

SCHEDULE A: Applications with Recommendation

17/0436

Item No: 13

Date of Committee: 05/01/2018

Appn Ref No:
17/0436

Applicant:
c/o North Associates

Parish:
Wetheral

Agent:
Taylor and Hardy

Ward:
Wetheral

Location: Land adjacent How Croft, Cumwhinton, Carlisle, CA4 8DH

Proposal: Residential Development (Outline Application)

Date of Receipt:
30/05/2017

Statutory Expiry Date
29/08/2017

26 Week Determination
21/02/2018

REPORT

Case Officer: Barbara Percival

1. Recommendation

- 1.1 It is recommended that this application is approved subject to legal agreement. If the legal agreement is not completed within a reasonable time, then Authority to Issue is requested to Corporate Director of Economic Development to refuse the application. The Section 106 Agreement to consist of the following obligations:
- a) 30% on-site affordable housing contribution provided as 50% social/affordable rent (usually through a Housing Association) and 50% intermediate low cost home ownership (usually at a 30% discount through the Council's Low Cost Home Ownership scheme).
 - b) a financial contribution of £13,393 for the maintenance of existing open space/play space within Cumwhinton.

2. Main Issues

- 2.1 Principle of development
- 2.2 Impact of proposal on the character of the area
- 2.3 Whether the scale and design of dwellings would be acceptable
- 2.4 Impact of the proposal on the living conditions of the occupiers of neighbouring properties
- 2.5 Proposed method for the disposal of foul and surface water drainage
- 2.6 Impact of the proposal on highway safety

- 2.7 Provision of affordable housing
- 2.8 Impact of proposal on existing trees and hedges
- 2.9 Impact of the proposal on biodiversity
- 2.10 Other matters

3. Application Details

The Site

- 3.1 The application site is located on the southern periphery of Cumwhinton. The site has housing along its western, northern and eastern boundaries with a hedgerow and some hedgerow trees along its southern boundary beyond which is open countryside. The application site is delineated by hedgerows and trees along its southern and eastern boundaries with a combination of fences, hedgerows, trees and walls along its northern and western boundaries. The application site, currently used for the grazing of horses, equates to 0.75 metres and slopes from north to south.

Background

- 3.2 The application site is identified under Policy HO1 in the local plan as Allocated Site R9 'Land west of How Croft, Cumwhinton'.

The Proposal

- 3.3 The application seeks outline planning permission with some matters reserved for residential development. Accordingly, the application seeks to establish the principle of development together with the access arrangements only. Appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application and would have to be considered at the reserved matters application stage, should Members approved the application.
- 3.4 The proposed indicative site plan (drawing no. 17/01/900-01) illustrates 15 dwellings arranged around an estate road. The submitted Design and Access Statement outlining that "it is envisaged that the dwellings would be a mix of single storey, one and a half storey and two storey in height designed to work with the topography of the site".

4. Summary of Representations

- 4.1 This application has been advertised by the direct notification of sixteen neighbouring properties and the posting of a Site Notice. In response, eight representations of objection has been received.
- 4.2 The representations identify the following issues:
 - 1. potential loss of light due to the topography of the land and proposed boundary treatments;

2. potential loss of privacy due to orientation and type of proposed dwellings;
 3. proximity of proposed dwellings to existing dwellings;
 4. detrimental impact of highway safety;
 5. increase in traffic noise due to additional traffic resulting from any development of the site;
 6. questions need for more development within village;
 7. impact on biodiversity;
 8. questions accuracy of application form;
 9. potential to exacerbate existing surface water problems;
 10. questions location of watercourse;
 11. potential subsidence from the mines at Cocklakes.
- 4.3 A revised application form has subsequently been received to address an error within the application form. Revised drawings have also been received in response to objections raised by the Highway Authority. The application was, therefore, the subject of further consultations with the relevant statutory consultees and third parties.
- 4.4 In response to the revised documents one representations of objection from a third party has been received. The representation identities the following issues:
1. disappointed that application has only been amended to correct errors rather than re-submitted.
 2. in 1998, this site was deemed unacceptable due to access arrangements;
 3. questions the ability to gain adequate visibility splays;
 4. questions the accuracy of the drawings;
 5. impact on highway safety;
 6. surface water drainage should be addressed by this application;
 7. the village is served by a skeleton bus service not a regular service as it is suggested in the submitted documents.
- 4.5 Further consultations with three parties was undertaken following the receipt of a Bat Survey and associated drawing together with a topographical

drawing. In response, two further representations were received. The representations identifies the following issues:

1. visibility splays do not take into account the impaired visibility at certain times of the year when travelling towards M6;
2. it appears that the B6263 is to be widened which would restrict the ability for residents to park close to their homes;
3. welcome the biodiversity buffer zone but proposed dwellings should not move closer to existing dwellings;
4. concerned about surface water run-off from the development;
5. loss of a view;
6. impact on highway safety;
7. impact of biodiversity;
8. impact of existing trees;
9. other suitable land within the District for development;
10. land should be used for allotments.

