

## SCHEDULE A: Applications with Recommendation

17/0689

Item No: 01

Date of Committee: 16/03/2018

**Appn Ref No:**  
17/0689

**Applicant:**  
Lund Group Ltd

**Parish:**  
Carlisle

**Agent:**  
Roger Lee Planning Ltd

**Ward:**  
Belle Vue

**Location:** Land to north of Caxton Road, Carlisle, CA2 7NS

**Proposal:** Erection Of 58no. Dwellings (Reserved Matters Application Pursuant To Outline Permission 15/0878)

**Date of Receipt:**  
29/08/2017

**Statutory Expiry Date**  
28/11/2017

**26 Week Determination**  
27/02/2018

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### REPORT

**Case Officer:** Stephen Daniel

#### 1. Recommendation

- 1.1 It is recommended that this application is approved with conditions.

#### 2. Main Issues

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Scale And Design Would Be Acceptable
- 2.3 Impact On The Living Conditions Of The Occupiers Of Neighbouring Properties
- 2.4 Highway Matters
- 2.5 Affordable Housing
- 2.6 Drainage
- 2.7 Biodiversity
- 2.8 Other Matters

#### 3. Application Details

##### The Site

- 3.1 The application site comprises approximately 1.5 hectares of land and previously accommodated vacant industrial buildings which have been

disused since 2010. The buildings have recently been demolished and the site has been cleared.

- 3.2 The site is located on the north side of Caxton Road. It is bounded to the north by a stream, woodland, the Engine Lonning and the River Eden. Turnstone Park residential development (Turnstone Drive, Kittiwake Close and Siskin Court) adjoins the site to the east. Employment uses on Newtown Industrial Estate adjoin the site to the south and west.
- 3.3 Caxton Road provides access to the site, as well as providing access to a number of other employment sites on Newtown Industrial Estate and a number of residential properties on Caxton Road and Harvey Street. Caxton Road is a private road and is not currently adopted by the Highway Authority. Turnstone Drive and Kittiwake Close both adjoin the eastern site boundary and a timber fence separates the site from these roads.
- 3.4 The site is relatively level, although elevated in comparison to the residential development to the east and the woodland/Engine Lonning lying to the north. There are a number of existing trees on the northern, southern and eastern site boundaries.

## **Background**

- 3.5 In August 2016, outline planning permission was granted (with all matters reserved) for the construction of 63 dwellings (55 houses and 8 flats) on the site. The submitted illustrative plans showed vehicular access via Turnstone Drive with pedestrian/cyclist and emergency access from Caxton Road.
- 3.6 A Unilateral Undertaking is attached to the outline permission and this requires the provision of six affordable units at a 30% discount comprising four two-bed houses and two three-bed houses and the payment of £63,000 towards off-site amenity/ recreational space.
- 3.7 A number of conditions were attached to the outline permission and these require the submission of the following: a phasing plan; details of materials/ hard surface finishes; details of boundary treatment; a landscaping scheme; details of finished floor levels; details of foul and surface water drainage; a contamination report; details of wildlife enhancement measures; a Construction Method Statement; construction details of the estate road and emergency access; details of a lighting scheme; a noise report; and an archaeological report.

## **The Proposal**

- 3.8 This application is seeking Reserved Matters for 58 residential units. The site would include detached and semi-detached dwellings, as well as terraces of three dwellings. Eight house types are proposed and these include two, three and four bedroom dwellings and one and two-bedroom apartments. The dwellings would either be two-store, two-and-a-half storey or three-storey. The dwellings would be constructed of red/ grey brick and white render under reconstituted slate roofs.

- 3.9 The only access would be via Turnstone Drive and this would provide access to 3 cul-de-sacs. A pedestrian and emergency access would be provided onto Caxton Road. Road surfaces would be tarmac with setts to the Mews Court and driveways and paving slabs to paths and patio areas. Each dwelling would have a minimum of two car parking spaces, with a number of the dwellings having detached garages. The apartments would have a minimum of one parking space.
- 3.10 External boundaries are shown as being either 1.8m high brick walling with feature piers and infill timber panels; 1.8m high timber close boarded fencing; 0.75m high metal galvanized railings; and 2m high acoustic timber fencing along the southern boundary. The majority of existing trees would be retained around the periphery of the site, with some additional planting proposed.

#### **4. Summary of Representations**

- 4.1 This application has been advertised by means of site and press notices as well as notification letters sent to 69 neighbouring properties. In response, 45 letters of objection have been received, together with a petition which has been signed by 97 people.
- 4.2 The letters of objection make the following points:

##### Highway Matters

- Caxton Road, which is already in use by a small number of vehicles to access the industrial estate, goes directly to the application site and should be used for the access;
- Caxton Road would be the simplest way for residents to access the new estate and would be a better and safer access for vehicles and pedestrians;
- If Caxton Road is to be used as an emergency access why can't it to be used as the main access?;
- Caxton Road can cope with HGVs already so is surely the better and safer option for the new development;
- If Caxton Road is not the preferred access why was it used by the earth moving equipment to access the site? – was this not because it was the safest, most sensible and most direct route?;
- The junction with Newtown Road and Caxton Road is a better positioned and accessible junction;
- The Council should get Caxton Road, which is an eyesore, upgraded with an improved road surface and proper pedestrian walkways with the developer footing the bill;
- Caxton Road needs to be improved and this would benefit existing users and the residents of Harvey Street;
- Caxton Road can be used – the only reason it's not being used is so the developer can increase their profits;
- This is the perfect opportunity for the Council to get Caxton Road

- adopted, especially as it will be used for construction access;
- The reasons Caxton Road will not be used is that it would be too costly for a developer to upgrade it and that home buyers wouldn't want to buy in a new estate that is accessed via a working industrial estate;
- It seems unsatisfactory to create the entrance to the new houses via Turnstone Park when a safer more sensible access could be created via Caxton Road;
- Because Turnstone Park is complete and a nicer entrance doesn't mean it should be used to access the new development;
- A new housing estate should have its own access;
- The new home owners won't want to go through another old estate to get to theirs;
- If every new house has two cars, that's an extra 116 vehicles which will make Turnstone Drive busy and unsafe;
- Turnstone Drive is already very busy and there are often queues – it often becomes a one-in one-out road due to parking;
- The Turnstone Drive/ Newtown Road junction is narrow with poor visibility and is often congested – this would be exacerbated by the additional traffic;
- The Turnstone Park entrance will become gridlocked;
- The current road layout at Turnstone Park is designed for the current traffic and will not withstand the additional traffic;
- Turnstone Drive will be like living on a main road;
- Due to congestion at the Turnstone Drive/ Newtown Road junction vehicles are already taking shortcuts along Harvey Street, where they have to drive half on the pavement;
- Question the long-term impact the additional traffic and construction traffic would have on the condition of the homes and roads at Turnstone Park;
- A large number of families bought houses on Turnstone Park because of the safety aspect – this would be massively reduced with the addition of a through road;
- The proposed access goes directly passed a busy children's play park which is well used every day;
- Children will not be able to access the park safely due to the extra traffic;
- Access through Turnstone Park would have an adverse impact on the safety of children who play outside their houses, on other existing residents and on their pets;
- Increased traffic will result in an accident;
- The Council said estates should have two accesses but estates that have been built in the Belle Vue/ Newtown area in recent times have single accesses – why should this development be different;
- A single access road from Caxton Road would be sufficient and in line with other developments within the city;
- It is no good doing a traffic survey during the week when people are at work/ children are at school – it needs to be done at peak times;
- Traffic surveys and associated reports should be requested for Caxton Road and Turnstone Park so the potential impacts of each can be considered;
- The extra traffic from the proposed development would increase noise and air pollution, including at the children's play area;

### Scale and Design

- The design of the houses is not in keeping with Turnstone Park;
- Object to the height and proximity of the dwellings to the rear of Siskin Court as these would block light and reduce privacy;
- Two-and-a-half-storey dwellings behind Siskin Court, which sit lower than the proposed site, would have an over-bearing impact on existing dwellings and result in loss of privacy/ amenity;
- Dwellings to the rear of Siskin Court should be two-storeys or less;
- Need sections to fully understand the impact of the development on Siskin Court;
- Object to the position of the houses onto Kittiwake Close – having 5 houses/ apartments looking onto the front and rear of properties will take away privacy and block light to the properties;
- Would the ground level be reduced for the dwellings to the rear of Kittiwake Close so they are at the same level?

4.3 A petition, which is against the use of Turnstone Drive as the main access route to the new development, has been signed by 97 people.

4.4 Story Homes has objected to the proposal and has queried whether the applicant can genuinely commit to the proposed development. This is because the proposed vehicular and pedestrian access will require the removal of an existing Story Homes owned fence. The applicant has not given Story Homes direct notification of the proposed development on their land interest and has not approached Story Homes nor sought the necessary private right to remove the fence on Story land to enable the main access. This, therefore, brings into question the overall deliverability of the scheme. Story has asked County Highways to consider whether it would object to the proposal as there is no demonstration of a deliverable access.

4.5 Cllr Les Tricker has objected to the application for the following reasons:

- The local residents and Ward Councillors welcome this application to build a mix of homes in this area. At no time, have they ever resisted the application. The issue is the choice of access and egress to the new development which was initially to be via Caxton Road but was subsequently change to Turnstone Drive;
- This was a fundamental revision with serious implications for occupiers of Turnstone Park and adjoining roads;
- Two of the key issues are the effect of the proposal on the living conditions of the occupiers of the proposed residential units and the effect on the living conditions of neighbouring residents;
- 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);
- Criterion 5 of Policy HO2 requires that proposals are “*compatible with*

*adjacent land users*", and criterion 7 of Policy SP6 seeks to ensure that proposals do not *"result in unacceptable conditions for future users and occupiers of the development"*;

- The proposal to recommend access through an established estate fails to support both of those planning conditions. In fact, it completely contradicts them;
- The submitted illustrative plans indicate that vehicular access is to be via Turnstone Drive with pedestrian/cyclist and emergency access also from Caxton Road. The original proposal was however for access and egress to be via Caxton Road;
- So, it is simply down to cost that the safety of the residents and the children are being put at risk. It is down to cost that the peace and tranquility of this estate is being destroyed;
- On the advice of the Highway Authority, it is considered that no highway safety objections to this proposal would merit the refusal of planning permission. This conclusion simply beggars belief. Given the choice of the original access proposal via Caxton Road, an unoccupied and isolated entrance and the new access proposal via Turnstone Drive, an established estate with a substantial play area anybody with an appreciation of Risk Assessment would say that the safest option is via Caxton Road;
- The Planning Officer's report goes on to say that no development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. This is a legal requirement under the CONDRAM regulations and section 5 states that top of the hierarchy is to avoid risks where possible. This is not a policy it is a legal requirement. That risk can be avoided by permitting access and egress by Caxton Road and not through Turnstone Drive;
- On that basis the Highway Safety issues are not being addressed by the developer's proposals;
- The development should be refused for the above reasons and a revised application should be submitted proposing access and egress via Caxton Road as originally proposed;
- There are also major concerns in regard to the impact on the privacy of existing occupiers in Turnstone Park whose properties will be overlooked by the new dwellings. We would seek guarantees that any design layout would ensure that the privacy of the existing occupiers will be protected;
- The residents have already suffered 25 weeks of site preparation involving heavy plant, rock breaking pneumatic hammers and dust and dirt. This work was scheduled to take only 10 weeks. The residents have had to tolerate a prolonged period of extreme noise, vibration and nuisance which has at times been intolerable. They have incurred additional expense in cleaning cars and windows as a direct result of the dust and grime created by the excavation and demolition work. They have

also been inconvenienced as children have been unable to sleep and shift workers have also been unable to sleep between shifts. This lack of consideration by the developer towards the residents is unacceptable.

4.6 Cllr Mrs Jessica Riddle considers that Caxton Road should be adopted and used as the access to the site, both during construction and on completion.

4.7 County Cllr Mrs Christine Bowditch has objected to the application for the following reasons:

- The local residents and Ward Councillors welcome this application to build a mix of homes in this area. At no time, have they ever resisted the application. The issue is the choice of access and egress to the new development which was initially to be via Caxton Road but was subsequently change to Turnstone Drive;
- This was a fundamental revision with serious implications for occupiers of Turnstone Park and adjoining roads;
- The submitted plans show vehicular access via Turnstone Drive with a pedestrian and emergency access via Caxton Road. The original proposal was, however, for access and egress via Caxton Road;
- On the advice of the Highway Authority, it is considered that no highway safety objections to this proposal would merit the refusal of planning permission. This conclusion simply beggars belief. Given the choice of the original access proposal via Caxton Road, an unoccupied and isolated entrance and the new access proposal via Turnstone Drive, an established estate with a substantial play area anybody with an appreciation of Risk Assessment would say that the safest option is via Caxton Road;

A revised application should be submitted proposing access and egress via Caxton Road as originally proposed.

