP
Tel: 01228 572428 Fax: 01228 572428 mail@aldaines.co.uk

16/04/03