5. Summary of Consultation Responses

Cumbria County Council - (Highways Authority): - the access details (42 metre splays with access build out and relining shown on the plan, a long distance into a 30mph area and from an allocated site) are acceptable. The Highway Authority would require that this site should provide the funding for a village gateway sign and the Highway Authority's normal gateway lining/markings to the amount of £3500. This can either be done as part of a normal Section 106 or incorporated into the Section 278 agreement for the access/build out works. Suggest that the contribution should form part of a Section 278 Agreement under the Highways Act. Accordingly, the Highway Authority raise no objection to the application subject to the imposition of conditions;

Cumbria County Council - (Lead Local Flood Authority): - The Lead Local Flood Authority (LLFA) do not have any records of flooding on this site and the Environment Agency (EA) surface water maps do not indicate that the site is in an area of risk. The developer should demonstrate how they will deal with surface water discharge from the potential development site and measures taken to prevent surface water discharging onto the highway public highway or onto existing neighbouring developments. The applicant would need to undertake detail invasive ground investigation such as trial pits which would need to be carried out to BRE 365 standards. The applicant would need to provide calculations to determine if the site is suitable to undertake infiltration techniques and details showing that any proposed attenuation structure etc has the adequate capacity to deal with the volume of water

running off the additional impermeable areas, if infiltration is not suitable for the proposed development then the applicant would need to provide detailed assessment, to account for a 1 in 100 year plus 40% storm event, a discharge equivalent to greenfield runoff for the site, discharge location and exceedance routes for the drainage. The developer needs to show that they will not increase the volume of water leaving the site which could potential have a negative impact on existing developments downstream;

Wetheral Parish Council:- Members still have concerns regarding access, visibility, distance from the junction, distance from the bend, and the camber of the road. There area also concerns about surface water and drainage;

Green Spaces: - given that there is no POS indicated on the site at all, it would be prudent to ask for a contribution towards maintenance of existing open space/play space within the village, ie the recommended maintenance figure being £13,393;

Cumbria Constabulary - North Area Community Safety Unit: - this application is for outline permission, so the submitted layout is indicative only; however, there is no other information that indicates how this application complies with Policy CM 4 of the local plan;

Local Environment, Waste Services: - no objections;

Northern Gas Networks: - no objections to the proposals, however, there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then it is required that the promoter of these works to contact Northern Gas Networks directly to discuss their requirements in detail;

United Utilities: - following UUs review of the Flood Risk Assessment and Drainage Statement (Ref: 1675-01 Revision A) confirm that the proposals are acceptable in principle subject to the imposition of a condition.

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 The relevant planning policies against which the application is required to be assessed is the National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP6, HO1, HO4, IP3, IP4, IP6, CC5, CM4, GI1, GI3, GI4, and GI6 of the Carlisle District Local Plan 2015-2030. Other material considerations are Supplementary Planning Documents adopted by the City Council, in particular 'Achieving Well Designed Housing' and 'Trees and Development'. A further material planning consideration is the Cumbria Landscape Character Guidance and Toolkit (March 2001).
- 6.3 The proposal raise the following planning issues:

1. Principle Of Development

- 6.4 Paragraph 14 of the NPPF outlines that *"at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking"*. The NPPF seeks to promote sustainable development and in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are small groups of smaller settlements, development in one village may support services in a village nearby.
- 6.5 The application site is identified in Policy HO1 of the local plan as "Allocated Site R9" which equates to 0.75 hectares in area with an indicative yield of 20 dwellings. This allocation together with other allocated sites within the local plan is made in the context of Policy SP2 of the local plan which seeks to identify sufficient land to accommodate 9,606 net new homes between 2013 and 2030. Policy HO1 highlights that in bringing forward allocations, developers will need to demonstrate that their proposals contribute to the overall mix of dwelling types, sizes and tenures which help to meet identified local housing need and the development of mixed and sustainable communities.
- 6.6 Given that this is an allocated site within the local plan the principle of development is acceptable; however, other issues in respect of the site are discussed in more detail below.

2. Impact Of The Proposal On The Character Of The Area

- 6.7 The Cumbria Landscape Character Guidance and Toolkit (March 2001) identifies that the site falls within the Cumbria Landscape Character Sub-Type 5b 'Low Farmland'. The toolkit advises that key characteristics of this landscape are: undulating and rolling topography; intensely farmed agricultural pasture dominates; patchy areas of woodland provide contrast to the pasture; woodland is uncommon west towards the coast; fields are large and rectangular; hedges, hedgerow trees and fences bound fields and criss cross up and over the rolling landscape. In respect of new development the 'toolkit' advises that new development should respect the historic form and scale of villages.
- 6.8 The application site is a field, which at the time of the site visits, was being used for the grazing of horses. The application site has housing on its western, northern and eastern boundaries with the southern boundary delineated by hedgerows with some hedgerow trees beyond which is agricultural land. It is inevitable that the erection of a new dwellings on agricultural land would have some visual impact on the landscape character of the area. In mitigation, however; the application site is well contained by existing landscaping and other residential properties. Accordingly, there would not be such a significant detrimental impact on the character of the area to warrant a refusal of the application.