## **5. Summary of Consultation Responses**

Cumbria County Council - (Highways & Lead Local Flood Authority): - no objections to the proposal. Conditions on the outline permission relating to drainage and highways issues still need to be discharged;

Cumbria County Council - (Archaeological Services): - no objections – the archaeological work required by condition on the outline permission needs to be undertaken;

Natural England: - advice provided to the outline application applies to the Reserved Matters application;

Historic England - North West Office: - no objections to the application on heritage grounds. Support advice given by the County Archaeologist;

Cumbria County Council - (Highway Authority - Footpaths): - Public Footpath 109072 runs to the north of the proposed development and must not be altered or obstructed before of after the development has been completed;

Local Environment - Environmental Protection: - conditions on the outline relate to contaminated land and noise levels. Consideration should be given to limit the permitted hours and to reduce noise and dust;

Planning - Access Officer: - no objections;

Cumbria Constabulary - North Area Community Safety Unit: - suggested some measure that would enhance the proposals in relation to crime prevention;

Northern Gas Networks: - no objections;

Local Environment, Waste Services: - no objections in principle – applicant would need to pay for refuse bins for each property;

Cumbria Wildlife Trust – there is no evidence that an ecological survey has been completed to identify negative effects of the proposed development on biodiversity/ wildlife – an ecological survey should be completed prior to the start of the project.

## **6. Officer's Report**

### **Assessment**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.2 The Development Plan for the purpose of the determination of this application is the Carlisle District Local Plan 2015-2030 from which Policies SP1, SP2, HO2, HO4, HE1, SP6, GI3, GI4, GI6, IP2, IP3, IP6, CC5, CM4 and CM5 are of particular relevance. The Council's Supplementary Planning Documents (SPDs) "Achieving Well Designed Housing", "Trees and Development", and "Designing Out Crime" are also material planning considerations.
- 6.3 The requirements of the public sector equality duty under Section 149 of the Equality Act 2010; and the "Guidelines for Public Transport In Developments" (1999) and "Reducing Mobility Handicaps" (1991) both prepared by the Chartered Institution of Highways & Transport CIHT) are also material considerations. 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.
- 6.4 The relevant protected characteristics include age, gender, disability and



race.

- 6.5 At a national level, other material considerations include the National Planning Policy Framework, March 2012 (the Framework/NPPF), Planning Practice Guidance (April 2014 as updated), the Community Infrastructure Levy Regulations 2010 (as amended), and the Natural Environment and Rural Communities Act (2006).
- 6.6 The NPPF identifies 3 dimensions for the planning system to perform under sustainable development, namely, an economic role, a social role and an environmental role.
- 6.7 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.
- 6.8 Paragraph 17 of the NPPF identifies 12 core planning principles including taking account of the different roles and character of different areas; supporting the transition to a low carbon future; contribute to conserving and enhancing the natural environment and reduce pollution; and conserve heritage assets.
- 6.9 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.
- 6.10 The proposals raise the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.11 In August 2016, outline planning permission was granted for residential development on this site and the principle of residential development on the site has, therefore, already been established.
- 6.12 This application is a Reserved Matters application, which is seeking approval for the proposed access arrangements, the appearance, layout and siting of the dwellings and the proposed landscaping.

2. Whether The Proposed Layout, Scale, Appearance And Landscaping Would Be Acceptable

- 6.13 The site would contain 58 dwellings and this equates to 39 dwellings per hectare, which is an acceptable density for a site in this location. The development would contain a range of house types, which would consist of detached and semi-detached dwellings, short terraces of three properties and some apartments. Properties would range in size from one and two-bed apartments and two, three and four bedroom dwellings.
- 6.14 The majority of dwellings would be three-bed properties (31), with 16 dwellings being four-bedroom and four being two-bedroom. There would also be four two-bedroom apartments and three one-bedroom apartments. Six of the dwellings would be affordable and four of these would be two-bedroom units, with two having three-bedrooms.
- 6.15 A variety of house designs would be used with dwellings being either two-storey, two-and-a-half-storey or three-storey. The three-storey dwellings would be located centrally within the site. The dwellings would incorporate a range of features including: two-storey flat roof front projections; flat roof open porches; flat roof dormer windows; bay windows; single-storey rear extensions; brick panels and rendered sections.
- 6.16 The dwellings would be constructed of red/ grey multi-brick, with some white rendered sections, under re-constituted slate roofs. Windows would be grey upvc, with front doors being composite wood effect. Soffits, fascias and barge boards would be black painted timber, with rainwater goods being black upvc. The exact details of the proposed external materials and hard surface details would be agreed through a subsequent discharge of conditions application.
- 6.17 Each dwelling would have a minimum of two car parking spaces, with a number of properties having three parking spaces, including a single garage. The roads would be 5.5m wide, which would be sufficient to accommodate some visitor parking.
- 6.18 Boundary treatments would consist of 0.75m high railings to the front of properties, 1.8m high timber close boarded fences between rear gardens and 1.8m high bricks with feature piers and close boarded timber infill panels on the more prominent elevations, adjacent to the roads. The southern boundary, which lies adjacent to Caxton Road, would consist of a 2m high acoustic timber fence to reduce noise from the adjacent industrial estate. The exact details of the boundary treatment would be agreed through a subsequent discharge of conditions application
- 6.19 The trees on the northern and western site boundaries would be retained, with the majority of trees on the eastern site boundary also being retained.
- 6.20 In light of the above, the layout, scale and appearance of the proposed dwellings would be acceptable. Further details would need to be provided in

order to discharge the landscaping conditions that are attached to the outline permission.

### 3. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.21 Plots 4 to 8 would lie to the rear of dwellings on Siskin Court. The rear elevations of Plots 6 to 8 would be 22m away from the rear elevations of the properties on Siskin Court. Plots 7 and 8 would only have one bedroom and one bathroom window at first floor level in the rear elevation, with the bedroom in the roofspace only being served by rooflights in the rear roofslope. These properties originally had living room windows at first floor level in the rear elevation but the living rooms have been moved to the front of the dwellings to reduce overlooking of the properties to the rear. Plot 6 would only have one bedroom window and one bathroom window at first floor level in the rear elevation and rooflights on rear roofslope to serve the bedroom in the roofspace.
- 6.22 Plots 4 and 5 would be the same house types as the dwelling on Plot 6 and these dwellings would have a rear elevation a minimum of 23m away from the rear elevations of properties on Siskin Court.
- 6.23 A double garage would be provided between Units 5 and 6, with a single garage being provided to the rear of Plot 4. These garages would be a minimum of 14.5m from the rear elevations of the properties on Siskin Court.
- 6.24 The trees along the boundary between the site and the rear gardens of Siskin Court would largely be retained and these would help to prevent overlooking between the existing and proposed dwellings, as would the erection of a 1.8m close boarded fence. Whilst it is acknowledged that the properties on Siskin Court sit at a lower level than the proposed dwellings, the separation distance between the existing and proposed dwellings are considered to be acceptable.
- 6.25 The dwellings on Turnstone Drive that adjoin the site (numbers 37 and 56) have gable elevations facing the site but these do not contain any primary windows.
- 6.26 Plots 55 to 57 would have rear elevations facing the road and the front garden of 2 Kittiwake Close. Plot 58 would have a rear elevation facing the rear garden of 2 Kittiwake Close. Plot 58 would be a two-and-a-half-storey four-bedroom property which would have two bedroom windows at first floor level in the rear elevation. The dwelling would, however, be 10m from the boundary with 2 Kittiwake Close and the garden of this dwelling is already overlooked from the upper floor windows of the adjoining semi-detached property.
- 6.27 In light of the above, the proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance.

#### 4. Highway Matters

6.28 The application is accompanied by a Transport Statement. This concludes that:

- road casualty study has not revealed any identifiable existing collision issues associated with the expected movements generated by the proposed development, therefore, it is considered that there are no existing road safety issues pertinent to the development of the site;
- if the proposed access and internal roads of the proposed development are designed with due consideration to road safety, then the proposals should not have a detrimental road safety impact on the local transport network and should not adversely affect the safety of pedestrians and cyclists;
- when fully built the proposed residential development is expected to generate a net increase of 10 two-way vehicle trips during the AM peak hour (08:00 - 09:00) and 16 two-way vehicle trips during the PM peak hour (17:00 - 18:00) relative to previous industrial use of the site;
- the predicted modal split for the residential development indicates that 59.4% of the person trips generated by the proposed development would be made by vehicle drivers;
- the Bridge Street/ Newtown Road junction would be expected to operate well within capacity in 2021 during both peak hours with the full development in place;
- Turnstone Drive represents a suitable vehicular access route for the proposed residential development;
- it has been acknowledged that Turnstone Drive and the vehicular access roads were designed with the intention of providing access to the application site;
- in transport terms, it is concluded that the proposed development could be provided without adversely affecting the operation of the surrounding highway network;
- the proposals are considered to be in accordance with the NPPF which states that 'development should only be prevented or refused on grounds where the residual impacts of development are severe'
- the Transport Statement determination that the proposed development would not be expected to have a detrimental impact on road safety, traffic and highway terms.

6.29 The outline application showed Turnstone Drive as the only vehicular access to the site, with Caxton Road being shown as a pedestrian and emergency access only. Condition 25 of the outline permission states that no development shall take place until details of the proposed estate road via Turnstone Drive and the proposed means of emergency access (inclusive of the foot/ cycleway connection and bollard) via Caxton Road have been

submitted to and approved in writing by the Local Planning Authority. Condition 27 states that there shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, footways and footpaths. These conditions have established the use of Turnstone Drive as the only vehicular access to the new development.

- 6.30 The Highway Authority has been consulted on the application and has no objections to the proposal. Within the outline application (15/0878), the principles of the access point from Turnstone Park were agreed with the Highway Authority as was the emergency access via Caxton Road.
- 6.31 This application is seeking outline consent for a total of 58 residential dwellings on the site which is to be accessed from Turnstone Drive, with a connection being provided from Caxton Road for emergency vehicles, pedestrians and cyclists, as previously agreed by the Highway Authority. The developer has agreed to design the proposed emergency access such that it could be utilised as a full vehicular access in the future, if the connecting section of Caxton Road is brought up to an adoptable standard, and then adopted by the Highway Authority.
- 6.32 The Highway Authority has noted that further information is required through the planning process with regards to construction details of the roads and footways, road lighting, highway drainage and traffic calming. In light of this the Highways Authority has no objections to the approval of the reserved matters planning permission for this site subject to the conditions associated with the outline permission 15/0878 being applied.

## 5. Affordable Housing

- 6.33 A Unilateral Undertaking is attached to the outline permission and this requires the provision of a six affordable units at a 30% discount to the market value comprising four two-bedroom and two three-bedroom houses. The submitted Site Plan shows Plots 44 to 49 being the affordable units. Plots 44 to 47 would be two-bedroom dwellings, with Plots 48 and 49 being three-bedroom dwellings. The Council's Housing Officer has been consulted on the application and he has confirmed that he has no objections to the proposals, which are in line with the requirements of the outline permission in relation to the provision of affordable housing.

## 6. Drainage

- 6.34 Conditions 5 and 6 on the outline planning permission (15/0878) require the submission of details of both foul and surface water drainage. These conditions are to be discharged later within the planning process, and as such the Lead Local Flood Authority at this stage has no objections subject to these conditions being applied to this application and discharged at a later date.

## 7. Biodiversity

6.35 Cumbria Wildlife Trust has requested that an ecological survey should be completed prior to the start of the project. An ecology report was submitted with the outline application and this recommended that:

- bat roosting opportunities in the form of bat bricks are installed in the new buildings to enhance the habitat on the site;
- precautionary measures are put in place during the works with regard to great crested newts;
- any vegetation clearance works are carried out outside the bird nesting season;
- an owl nest box is erected in a tree or pole in the north west corner to replace the nesting habitat lost;
- all personnel working on the site are briefed on the potential presence of reptiles on site; and
- the removal of the two invasive non native plant species (Japanese Knotweed and Cotoneaster) present on the site.

6.36 Conditions have been added to the outline permission which require the installation of bat bricks and the provision of a owl nesting box within the northwest corner of the site; the submission of a scheme to eradicate Japanese Knotweed and other invasive species from the site; the retention a the majority of the trees on the site boundaries; and the submission of a Construction Method Statement for approval by the LPA.

6.37 An Assessment of Likely Significant Effects was also prepared by Lloyd Bore on behalf of the City Council during the determination of the outline application. This concluded that direct and indirect impacts on the River Eden and Tributaries SSSI are not anticipated.

## 8. Other Matters

6.38 Story Homes has objected to the proposal and has queried whether the applicant can genuinely commit to the proposed development. This is because the proposed vehicular and pedestrian access would require the removal of an existing Story Homes owned fence. The applicant has not given Story Homes direct notification of the proposed development on their land interest and has not approached Story Homes nor sought the necessary private right to remove the fence on Story land to enable the main access. This, therefore, brings into question the overall deliverability of the scheme. Story has asked County Highways to consider whether it would object to the proposal as there is no demonstration of a deliverable access. County Highways has not raised an objection on this basis, which is a private legal matter and is not relevant to the determination of this Reserved Matters application.

6.39 The Unilateral Undertaking attached to the outline permission requires the payment of £63,000 towards off-site amenity/ recreational space.

6.40 The County Archaeologist has no objections to the proposal but notes that condition 8, which requires the implementation of a programme of archaeological work, needs to be discharged prior to the commencement of

development.

## **Conclusion**

- 6.41 In overall terms, the principle of the development is acceptable. The proposed layout, scale and appearance would be acceptable. Further details are required to discharge the landscaping conditions. The proposed access, road layout and parking provision would be acceptable and affordable housing would be provided in line with the policy requirement. The proposal would not have an adverse impact on the living conditions of the occupiers of any neighbouring properties through loss of light, loss of privacy or over-dominance. In all aspects, the proposals are considered to be compliant with the objectives of the relevant Local Plan policies.