3. Whether The Scale And Design Of The Dwellings Would Be Acceptable

- 6.9 Policies seek to ensure the development is appropriate in terms of quality to that of the surrounding area and that development proposals incorporate high standards of design including siting, scale, use of materials and landscaping which respect and, where possible, enhance the distinctive character of townscape and landscape. This theme is identified in Policy SP6 of the local plan which requires that development proposals should also harmonise with the surrounding buildings respecting their form in relation to height, scale, massing and established street patterns and by making use of appropriate materials and detailing. Furthermore, as highlighted earlier in the report, Policy HO1 of the local plan seeks to ensure that developers, in bringing forward allocated sites, should demonstrate that their proposals contribute to the overall mix of dwelling types, size and tenures.
- 6.10 The application seeks outline planning permission with some matters reserved except for the access arrangements. Accordingly, appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application and would have to be considered at the reserved matters application stage. The submitted indicative details however; illustrate fifteen differing dwellings including bungalows and dormer bungalows, 4 of which it is indicated are proposed to be affordable units.
- 6.11 Notwithstanding the foregoing, conditions are recommended requiring the submission of existing and proposed ground levels together with the height of the proposed finished floor levels and ridge heights of the proposed dwellings. Further recommended conditions, amongst others, would require the submission of details in respect of materials and a landscaping scheme. Accordingly, the proposed conditions would ensure that the proposed dwellings would be of an appropriate scale and design. Furthermore, any application would have to demonstrate that adequate amenity space and off-street parking could be achieved to serve each dwelling.

4. Impact Of The Proposal On The Living Conditions Of The Occupiers Of Neighbouring Properties

- 6.12 Policies within the Local Plan seek to ensure that development proposals should be appropriate in terms of quality to that of the surrounding area. One of the criterion of Policy SP6 being that the living conditions of the occupiers of adjacent residential properties are not adversely affected by proposed developments. This is echoed and reinforced in the City Council's Supplementary Planning Document (SPD) 'Achieving Well Designed Housing'. The SPD outlines that in order to protect against privacy loss a minimum of 21 metres between primary facing windows and 12 metres between any walls and primary windows should normally be achieved.
- 6.13 The occupiers of several neighbouring residential properties have made representations which have been made available to Members prior to this meeting; however, in respect of the potential to impact on the living conditions of neighbouring properties the objections appear to centre on: loss of light; loss of privacy, proximity of dwellings; intensification of use and loss of a view.

- 6.14 As outlined earlier in the report, the layout of the proposed development, amongst other matters, is reserved for subsequent approval. Accordingly, any application for reserved matters approval would have to satisfy the objectives of the relevant policies within the local plan and SPD.
- 6.15 The objections of the occupiers of neighbouring properties are respected; however, as the application seeks only to establish the principle of development together with the access arrangements, the issue of loss of light, loss of privacy, proximity of dwellings and intensification of use can not be addressed at this stage. In respect of loss of a view, as Members are aware, the loss of a view is not a material planning consideration. Nevertheless, to further protect the living conditions of the occupiers of neighbouring properties from unacceptable noise disturbance during construction works, should Members approve the application, a condition is recommended that would restrict construction hours.

5. Proposed Method Of Foul And Surface Water Drainage

- 6.16 There is a clear policy requirement to provide adequate provision for foul and surface water facilities to ensure that sufficient capacity exists prior to commencement of any development. Furthermore, the site profile for Allocated Site R9, contained within Appendix 1 of the local plan, details that in respect of flooding/drainage: *"potential land drainage which will require further investigation"*.
- 6.17 The submitted application form and documents illustrate that surface water would enter an existing watercourse with foul water from each property being disposed of via the mains sewer.
- 6.18 Objections from third parties have raised concerns about the likelihood of the development exacerbating existing surface water flooding and questioning the location of the watercourse. The Parish Council, in its consultation response, also raise concerns about surface water drainage run-off from the site, as historically it has caused problems into the village and the access onto the B6263 county highway.
- 6.19 As highlighted earlier in the report, the application seeks only to establish the principle of development together with the access. Nevertheless, the application was accompanied by a Flood Risk Assessment and Drainage Statement. The statement, identifies that the application site is located within Flood Zone 1 of the Environment Agency's Flood Maps, therefore, the use of land for residential development is acceptable. In respect of surface water disposal, the statement details that although no infiltration tests have been undertaken it can; however, be assumed that based on preliminary ground investigations, ground conditions are unsuitable for the use of infiltration techniques for the disposal of surface water due to deposits of superficial deposits of glacial clay which are predominantly impermeable deposits.
- 6.20 In light of the foregoing and based on the recommended hierarchy for surface water disposal, the next available option is for the disposal of surface water from the proposed development to an unnamed watercourse, located

approximately 50 metres to the north of the site boundary. The statement outlining that the rate of discharge would be attenuated to that of greenfield run-off rate together a 40% allowance for climate change. The surface water entering a number of sustainable solutions prior to entering the watercourse including: swales; detention basins/ponds together with the use of permeable paving on driveways and external private areas.