## **7. Planning History**

- 7.1 In 2000, under application 00/0291, planning permission was given for the change of use of part of the site to an indoor leisure centre to include go-karting and skateboarding.
- 7.2 In 2003, under application 03/0836, permission was given for the continuation of use of premises as an indoor leisure centre for go-karting and skateboarding together with the additional use of adjacent buildings as a soft area play centre.
- 7.3 In 2010, application 09/0039, permission was given to erect 2.4m high palisade boundary fencing.
- 7.4 In 2013, under application 13/0863, a Certificate of Existing Lawfulness for the buildings to operate as Use Class B2 was issued.
- 7.5 In August 2016, outline planning permission was granted for the demolition of existing industrial buildings and for the erection of 63no. dwellings (15/0878).

## **8. Recommendation: Grant Permission**

1. In discharge of requirements for the submission of detailed particulars of the proposed development imposed by condition 2 with regard to access, appearance, layout and scale attached to the outline planning consent to develop the site.
2. The development shall be undertaken in strict accordance with the approved documents for this Reserved Matters Permission which comprise:
  1. the submitted planning application form received 3rd August 2017;
  2. the Site Location Plan (drawing ref 1501-101) received 3rd August 2017;
  3. the Site Plan (drawing ref 1501-100 Rev D) received 27th February

2018;

4. the Housetypes A-D Option 2 (drawing ref 1501-121 Rev C) received 27th February 2018;
5. the Housetypes E-G & Garages (drawing ref 1501-122 Rev B) received 27th February 2018;
6. the Housetypes A1 & B1 (Affordable) (drawing ref 1501-123 Rev A) received 27th February 2018;
7. the Design & Access/Planning Statement (August 2017) received 3rd August 2017;
8. the Transport Statement (May 2016) received 26th January 2018;
9. the Notice of Decision; and
10. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

---



## CDM 2015

AREA	PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING :	
	NOT OBVIOUS	■ UNUSUAL ■ DIFFICULT TO MANAGE
CONSTRUCTION		
USE		
MAINTENANCE		
DECOMMISSION		

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

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ADDITIONAL NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE BUILDING REGULATIONS AND THE REQUIREMENTS OF THE LOCAL AUTHORITY

REV	DESCRIPTION	DRWNCHKD	DATE
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CLIENT

LUND GROUP LTD

PROJECT  
CAXTON ROAD, CARLISLE

TITLE	SITE LOCATION PLAN
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SCALE	1:1250 @ A3	DATE	JUL 2017
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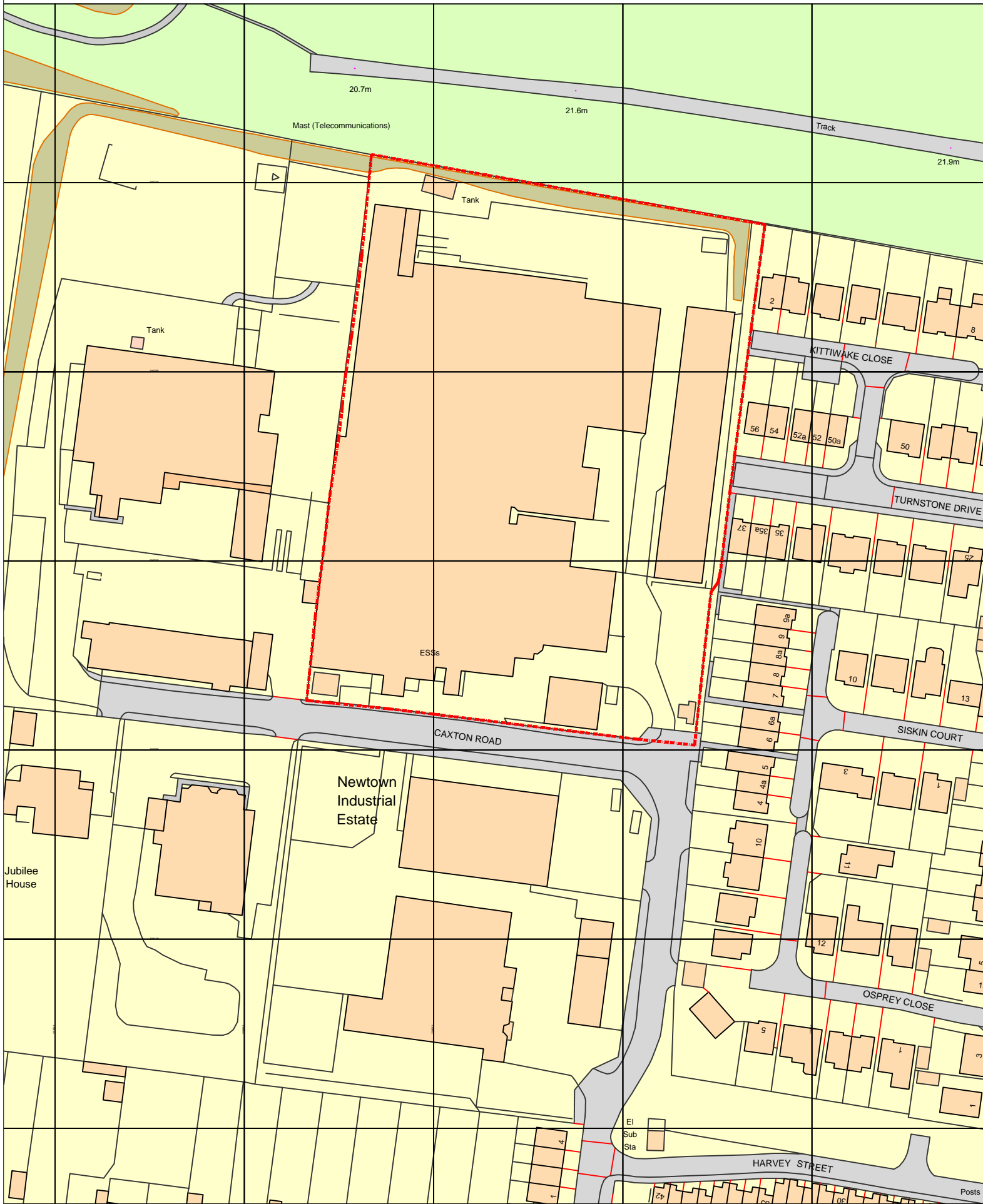
DRAWING NO.	1501-101	REVISION	-
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DRAWN BY	RH	CHECKED BY	-
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**PURPOSE OF ISSUE**

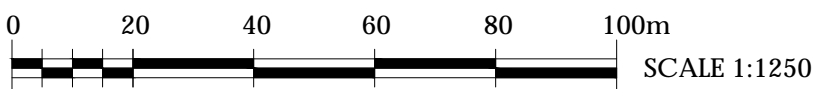
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<input type="radio"/> APPROVAL	<input type="radio"/> COMMENT	<input type="radio"/> CONSTRUCTION

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## NOTES

THIS DRAWING IS BASED ON SURVEY DRAWING NO. 11719-106-2,  
PREPARED BY MET GEO ENVIRONMENTAL AND ORDNANCE  
SURVEY INFORMATION. IT IS SUBJECT TO CONFIRMATION OF  
BOUNDARIES / RIGHTS OF WAY / EASEMENTS AND CONSULTATION  
WITH THE LOCAL AUTHORITY, DESIGN TEAM AND PUBLIC UTILITIES,  
ETC.

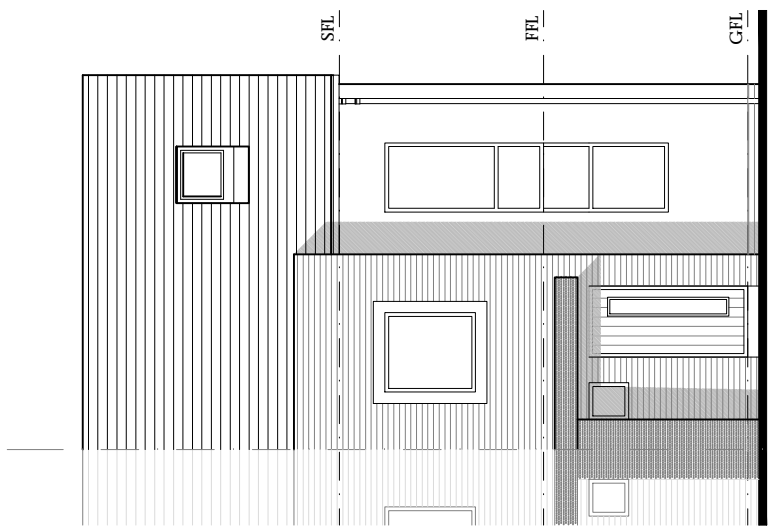




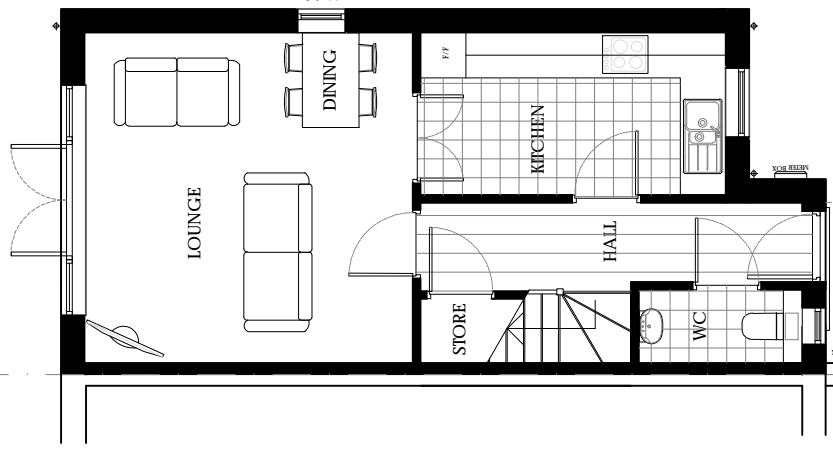




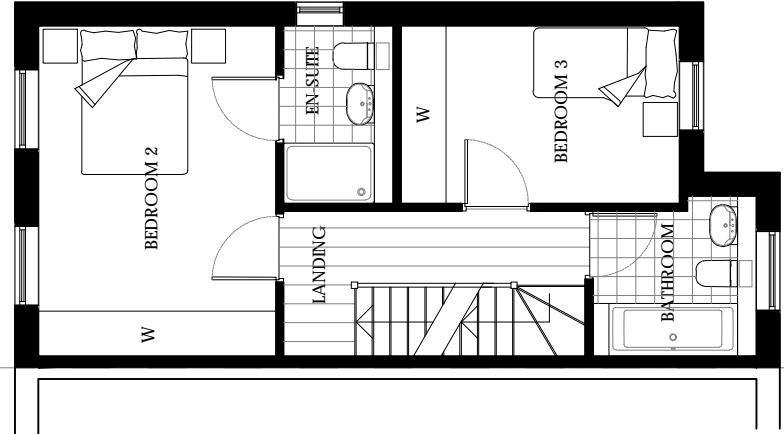
HOUSE TYPE A



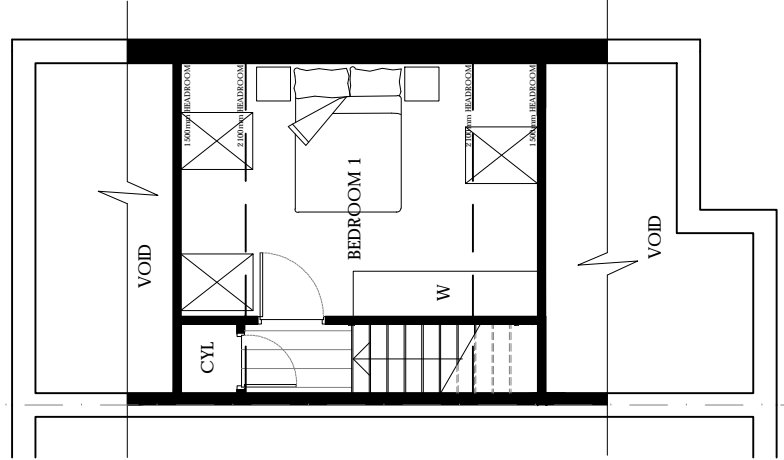
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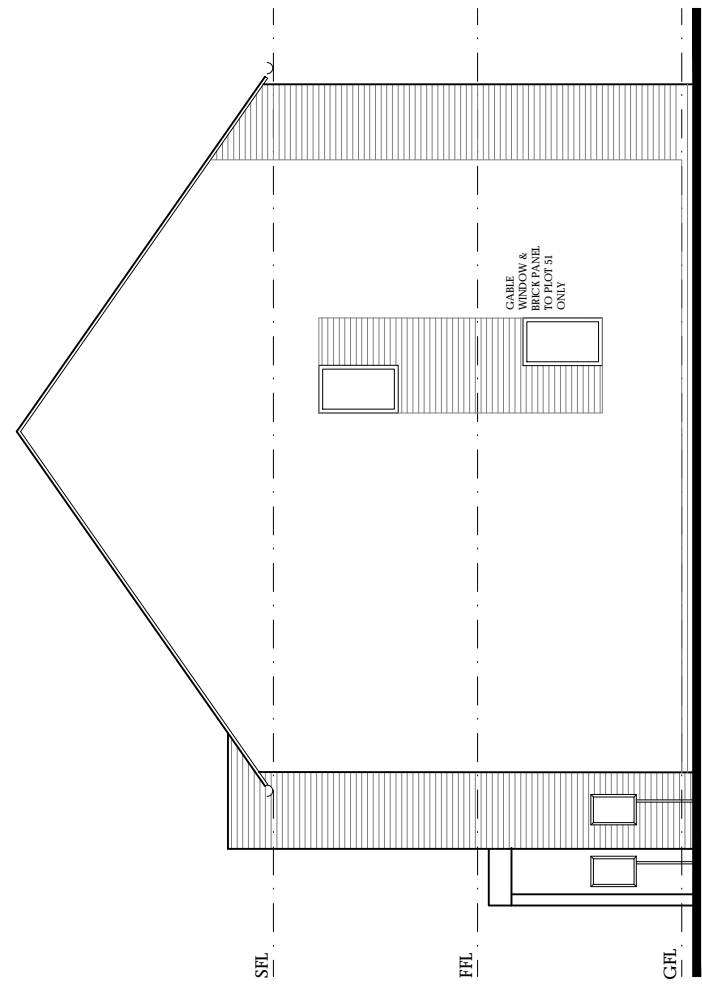
GROUND FLOOR PLAN



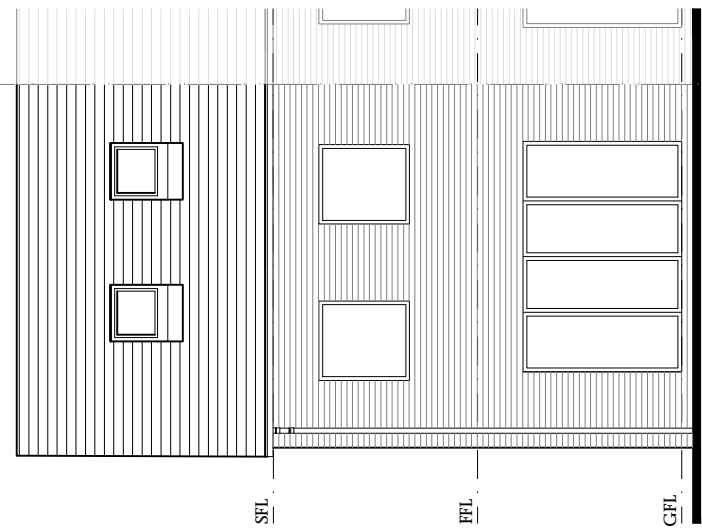
FIRST FLOOR PLAN



SECOND FLOOR PLAN

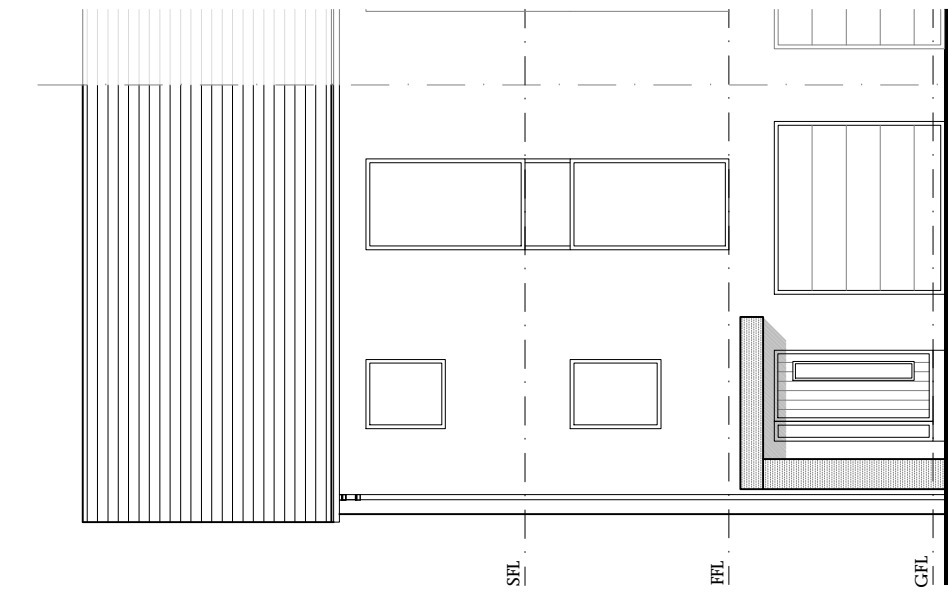


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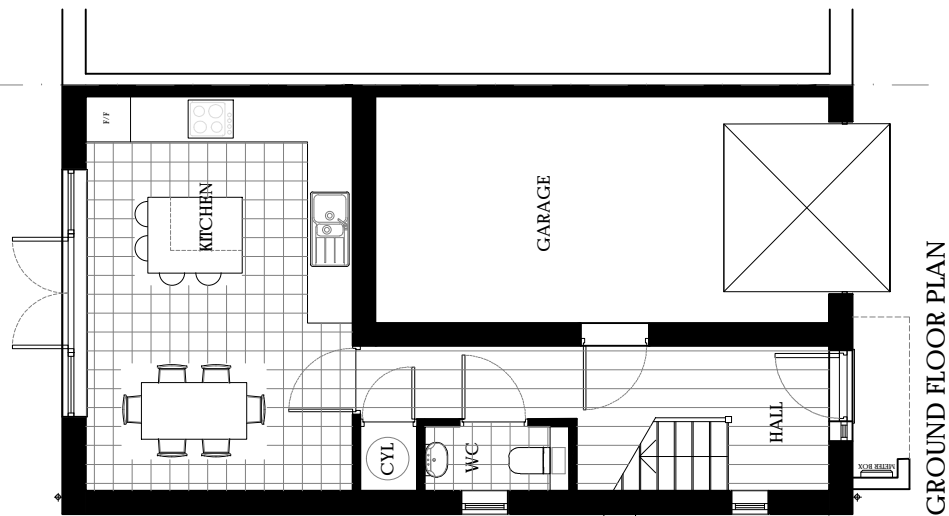


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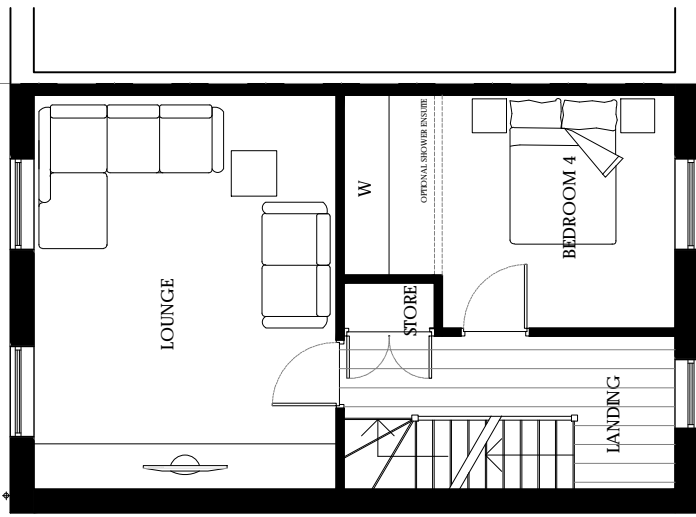
HOUSE TYPE C



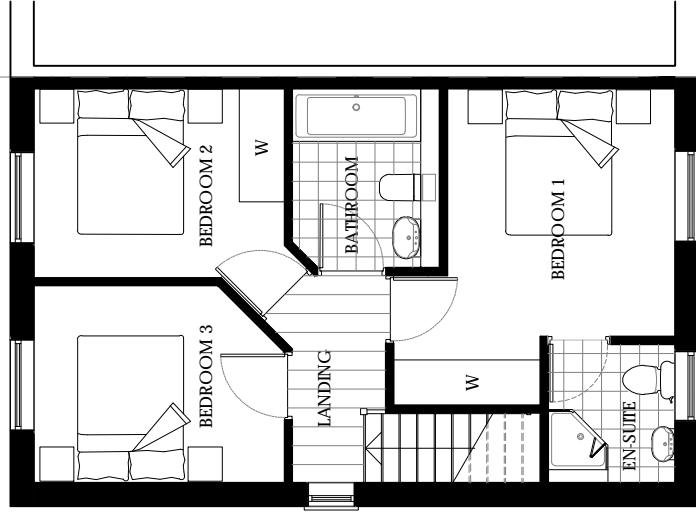
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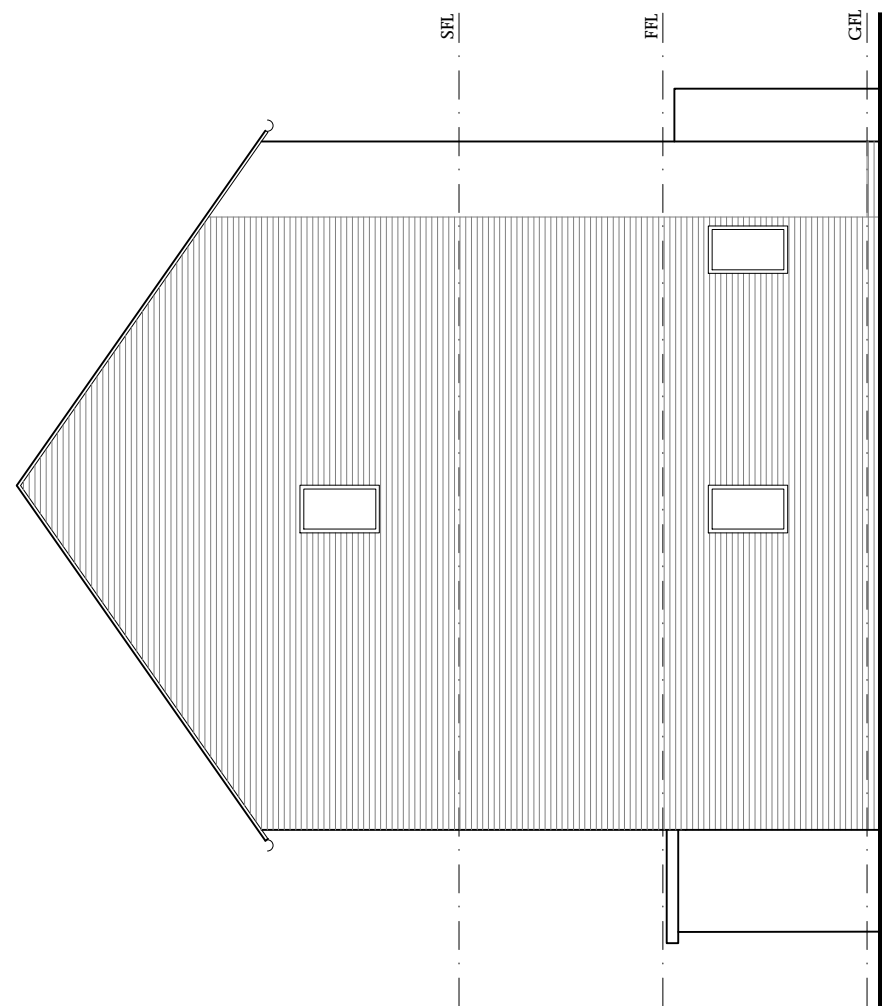
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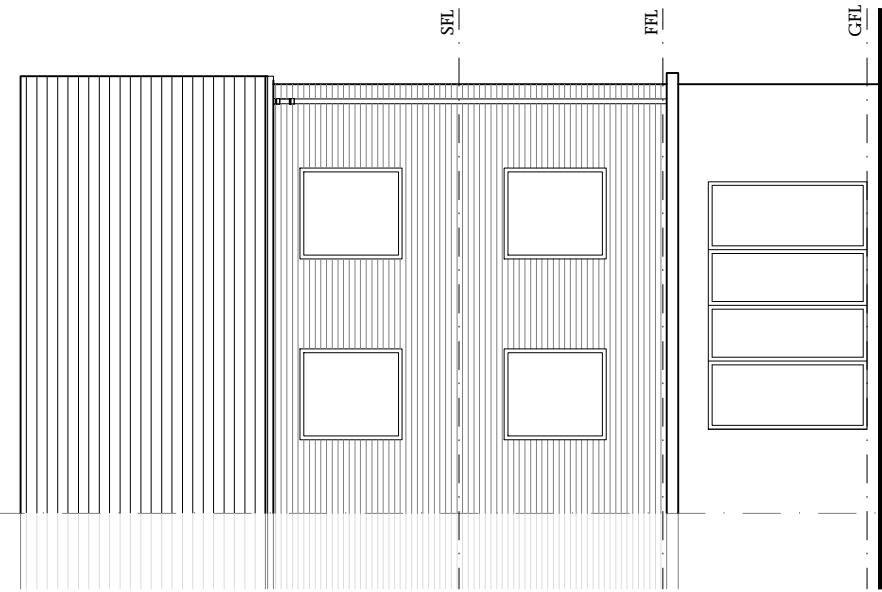
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SECOND FLOOR PLAN