- 6.21 Cumbria County Council, as Lead Local Flood Authority and United Utilities raise no objections to the disposal of surface water, subject to the imposition of a pre-commencement condition requiring the submission of further details of the proposed surface water drainage system. These details would then be subject of a further application and subsequent consultations with the relevant statutory consultee should Members approved this application. Should the additional details prove to be unacceptable, it may be that the residential development on the site would stall as a result.
- 6.22 In respect of foul drainage, United Utilities has confirmed that the proposed method for the disposal of foul drainage is acceptable; however, a pre-commencement condition is recommended requiring the submission of further details in respect of the proposed foul drainage system.

6. Impact Of The Proposal On Highway Safety

- 6.23 As highlighted earlier in the report, Appendix 1 of the local plan contains site profiles which are intended to identify some of the associated main issues of the allocated housing sites identified under Policy HO1 of the local plan. In respect of the allocated Site R9 the site profile outlines that: *"adequate provision for access can be made between a gap in existing properties on the B6263"*. The site profile goes on to highlight the advice of the Highway Authority. This being: *"the access visibility splays from the site require careful consideration. The access will need to comply with adoptable road criteria. A speed survey will be needed to inform the aforementioned visibility requirements"*.
- 6.24 The submitted drawings illustrate the formation of a new vehicular access onto the B6263 county highway between The Banks and Chapel Cottage. The planning statement outlining that speed surveys have been undertaken on this stretch of highway in order to determine the access visibility specifications and design.
- 6.25 Several objections have been received in respect of the impact of the application on highway safety. The objections of the third parties have been provided to Members; however, in summary, the objections appear to centre on: the adequacy of the visibility splays from the site especially during certain times of the year; distance from the highway junction; and loss of parking for residents of existing dwellings following the building out of the highway. The Parish Council in its observations also outline that its members still have concerns regarding access, visibility, distance from the junction, distance from the bend and the camber of the road.
- 6.26 The Highway Authority did raise objections to the originally submitted highway

proposals which incorporated the use of 'dragon teeth road markings' together with painted speed restrictions on the highway as the use of a village gateway sign together with the Highway Authority's gateway lining/markings were more appropriate to the application site's rural surroundings.

- 6.27 Revised drawings, incorporating the Highway Authority's preferred method of traffic calming, have now been received which would be subject to a Section 278 agreement under the Highways Act 1980. Cumbria County Council, as Highway Authority, has confirmed that there are no objections to the revised design and specifications of the proposed access subject to the imposition of conditions in respect of: highway construction; visibility splays; vehicular crossings etc; and access and parking/turning requirements including parking for construction traffic.
- 6.28 The views of third parties and the Parish Council are respected; however, in light of the views of the Highway Authority it would be difficult to substantiate a refusal of the application on highway safety grounds.

7. Provision Of Affordable Housing

- 6.29 When considering the issue of affordable housing, Policy HO4 of the local plan identifies the site as within Zone A. Policy HO4 highlights that in order to achieve mixed and inclusive neighbourhoods, affordable housing provision within Zone A of development sites of five units and over will be required to provide 30% of the units as affordable housing. For sites of 11 units or over, the affordable housing should be provided on the application site unless off site provision, or a financial contribution of broadly equivalent value in lieu of on-site provision, can be robustly justified by local or site specific circumstances.
- 6.30 The City Council's Housing Development Officer has been consulted on the application and details that Carlisle's most recent Strategic Housing Market Assessment (SHMA) from September 2014 identifies a need for 68 affordable units per annum in the Rural Carlisle East Housing Market Area (which encompasses Cumwhinton). These being broken down as follows: 70% social/ affordable rented homes & 30% intermediate low cost home ownership; and 70% 1-2 bed units & 30% 3/3+ bed family homes.
- 6.31 The SHMA recognises the need for more bungalows (designed to flexible and adaptable design standards) to meet the needs of the ageing population which is supported by POPPI data (Projecting Older Persons Population Information Systems) which projects a 36% increase in the number of people aged 65 and over in Carlisle between 2014 and 2030.
- 6.32 In respect of this application, Policy HO4 of the local plan requires 30% affordable housing on sites of 11 or more units in Affordable Housing Zone A. This should be provided as 50% social/ affordable rent (usually through a Housing Association) and 50% intermediate low cost home ownership (usually at a 30% discount through the Council's Low Cost Home Ownership scheme).

- 6.33 The applicant's Affordable Housing Statement which accompanied the application outlines that: "*... the development will therefore include a contribution of 30% affordable housing provision, the final figure, type and tenure to be determined at the Reserved Matters stage when the scale of the development is confirmed*".
- 6.34 The City Council's Housing Development Officer concludes that the aforementioned contribution will be acceptable, providing the unit types and tenure comply with the housing need evidence and Policy HO4 of the local plan. The Housing Development Officer concludes that the 2 bed bungalows are shown as affordable on the indicative site plan and in section 2.1 of the Design and Access Statement. Affordable bungalows, particularly for rent, would be particularly suitable on this site. The provision of affordable housing would be secured through a Section 106 agreement and the exact details (tenure and mix) would be resolved at the Reserved Matters stage. The Agent has confirmed in the Draft Heads Of Terms for a Section 106 agreement the applicant's willingness to enter into this obligation.

6. Impact Of The Proposal On Trees And Hedgerows

- 6.35 Policy GI6 of the local plan seeks to ensure that proposals for new development should provide for the protection and integration of existing trees and hedges where they contribute to a locality, and/or are of specific natural or historic value. In respect of new development, proposals which would result in the unacceptable or unjustified loss of existing trees or hedges or which do not allow for the successful integration of existing trees or hedges will be resisted.
- 6.36 Furthermore, the City Council's Supplementary Planning Document (SPD) 'Trees and Development' outlines that native large growing species are intrinsic elements in the landscape character of both rural and urban areas alike and acquire increasing environmental value as they mature. Large trees need space in which to grow to maturity without the need for repeated human intervention. Not only should the design of the development seek to retain existing trees and hedgerow features, but sufficient space should be allocated within the schemes to ensure integration of existing features and space for new planting, it is important that these issues are considered at the very start of the planning process.
- 6.37 The Tree Survey, submitted as part of the application, outlines that an assessment of 12 individual trees, hedgerows and tree groups has been surveyed and assessed and includes consideration of nearby off-site trees as they might have influence within the site.
- 6.38 As the application seeks only to establish the principle of development together with the access, it is impossible to determine what if any impact the proposed development would have on existing trees and hedges. Accordingly, conditions and an informative are recommended which would require the submission of a tree survey, landscaping scheme and installation of tree/hedge protection barriers for those trees and hedges which are to be retained should Members approve the application.

7. Impact Of The Proposal On Ecology/Biodiversity

- 6.39 When considering whether development proposals safeguard the biodiversity and ecology of the area it is recognised that local planning authorities must have regard to the requirements of the EC Habitats Directive (92/43/EEC) when determining a planning application as prescribed by regulation 3 (4) of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended), and Article 16 of the Habitats Directive before planning permission is granted. Article 16 of the Directive indicates that if there is reasonable likelihood of a European protected species being present then derogation may be sought when there is no satisfactory alternative and that the proposal will not harm the favourable conservation of the protected species and their habitat. Paragraph 118 of the NPPF explains that when determining planning applications, authorities should aim to conserve and enhance biodiversity.
- 6.40 The site profile for Allocated Site R9 contained within Appendix 1 of the local plan details that: *"there are no statutory or non-statutory designations which apply within or adjacent to the site. There is potential for a range of species to be present within the vicinity of the site due to the network of hedgerows within the area"*.
- 6.41 The application was accompanied by a Preliminary Ecological Appraisal which concludes that: *"the site has the potential to support roosting, foraging and commuting bats, as well as nesting birds and some UK BAP (Biodiversity Action Plan) species. Habitats on site are considered to be of at most, parish value, supporting a wide range of locally common species and being well connected to other valuable ecological sites"*. The appraisal continues by highlighting that: *"the site has the potential to support European Protected Species and therefore further ecological surveys are recommended in order to provide a robust assessment of the site and its ecological value, as well as any impacts expected through the construction and development. The appraisal concludes that a robust assessment of the potential impact on the proposal upon some species cannot be made until a bat survey has been undertaken"*.
- 6.42 In light of the finding of the Preliminary Ecological Appraisal, a Bat Survey Report was subsequently submitted which undertook a tree risk assessment with regard to roosting bats together with three transect surveys and remote monitoring. In conjunction with data provided by the Cumbria Biodiversity Data Centre, the bat survey report found that up to six roosts have been recorded within buildings and trees adjacent to the site and that the development would have the potential to result in the loss of a high quality bat commuting and foraging habitat. The report goes on to highlight that the southern and eastern hedgerows are the areas which are most used by up to eight bat species recorded on the site and suggests that they should be retained and also include a buffer area of at least 10 metres in order to retain the high quality habitats. The bat survey report detailing that the development should be so designed that the garden spaces are positioned against the hedgerows and trees, thereby, maintaining the existing foraging and commuting areas.