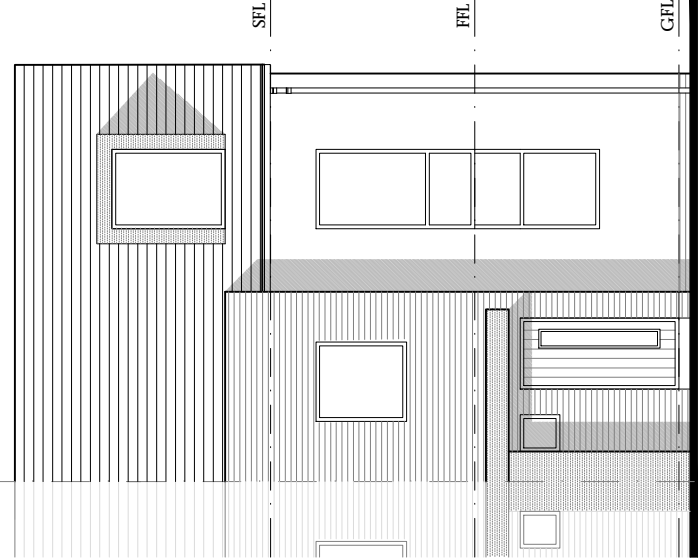


SIDE ELEVATION/S

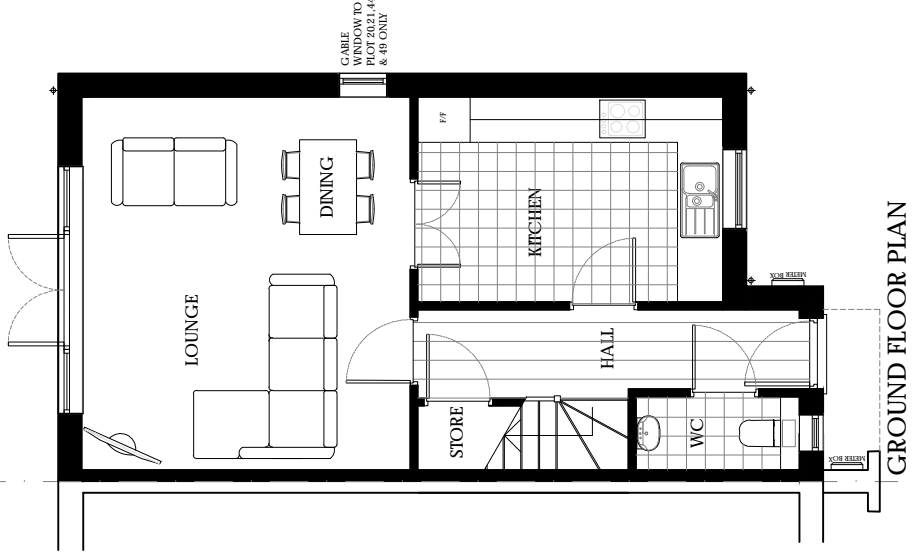


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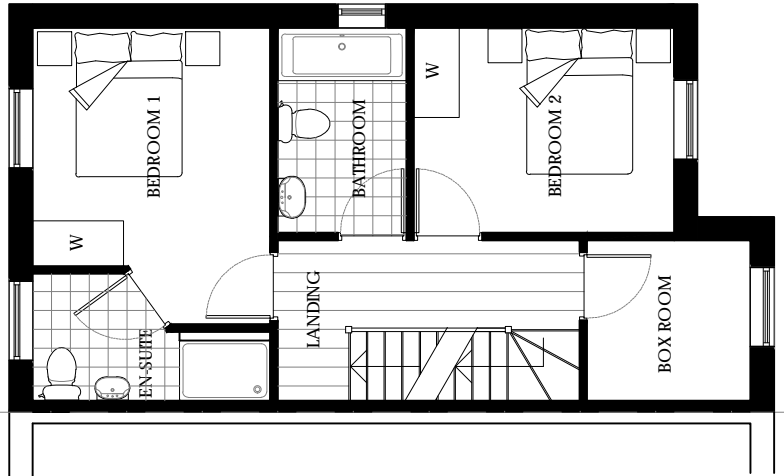
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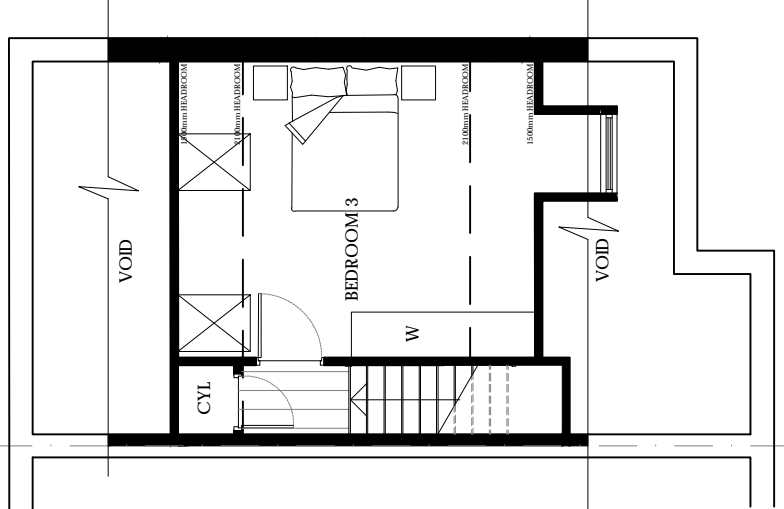
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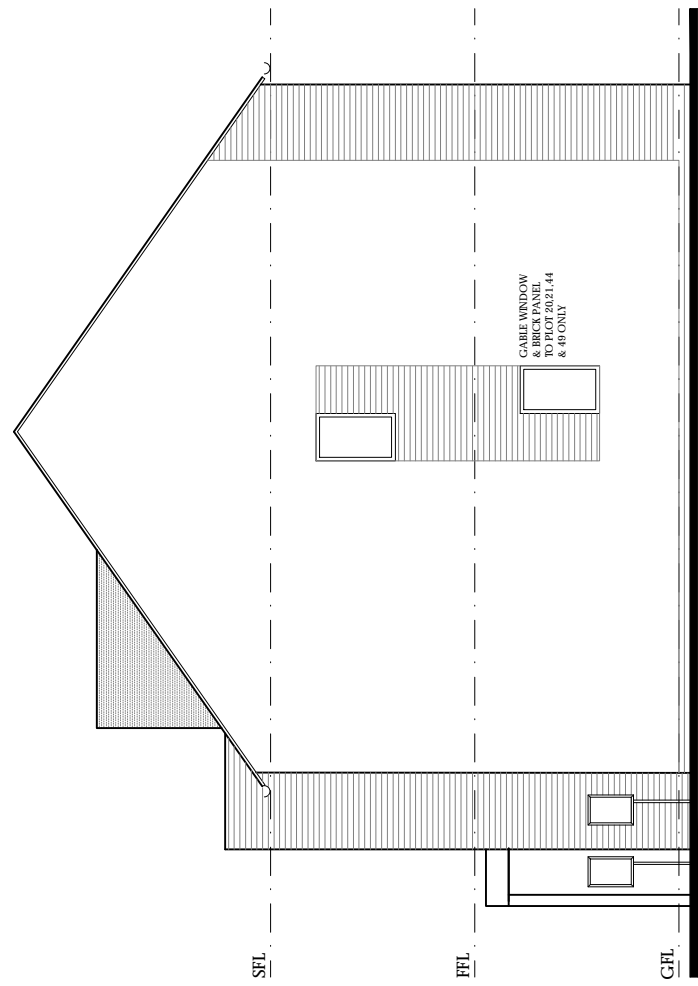
GROUND FLOOR PLAN



FIRST FLOOR PLAN



SECOND FLOOR PLAN



SIDE ELEVATION



REAR ELEVATION

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE EITHER / OR ANY COMBINATION OF THE FOLLOWING :  
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CDM 2015

AREA

CONSTRUCTION

USE

MAINTENANCE

DECOMMISSION

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ADDITIONAL NOTES

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A	HOUSE TYPE A GAME AMENDED	RF	27.02.18
B	SQUARE WINDOWS AMENDED TO RECTANGULAR & METER PORTIONS	RH	27.10.17
	NEW WALL IN LINE WITH PLANNERS COMMENTS		
A	CABLE END FEATURE ADDED TO PLOTS ADJACENT TO HIGHWAYS AS PER PLANNERS COMMENTS	RH	12.10.17

REV	DESCRIPTION	BY	CHKD	DATE
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LOROC

CLIENT	LUND GROUP LTD
PROJECT	CAXTON ROAD, CARLISLE
TITLE	HOUSE TYPES A-D OPTION 2

SCALE	1:100	@ 1/	DATE	JUN 2017
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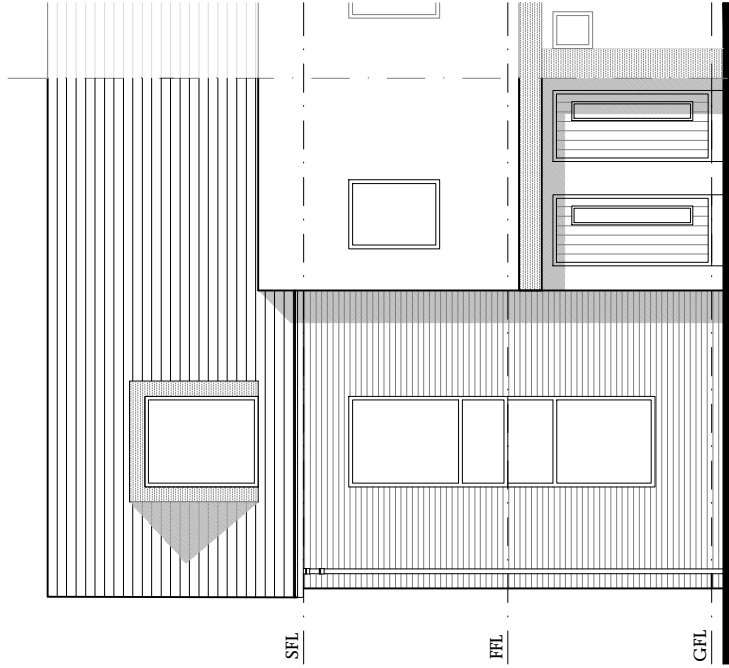
DRAWING NO.	1501-121	REVISION	C
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DRAWN BY	RH	CHECKED BY	JC
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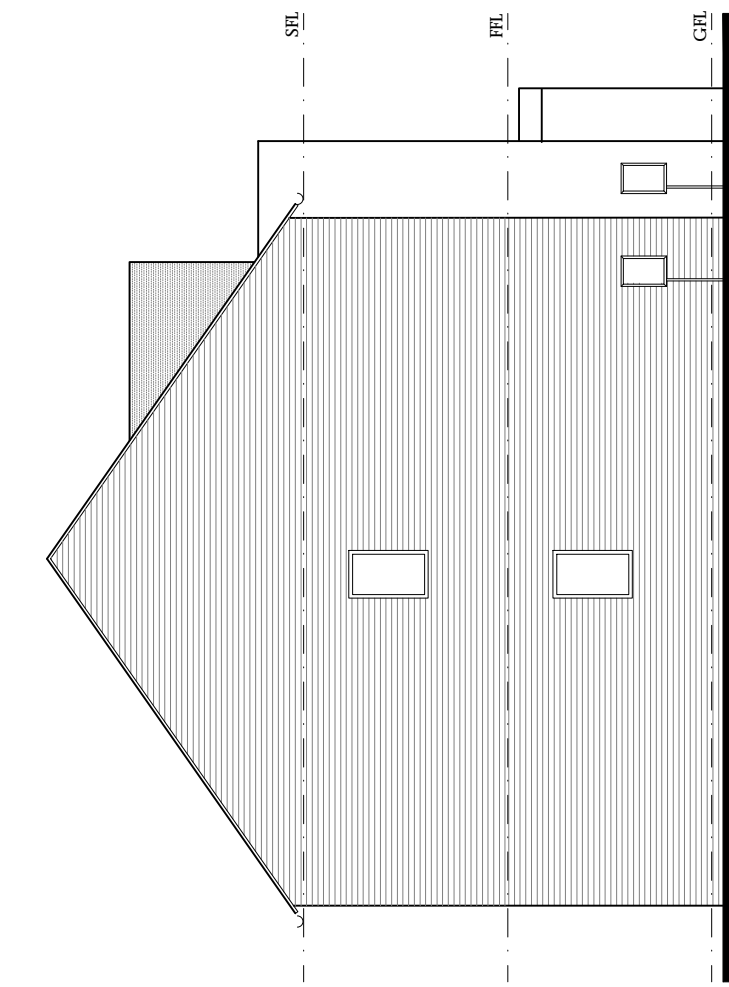
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LEEDS, LS1 3PW  
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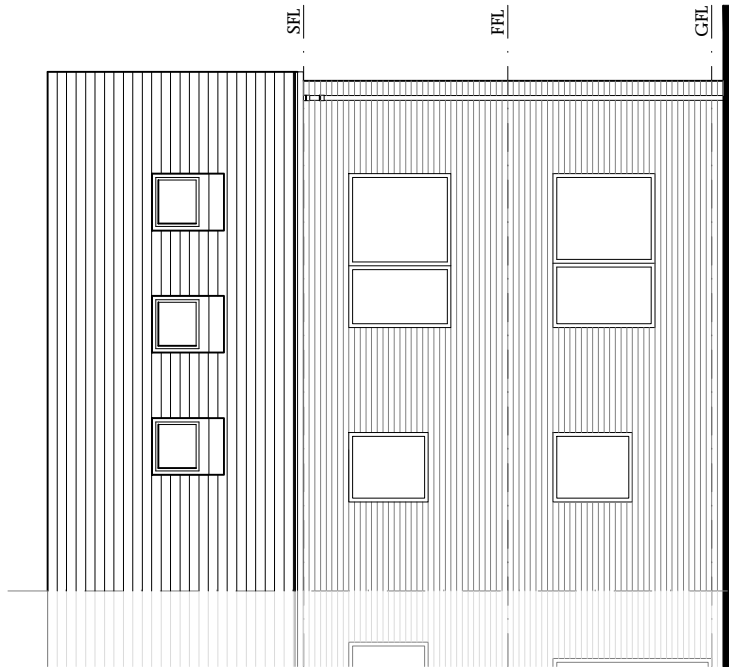
HOUSE TYPE E & F



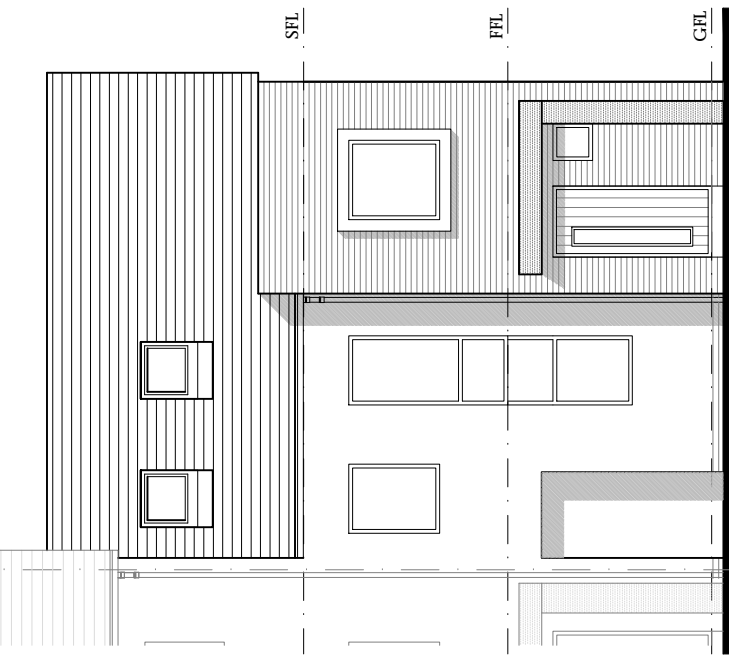
FRONT ELEVATION



SIDE ELEVATION



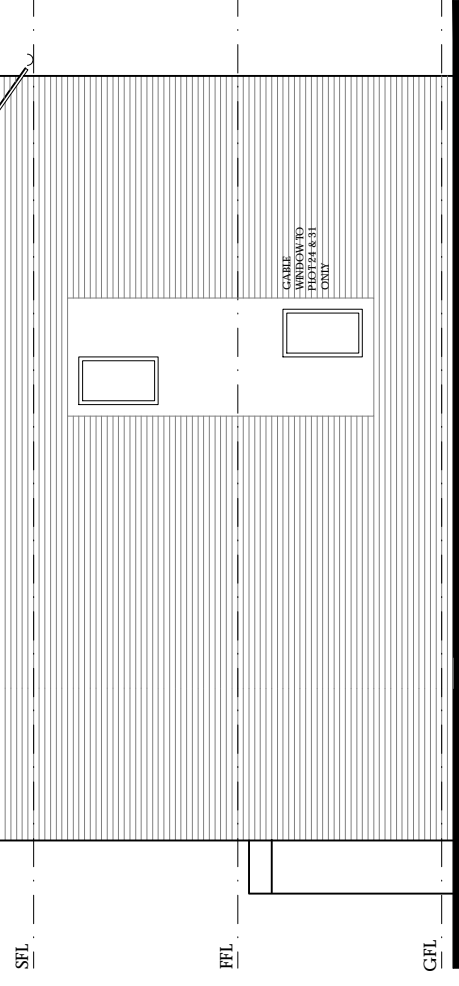
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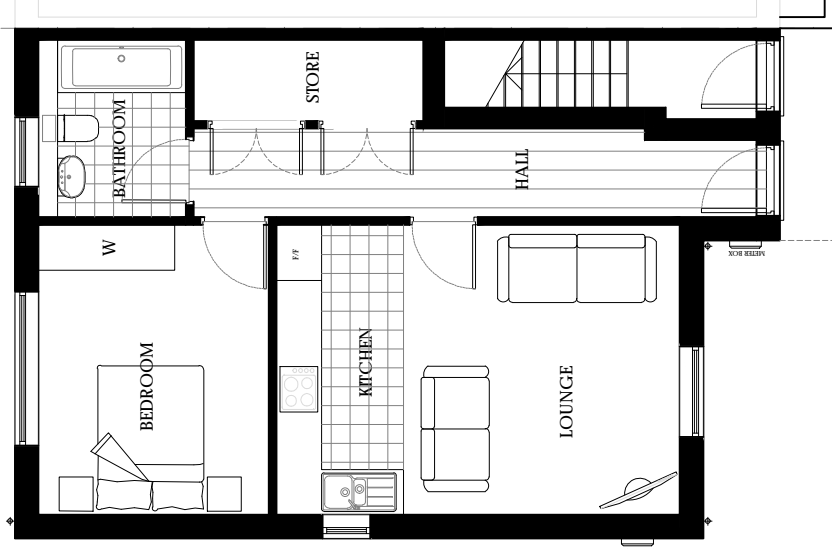
HOUSE TYPE A1



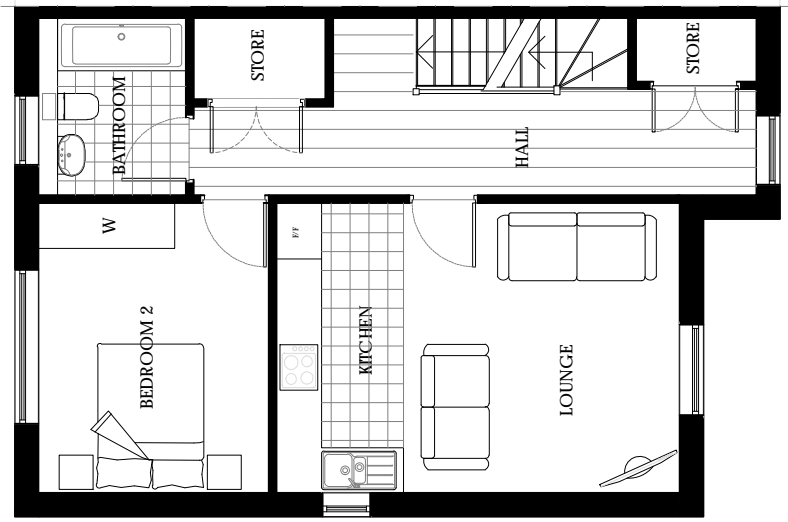
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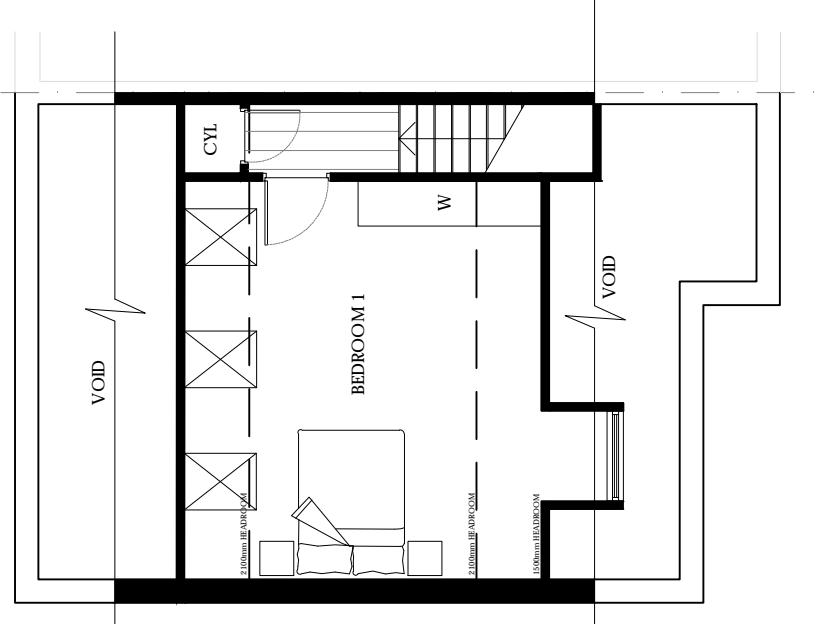
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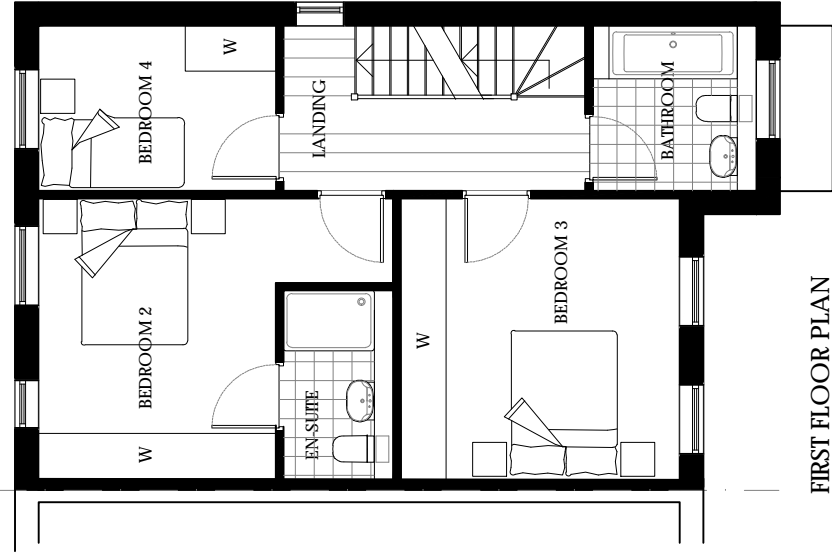
GROUND FLOOR PLAN  
FLAT E