- 6.43 The report concludes by recommending the imposition of a series of mitigation measures necessary to prevent harm or disturbance to, or impact on the conservation status of, bat species and are considered appropriate to a site of this scale and nature. These mitigation measures include: the provision of bat boxes; development works outwith the bird nesting season; habitat retention and lighting design.
- 6.44 Accordingly, a condition is recommended that would ensure that the mitigation measures as outlined in the submitted Bat Survey together with the buffer zone as indicated on the Cumwhinton site plan (drawing number SK001 Rev A) are implemented within any subsequent scheme should Members approve the application.

8. Provision Of Open Space

- 6.45 Policy GI4 of the Local Plan seeks to ensure housing developments of more than 20 dwellings will be required to include informal space for play and general recreational or amenity use on site according to the size of the proposal.
- 6.46 In respect of this proposal the indicative layout plan illustrate the erection of 15 dwellings which is under the threshold for on site informal space for play and general recreational or amenity use. The City Council's Green Spaces Manager, therefore, requests that a contribution of £13,393 towards the maintenance of existing open space/play space within the village be secured through a Section 106 agreement.

9. Other Matters

- 6.47 A further issue raised by a third party is the potential for the site to be within the Cocklakes Mine Safeguarding Area. The City Council's Geodata Spatial Results identifies that the application site is out with the safeguarding area. Furthermore, the Agent has confirmation from British Gypsum that the site is not within the vicinity of the former gypsum mining activity.
- 6.48 A third party has alleged that previous application on the site, specifically in 1998, had been refused due to the suitability of the access. In this respect available planning records do indicate that the application site has been the subject of two previous planning applications both of which were refused, application references BA 1248 and 98/0551. The associated reasons for both applications do not make any reference to the adequacy of the access only to its relationship with the settlement, which at that time was contrary to the adopted development plans.
- 6.49 Questions have been raised as the requirement of more housing development in Cumwhinton in light of recent developments. This issue has been addressed in paragraphs to 6.4 to 6.6 above.
- 6.50 Another issue raised by third parties is the accuracy of the submitted details specifically the application form which detailed that no new access was to be

formed. This error has been addressed by the submission of a revised application form.

- 6.51 A third party has highlighted that Cumwhinton is served by a 'skeleton bus service'. The availability of public transport is not disputed; however, Cumwhinton has a large range of services including a school, shop, public house and village hall all of which are connected to the application site by pavements.
- 6.52 An alternative use of the site proposed by a third party is allotments; however, the application before Members is for the use of the site for residential development and has to be considered accordingly.

Conclusion

- 6.53 The application seeks outline planning permission with some matters reserved. The application site is identified in the local plan as Allocated Housing Site R9, therefore, the principle of residential development is acceptable under the provisions of the NPPF, PPG, the Carlisle District Local Plan 2015-2030. Cumbria County Council, as Highway Authority, subject to the imposition of conditions raise no objections to the proposal, therefore, it would be difficult to substantiate a refusal of the application on highway safety grounds.
- 6.54 Appearance, landscaping, layout and scale are reserved for subsequent approval and do not form part of this application and are subject to appropriate planning conditions and would be given careful consideration at the time of any subsequent application to ensure that the scheme would comply with the NPPF, PPG, relevant local plan policies and SPDs.
- 6.55 On-site affordable housing would be provided within the proposed development to be secured by a Section 106 agreement. A contribution to maintain open space/play space within Cumwhinton would also be secured by the agreement. The proposal is, therefore, recommended for approval subject to the completion of a Section 106 agreement.
- 6.56 If Members are minded to grant planning approval it is requested that "authority to issue" the approval is given subject to the completion of a Section 106 agreement to secure:
- a) 30% on-site affordable housing contribution provided as 50% social/affordable rent (usually through a Housing Association) and 50% intermediate low cost home ownership (usually at a 30% discount through the Council's Low Cost Home Ownership scheme).
 - b) a financial contribution of £13,393 for the maintenance of existing open space/play space within Cumwhinton.

7. Planning History

- 7.1 There is no relevant planning history.

8. Recommendation: Grant Subject to S106 Agreement

1. In case of any "Reserved Matter" application for approval shall be made not later than the expiration of 3 years beginning with the date of this permission, and the development shall be begun not later than whichever is the later of the following dates:
 - i) the expiration of 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 appearance, landscaping, layout and scale 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 Part 3 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development shall be undertaken in strict accordance with the approved documents for this Outline Planning Permission which comprise:

1. the submitted planning application form received 3rd July 2017;
2. the Planning Statement received 16th May 2017;
3. the Design and Access Statement received 16th May 2017;
4. the Tree Survey received 16th May 2017;
5. the Preliminary Ecological Appraisal received 16th May 2017;
6. the Bat Survey Report received 2nd November 2017;
7. the Affordable Housing Statement received 23rd May 2017;
8. the Phase 1: Preliminary Environmental Risk Assessment received 16th May 2017;
9. the Archaeological Evaluation received 16th May 2017;
10. the Flood Risk Assessment and Drainage Statement received 16th May 2017;
11. the site location plan received 16th May 2017;
12. the Cumwhinton site plan received 23rd October 2017 (Drawing No. SK001 Rev A);
13. the 0.75m build out reduced to 6.5m road 2.4 x 43m splay to 0.5m offset received 20th July 2017 (Drawing No. SK02 Rev C);
14. the Cumwhinton topographical survey received 2nd November 2017 (Drawing No. WYG001 Rev A);
15. the Notice of Decision; and

16. any such variation as may subsequently be approved in writing by the Local Planning Authority.