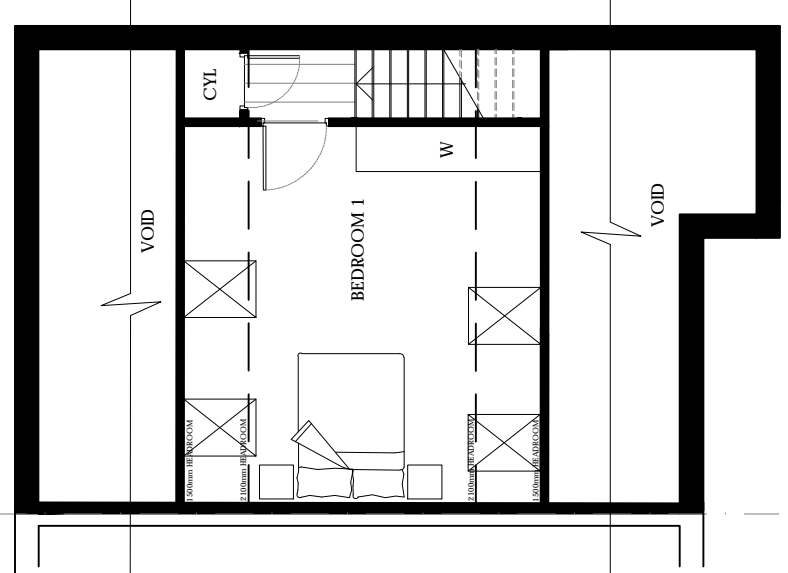
FIRST FLOOR PLAN  
FLAT F



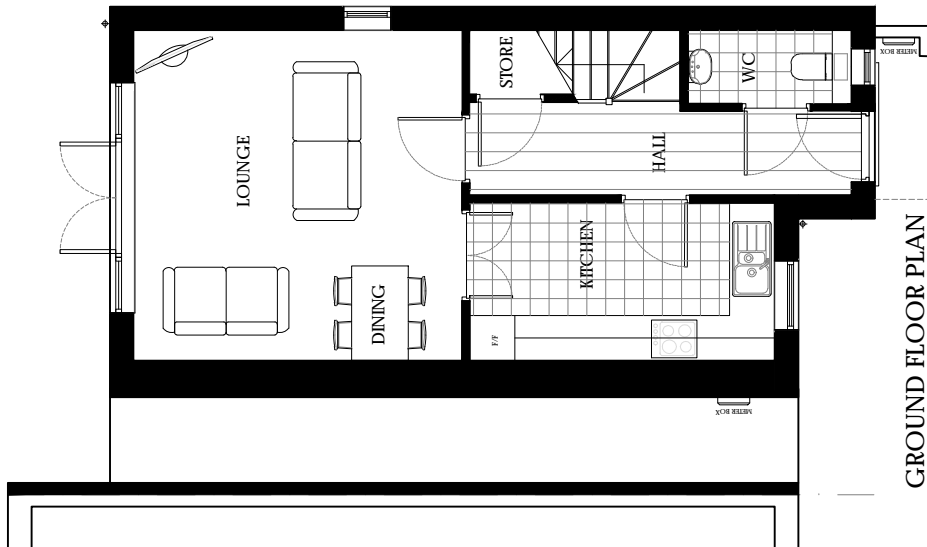
SECOND FLOOR PLAN  
FLAT F



FIRST FLOOR PLAN



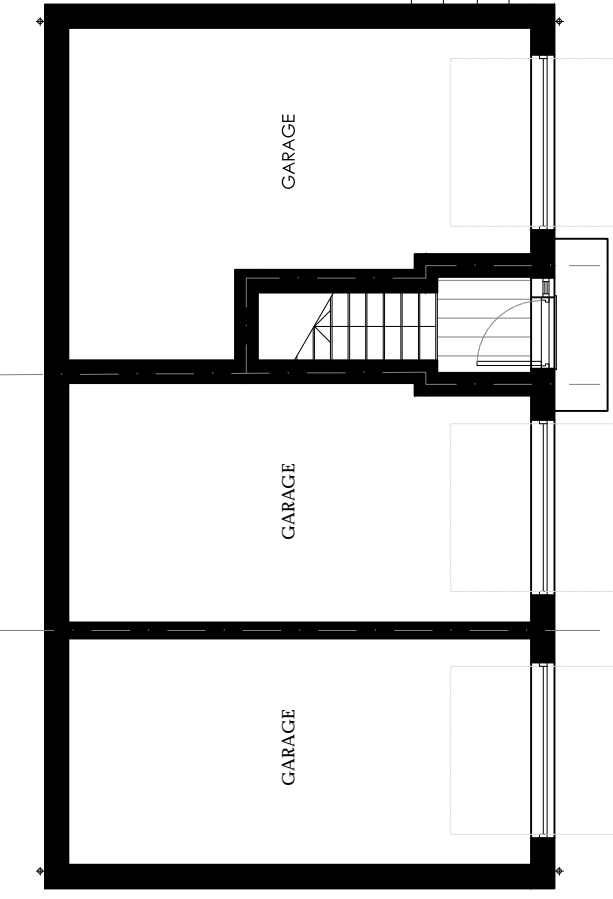
SECOND FLOOR PLAN



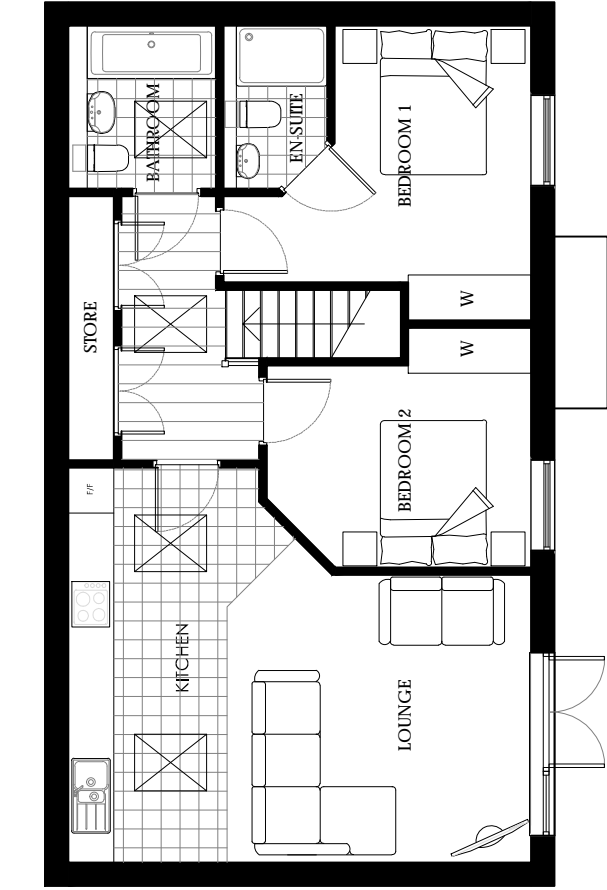
GROUND FLOOR PLAN

EXTERNAL MATERIALS  
ROOF: RECONSTITUTED SLATE GENERALLY, SINGLE  
PLY MEMBRANE TO DORMERS, COLOUR GREY.  
WALL: RED / GREY MULTI BRICK & WHITE RENDER  
PORCH/ CANOPY: GREY CLADDING  
WINDOWS: GREY UPVC WINDOWS. ALL GLASS  
DOUBLE GLAZED AS STANDARD.  
FRONT DOOR: COMPOSITE WOOD EFFECT;  
COLOUR BIC  
RW GOODS: BLACK UPVC  
SOUTER / JASONS' BARGE BOARDS: TIMBER  
PAINTED BLACK.

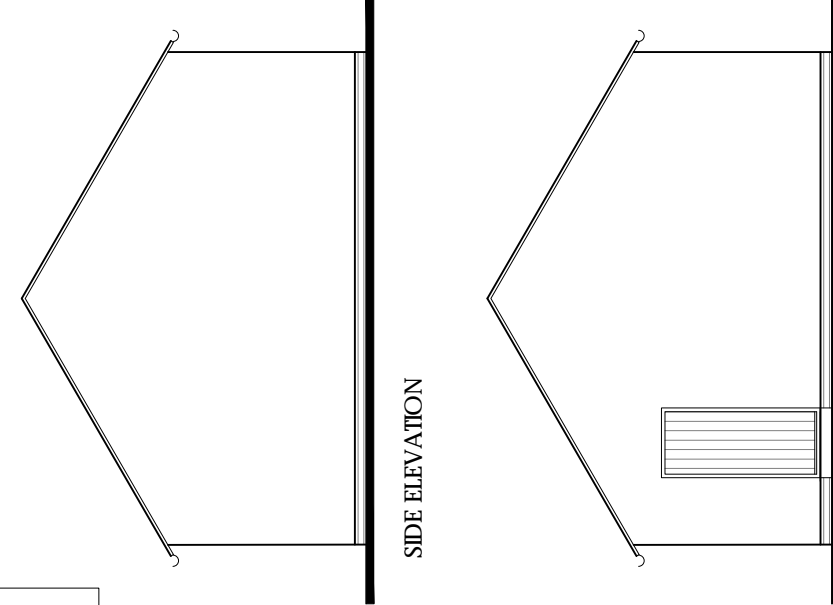
HOUSE TYPE G



GROUND FLOOR PLAN



FIRST FLOOR PLAN



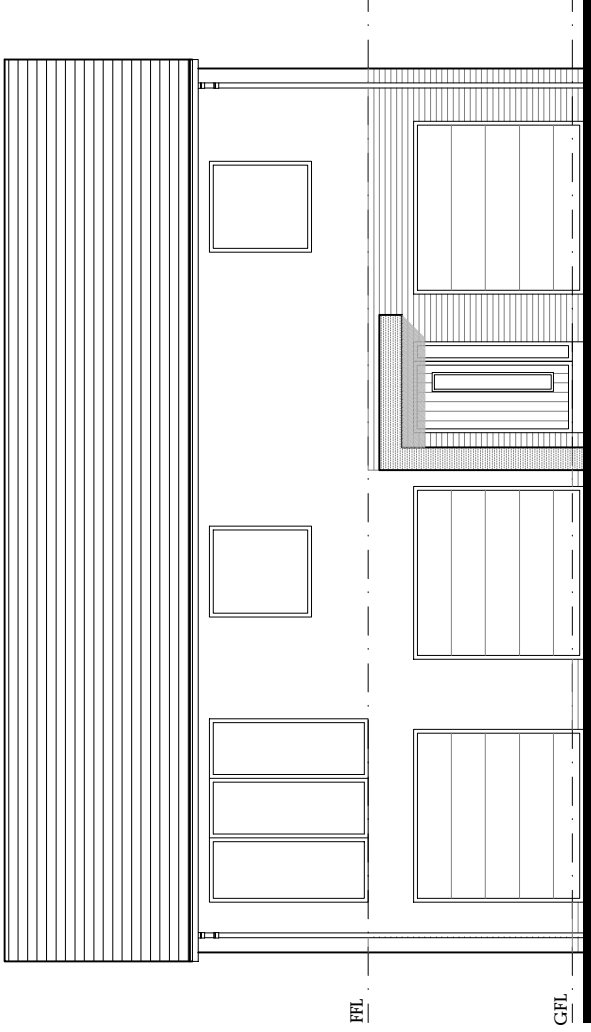
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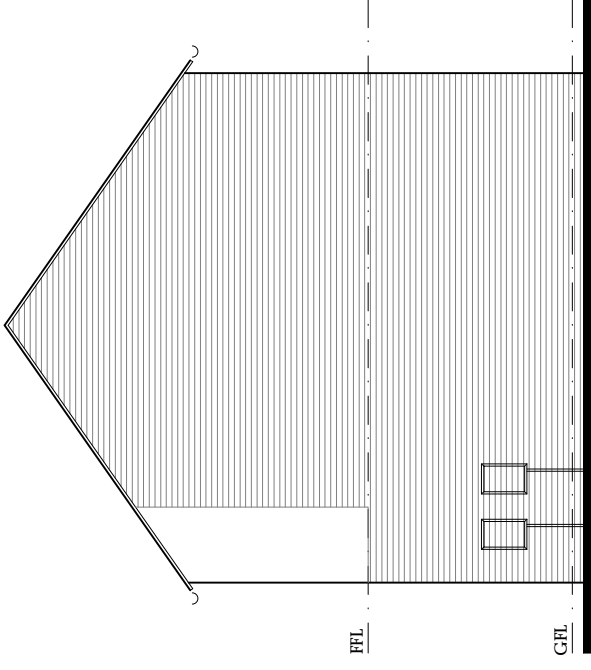
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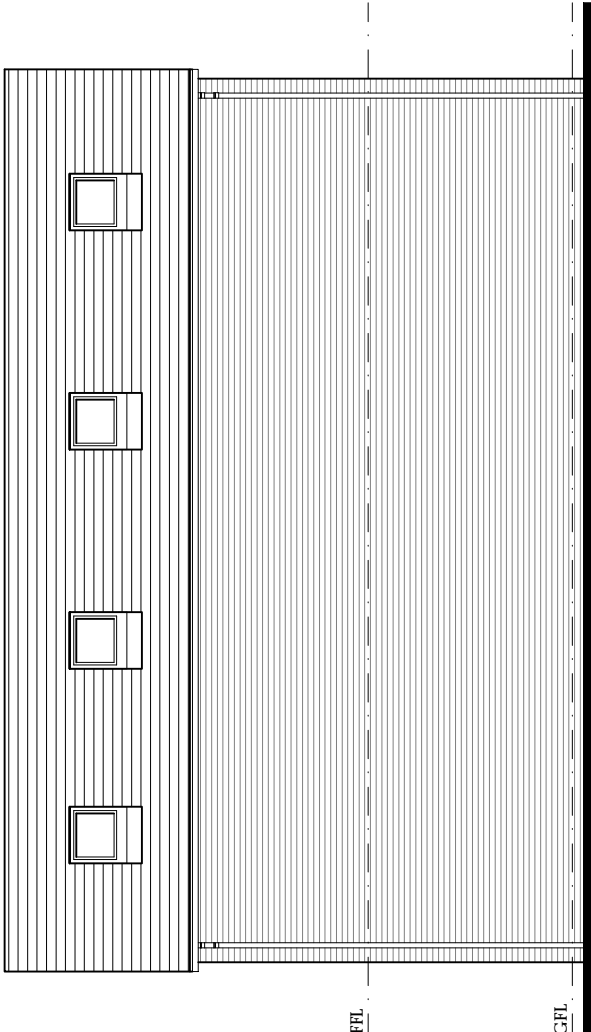
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FRONT ELEVATION

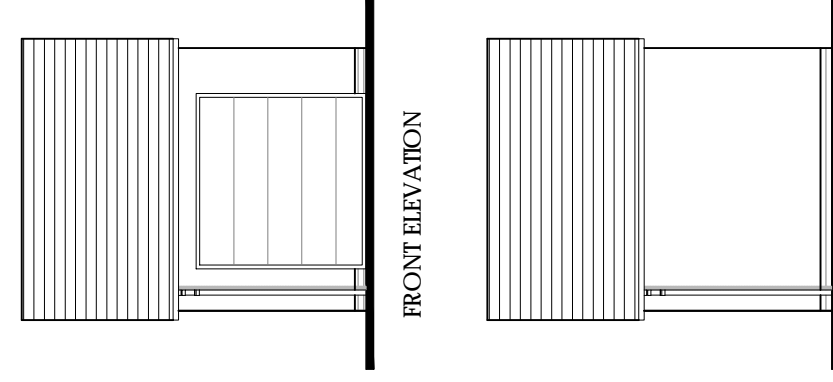


SIDE ELEVATION



REAR ELEVATION

SINGLE GARAGE



FRONT ELEVATION



REAR ELEVATION



FRONT ELEVATION

DOUBLE GARAGE



FRONT ELEVATION



REAR ELEVATION

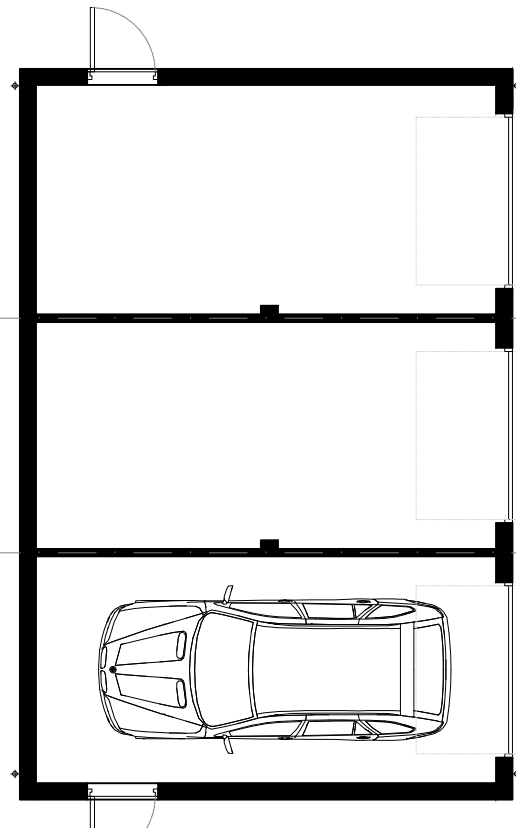
TRIPLE GARAGE



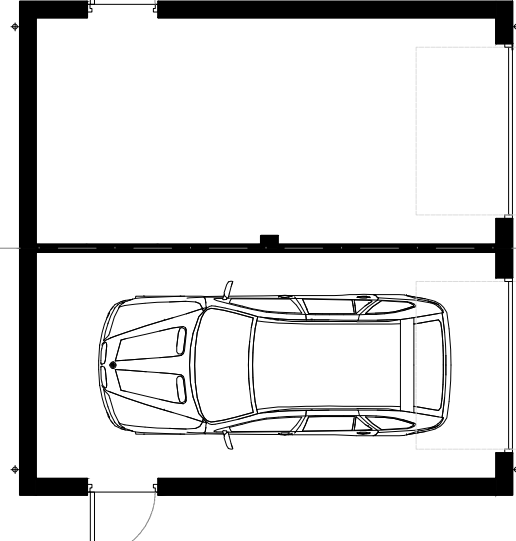
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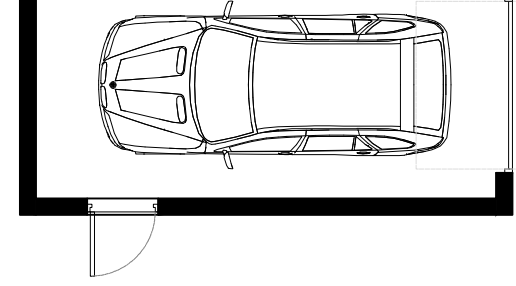
REAR ELEVATION



FLOOR PLAN



FLOOR PLAN



FLOOR PLAN

ADDITIONAL COMMENTS DENOTED ON DWG AREA AS (CDM)

PERCEIVED SIGNIFICANT RESIDUAL RISKS THAT ARE  
EITHER / OR ANY COMBINATION OF THE FOLLOWING :  
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CDM 2015

AREA

CONSTRUCTION

USE

MAINTENANCE

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ADDITIONAL NOTES

ALL WORK TO BE CARRIED OUT IN ACCORDANCE WITH THE  
RELEVANT BUILDING REGULATIONS AND THE REQUIREMENTS OF THE  
LOCAL AUTHORITY.