Reason: To define the permission.

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

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

5. The development shall not commence until visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of the access road and 0.5 metres from the nearside channel line of the major road have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

6. The vehicular crossing over the footway, including the lowering of kerbs, lining work, access build out and ancillary traffic calming works shall be carried out to the specification of the local planning authority in consultation with the Highway Authority. Works shall be completed prior to any substantive works starting on site.

Reason: To ensure a suitable standard of crossing and pedestrian safety. To support Local Transport Plan Policies: LD5, LD7, LD8.

7. The access and parking/turning requirements shall be substantially met before any building work commences on site so that constructional traffic can park and turn clear of the highway.

Reason: The carrying out of this development without the provision of these facilities during the construction work is likely to lead to inconvenience and danger to road users. To support Local

Transport Plan Policy: LD8.

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

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

The drainage scheme submitted for approval shall also be in accordance with the principles set out in the Statement of Drainage Principles (June 2014).

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

9. No development approved by this permission shall be commenced until a scheme for the conveyance of foul drainage to has been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved details.

Reason: To prevent pollution of the water environment in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

10. 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.

11. No development shall be commenced until samples or full details of materials to be used externally on the dwellings have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials.

Reason: To ensure that materials to be used are acceptable in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

12. Before development commences, particulars of the height and materials of any new screen walls and boundary fences to be erected shall be submitted to and approved in writing by the local planning authority and the development thereafter carried out in accordance therewith.

Reason: In the interests of privacy and visual amenity in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

13. No development shall take place until full details of hard and soft landscape works, including the retention of the majority of the existing trees and hedgerow along the southern and eastern boundaries of the site, have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved prior to the occupation of the dwellings. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

Reason: To ensure that a satisfactory landscaping scheme is prepared and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

14. Before any development is commenced on the site, including site works of any description, a protective fence in accordance with Fig. 2 in B.S. 5837: 2005 shall be erected around the trees and hedgerow to be retained at the extent of the Root Protection Area as calculated using the formula set out in B.S. 5837. Within the areas fenced off no fires should be lit, the existing ground level shall be neither raised nor lowered, and no materials, temporary buildings or surplus soil of any kind shall be placed or stored thereon. The fence shall thereafter be retained at all times during construction works on the site.

Reason: In order to ensure that adequate protection is afforded to all trees/hedges to be retained on site in support of Policies GI6 and SP6 of the Carlisle District Local Plan 2015-2030.

15. The development hereby approved shall not be carried out otherwise than in complete accordance with Mitigation Strategy and Further Survey Work Sections contained within paragraphs 5.4 and 5.5 respectively of the Bat Survey Report compiled by Elliott Environmental Surveyors received 2nd November 2017 and the implementation of the buffer zone as illustrated on the Cumwhinton Site Plan (Drawing No. SK001 Rev A) received 23rd October 2017.

Reason: In order to ensure no adverse impact on a European Protected Species in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

16. As part of the development hereby approved, adequate underground ducts shall be installed in accordance with details approved in writing beforehand by the local planning authority to enable telephone 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. The development shall then be undertaken in accordance with the approved details.

Reason: To maintain the visual character of the locality in accord with Policy IP4 of the Carlisle District Local Plan 2015-2030.