REV	DESCRIPTION	DRAWING	DATE
B	SQUARE WINDOWS AMENDED TO RECTANGULAR. METER POSITIONS NOTED. APARTMENT LAYOUT REVISED TO SHOW 100% OF THE BUILDING. ALL COLORS UPDATED. ALL IN LINE WITH PLANNERS COMMENTS.	RH	27.10.17
A	CABLE END FEATURE ADDED TO PLOTS ADJACENT TO HIGHWAYS AS PER PLANNERS COMMENTS	RH	12.10.17

LOROC

CLIENT  
LUND GROUP LTD

PROJECT  
CAXTON ROAD, CARLISLE

TITLE  
HOUSE TYPES E-G & GARAGES

SCALE  
1:100 @ A1 DATE JUN 2017

DRAWING NO.  
1501-122 REVISION B

DRAWN BY  
RH CHECKED BY JC

PURPOSE OF ISSUE  
● PLANNING ○ BUILDING REGS ○ TENDER  
○ APPROVAL ○ COMMENT ○ CONSTRUCTION

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25A PARK SQUARE WEST  
LEEDS, LS1 2PW  
T: 0113 233 7755 F: 0113 233 4866 W: www.loroc.co.uk



---

## **Application for Outline Planning Permission Notice of Approval**

---

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure)

(England) Order 2010

---

**Applicant:**

Prospect Estates Limited  
Prospect Court  
2 Courthouse Street  
Leeds  
West Yorkshire  
LS21 1AQ

**Agent: (if any)**

Brewster Bye Architects  
5 North Hill Road  
Headingley  
Leeds  
West Yorkshire  
LS6 2EN

---

### **Part 1 - Particulars of Application**

Date of Application: 15/10/2015

Application Number: 15/0878

---

Particulars and Location of Proposal:

**Proposal:**

**Demolition Of Existing Industrial Buildings; Erection Of 63No. Dwellings  
(Outline)**

**Location:**

**Land to north of Caxton Road, Carlisle, CA2 7NS**

---

### **Part 2 - Particulars of Decision**

In pursuance of the powers under the above Act and Order the Carlisle City Council hereby gives notice that **Outline Planning Permission Has Been Granted** for the carrying out of the development referred to in Part 1 hereof and as described and shown on the application and plan(s) submitted, subject to due compliance with the following condition(s):

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, 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 Consent comprise:

1. the submitted planning application form received 23rd September 2015; and
2. the Site Location Plan (drawing no. 483/01(01)001) received 23rd September 2015.

**Reason:** To define the permission.

4. Prior to the commencement of the development hereby permitted there shall be submitted to, and approved in writing by the Local Planning Authority, a plan and/or programme showing the proposed phasing of the development. That phasing plan shall include the phasing of the overall development hereby permitted in terms of:

1. the provision of visitor parking spaces;
2. the provision of the pedestrian/cyclist and emergency access onto Caxton Road (inclusive of proposed bollard);
3. the provision of the means of enclosure along the frontage with Caxton Road;
4. the provision of any on site open space; and
5. the provision of suitable accessing arrangements for recyclable/waste collection vehicles.

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

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

5. No development shall take place until a scheme restricting the rate of surface water discharge from the site to a maximum of 5 litres per second per hectare has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be designed to attenuate flows generated by the

critical 1 in 100 year storm event, with an appropriate allowance for climate change. The scheme shall include a detailed maintenance and management regime for the storage facility including the flow restriction. The scheme shall be phased, so as to include details of when, during the development of the site, the attenuation and flow restriction will be installed. The development shall be carried out in accordance with that phased scheme and the scheme retained and maintenance and management plan implemented throughout the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

6. No development shall be carried out until a scheme for separate foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include details of any related off-site works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision and existing drainage to be maintained/diverted/abandoned as required. The scheme shall be phased, so as to include details of when, during the development of the site, the drainage works will be installed. Development shall be carried out in accordance with the approved scheme and phasing schedule, and no dwellings within each phase shall be occupied prior to the completion of the scheme.

**Reason:** To secure promote sustainable drainage and to manage the risk of flooding and pollution.

7. No development shall be carried out until a scheme detailing temporary surface water drainage for the construction phase has been submitted to and approved in writing by the local planning authority. The submitted scheme shall include:
- phasing of the development and phasing of the temporary drainage provision as required; and
  - methods for preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land will be prevented.

The temporary works shall be implemented in accordance with the approved scheme and phasing. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the local planning authority.

**Reason:** To avoid pollution and minimise the risk of flooding.

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

This written scheme will include the following components:

- i) An archaeological evaluation;
- ii) An archaeological recording programme the scope of which



- will be dependant upon the results of the evaluation;
- iii) Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposition at a store approved by the Local Planning Authority, completion of an archive report, and submission of the results for publication in a suitable journal.

**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 preservation, examination and recording of such remains and in accord with Policy E30 of the Carlisle District Local Plan 2001-2016.

9. No development shall commence until an investigation and risk assessment, in addition to the assessment provided with the planning application, has been completed (in accordance with a scheme to assess the nature and extent of any contamination on the site, and whether or not it originates on the site) and submitted to and approved in writing by the local planning authority. The aforementioned assessment must include:

- a) a survey of the extent, scale and nature of contamination;
- b) an assessment of the potential risks to:
  - i) human health,
  - ii) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - iii) adjoining land,
  - iv) groundwaters and surface waters,
  - v) ecological systems,
  - vi) archaeological sites and ancient monuments;
- c) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'

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

10. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared, submitted to and approved in writing beforehand by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, 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 land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, submitted to and approved in writing beforehand by the local planning authority.

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

12. In the event that contamination not previously identified prior to the grant of planning permission is encountered during the development, all works on site (save for investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority works on site shall not recommence until either a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or b) the local planning authority has confirmed in writing that remediation measures are not required. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the Remediation Strategy a Validation Report shall be submitted to and approved in writing by the local planning authority. Unless otherwise approved in writing no part of the site shall be brought into use until such time as the whole site has been remediated in accordance with the Remediation Strategy and Validation Report in respect of those works, as approved in writing by the local planning authority.

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

13. No development shall take place until a lighting scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to minimise light spillage across the site and include details of any permanent lighting to roads and footpaths/pavements together with any temporary lighting required during the construction phase. Development shall be carried out in accordance with the approved details and public areas shall only be lit as per the approved scheme.

**Reason:** To safeguard the living conditions of neighbouring residents and ecology.

14. Prior to the occupation of any of the residential units hereby approved bat bricks shall be installed in the new buildings and an owl nesting box erected on a tree/pole in the northwest corner of the site in accordance with details submitted to and approved in writing beforehand by the local planning authority.

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

15. No development shall take place until details of a scheme to eradicate Japanese Knotweed and other invasive plant species on the site has been submitted to and approved in writing by the local planning authority. All works which form part of the approved scheme shall be completed prior to occupation of any residential unit hereby approved.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extensions, outbuildings or boundary treatments, other than those expressly authorised by this permission, shall be erected within the curtilage of any of the residential units hereby permitted adjacent to the northern boundary of the site.

**Reason:** To safeguard the existing trees.

17. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from construction works;
- and
- the timing and routing of site clearance and construction traffic.

**Reason:** To safeguard the living conditions of neighbours and the environment during the construction phase.

18. 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.

19. No development hereby permitted shall commence until an updated environmental noise report based upon World Health Organisation and BS 8233:2014 guidelines has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out fully in accordance with the recommendations of the aforementioned approved environmental noise report.

**Reason:** To protect the living conditions of the future occupiers of the proposed residential units.

20. Before the occupancy of any residential unit hereby permitted abutting either Caxton Road or the adjoining commercial property to the immediate west, noise level measurements must be undertaken to verify that the internal and external noise levels do not exceed World Health Organisation and BS 8233:2014 guidelines during the daytime and night time; and the measured noise levels reported to and approved in writing by the Local Planning Authority.

The internal noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. The daytime internal noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must be orientated towards Caxton Road and adjoining commercial property to the west.

Before the measurements are undertaken a schedule of the properties and rooms to be used must be submitted in writing to the Local Planning Authority and the work must not be undertaken before the schedule is agreed in writing.

**Reason:** To protect the living conditions of the future occupiers of the proposed residential units.

21. For the duration of the development works existing trees and hedges to be retained shall be protected by a suitable barrier erected and maintained at a distance from the trunk or hedge specified by the local planning authority. The 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.

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

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

23. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out either contemporaneously with the completion of individual plots or in the first planting and seeding season following the occupation of the respective residential unit. 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, unless the Local Planning Authority gives written consent to any variation.

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

24. No development shall take place until details of the proposed boundary treatments and any retaining walls have been submitted to and approved in writing by the local planning authority. No residential unit shall be occupied until the boundary treatment(s) and any retaining walls relating to that plot(s) have been completed in accordance with the approved details.

**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.

25. No development shall take place until details of the proposed estate road via Turnstone Drive and the proposed means of emergency access (inclusive of the foot/cycleway connection and bollard) via Caxton Road have been submitted to and approved in writing by the local planning authority. The details shall include full sections with suitable gradients and curves, traffic calming, drainage works, street lighting, lining, surface finishes, together with an independent Road Safety Audit, covering all aspects of the works. No residential unit hereby permitted shall be occupied until the respective estate/access road (including associated footways, turning heads, and surface water drainage) has been constructed and completed in accordance with the approved details and street lighting provided and brought into full operational use.

**Reason:** In the interests of highway safety.

26. Prior to the occupation of any residential unit hereby permitted the associated vehicle parking areas shall have been surfaced and drained in accordance with details submitted to and approved in writing beforehand by the local planning authority. The approved vehicle parking areas shall be retained for their intended purpose at all times thereafter.

**Reason:** In the interests of highway safety.

27. There shall be no means of access, pedestrian or vehicular, between the site and existing highways except by way of the approved estate road, footways and footpaths.

**Reason:** In the interests of highway safety.

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

**Reason:** To ensure that the materials used are acceptable.

29. Details shall be submitted of the proposed hard surface finishes to all public and private 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.

30. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the residential units hereby permitted shall be submitted to and approved in writing by the local planning authority before any site works commence.

**Reason:** In order that the approved development overcomes any problems associated with the topography of the area and safeguards the living conditions of neighbouring residents.

31. Adequate underground ducts shall be installed in accordance with details approved beforehand by the Local Planning Authority to enable telephone/broadband services, electricity services and television services to be connected to any premises within the application site, without recourse to the erection of distribution poles and overhead lines.

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

Date: 11/08/2016

Signed:

Jane E Meek  
Director of Economic Development

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### **Advisory Statement(s)**

- i) Any approval by the local planning authority of further details required by conditions specified in this notice must be obtained in writing and such notice of approval should thereafter be appended to this notification of decision.
- ii) It is recommended that this notice (and any subsequent written approval of details required to satisfy conditions) be annexed to the property deeds to which

the application relates.

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### **Important Note**

This notice neither conveys nor implies any other approvals, entitlements or statutory rights which may require to be obtained from any other public or private utility or agency prior to work being carried out. In particular, if the proposal involves building work you should ensure that you obtain any approval which may be necessary under the Building Regulations before commencement of development.

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### **Notice to Applicant of Rights of Appeal**

- Where an application for planning permission has been refused, or has been granted subject to a condition or conditions with which you are dissatisfied, you are entitled to appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.
- Appeals must, however be made within six months of the date of this notice. Appeal forms can be submitted electronically at-

[www.gov.uk/appeal-planning-decision](http://www.gov.uk/appeal-planning-decision)

Alternatively they can be obtained from the following address: -

The Planning Inspectorate  
Customer Support Unit  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

Telephone: 0303 444 50 00

- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

### **Further Information**

- The government web site ([www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)) contains a range of planning-related guidance and services, which are useful at both the

application and appeal stage.

### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

### **Compensation**

- In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in sections 114 and related provisions of the Town and Country Planning Act 1990.

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