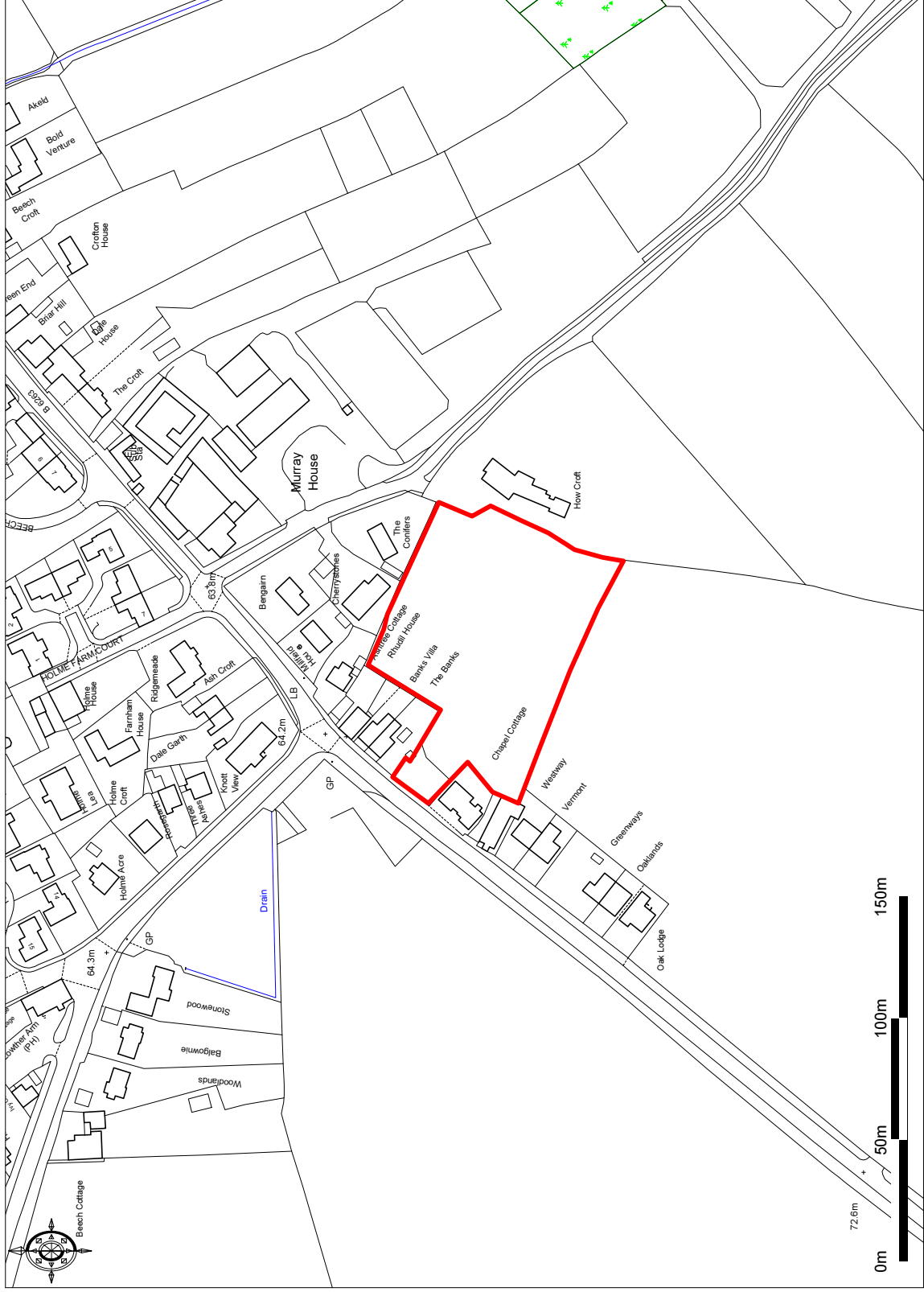
17. No work associated with the construction of the residential units hereby approved shall be carried out before 0730 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1300 hours on Saturdays (nor at any times on Sundays or statutory holidays).

Reason: To prevent disturbance to nearby occupants in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

Reason To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.



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DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS



REV	DESCRIPTION	BY	CHK	APP	DATE
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Project:
LAND AT CUMWHINTON,
CARLISLE

Drawing Title:
CUMWHINTON SITE PLAN

Scale @	A1	Drawn	Date	Checked	Date	Approved	Date
1:250							
Project No.	16/124	Office	-	Type	PL	Drawing No.	SK001
Revision	A						



No.	Date	Revision	Initial		

ALPHA DESIGN

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Project

LAND AT CUMWHINTON,
CARLISLE

Drawing

PROPOSED SITE PLAN

Scale 1:250 @ A1

Drawn GB

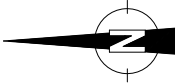
Checked

Date FEB. 2017

Drawing No.

17/01/900 - 01

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Dimensions on site before commencing work or preparing shop drawings.



DO NOT SCALE: CONTRACTOR TO CHECK ALL DIMENSIONS AND REPORT ANY OMISSIONS OR ERRORS

1. This drawing should be read in relation to the subject of the title only. Other information shown on the drawing is to be considered indicative only.
2. All dimensions are in metres unless specified otherwise.
3. This drawing is based on Topographical Survey

KEY

- 2.4x4.3m Visibility Splay
- Available Stopping Sight Distance (As Shown)

PRELIMINARY ISSUE

- C DRAWING TITLE AMENDED LB PB PB 07/17
- B LATERAL VISIBILITY SPYL DIMENSIONS AMENDED AC PB PB 01/16
- A STOPPING SIGHT DISTANCES ADDED AC PB PB 10/15

REV	DESCRIPTION	BY	CHK	APP	DATE
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Project:
CUMWHINTON, CARLISLE

Drawing Title:
0.75m BUILD OUT
REDUCED TO 6.5m ROAD
2.4 x 43m SPLAY TO 0.5m OFFSET

Scale @	A3	Drawn	Date	Checked	Date	Approved	Date
1:500		JW	20/07/15	PB	20/07/15	PB	20/07/15
Project No.	A093482	Office	27	Type	C	Drawing No.	SK02
Revision						Revision	C

