

SCHEDULE A: Applications with Recommendation

18/0994

Item No: 03

Date of Committee: 22/03/2019

Appn Ref No:
18/0994

Applicant:
Mr A Pape

Parish:
Beaumont

Agent:

Ward:
Burgh

Location: Land to the rear of Hallcroft, Monkhill, Carlisle CA5 6DB

Proposal: Erection Of 7no. Dwellings (Outline/Renewal Of Previously Approved Permission 15/0284)

Date of Receipt:
04/02/2019

Statutory Expiry Date
06/05/2019

26 Week Determination

REPORT

Case Officer: Richard Maunsell

1. Recommendation

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

2. Main Issues

- 2.1 Whether The Principle Of Residential Development Is Acceptable
- 2.2 Whether The Provision Of Affordable Housing Is Required
- 2.3 Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable
- 2.4 The Impact Of The Development On The Character And Setting Of The Grade II Listed Building
- 2.5 The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties
- 2.6 Highway And Access Issues
- 2.7 The Impact Of The Development On Hadrian's Wall Buffer Zone
- 2.8 Impact On Existing Trees And Hedgerows
- 2.9 Foul and Surface Water Drainage
- 2.10 Impact Of The Proposal On Biodiversity
- 2.11 Other Matters

3. Application Details

The Site

- 3.1 The application seeks outline planning permission for the erection of seven dwellings. The site is located on the western side of the road leading from Monkhill to Moorhouse. To the north lies a cul-de-sac of six residential properties, to the south are agricultural buildings and dwellings and to the west are 3 bungalows. Agricultural land adjoins the site to the east.
- 3.2 The application site is currently in agricultural use and relatively level; however, the land to the north and west is at a lower level. The site is relatively open with only an established hedgerow and trees along the northern boundary. A vehicular access exists from the west between two bungalows.

Background

- 3.3 Outline planning permission was granted in 2014 for the erection of two dwellings, including two affordable units and the change of use of agricultural land to domestic garden to serve the property known as 'Hallcroft'.
- 3.4 In 2015, outline planning permission was granted which was essentially a renewal of the 2014 permission with the exception that the affordable housing contribution was to be by way of a financial contribution rather than on-site provision.

The Proposal

- 3.5 The current application seeks consent for the erection of seven dwellings on the site. All matters are reserved for subsequent approval. The indicative layout plan show that the existing vehicular entrance would be utilised with a central access road leading to a turning head.
- 3.6 The indicative layout plans shows the provision of 1 two bedroom bungalow, 3 three bedroom houses, 1 three/ four bedroom house and 2 four bedroom houses.
- 3.7 The application indicates the use of slate, stone and clay facing bricks with soakaways and a treatment plant for drainage. The boundary treatment would be a stock fence with planting of hedging and native tree species.

4. Summary of Representations

- 4.1 This application has been advertised by means of a site notice and direct notification to the occupiers of 32 of the neighbouring properties. In response, eight letters of objection have been received and the main issues raised are summarised as follows:
1. the road is not adequate at the cross roads to support more traffic and the access and egress is not safe with several accidents having occurred;

2. large vehicles damage the corner of the crossroads demolishing garden walls and even more heavy vehicles will make this worse;
3. a large number of houses is proposed to be built in Burgh-by-Sands which will increase the traffic flow and will create a larger problem;
4. walkers and cyclists use this road where there is no footpath or grass verge and therefore have to use the road;
5. the roads are frequently used by large agricultural vehicles which cannot judge the junction and damage walls and grass verges;
6. the houses at the junction park in the road as there are little or no parking spaces which adds to the problem;
7. the proposed driveway appears narrow and unsuitable;
8. how is it possible to build on land under which residents have their septic tanks?;
9. building over land on which there are septic tanks would not satisfy Building Regulations;
10. there is no further need for more dwellings in Monkhill with existing plots currently unsold;
11. the loss of greenfield agricultural land for the development of dwellings would be detrimental to the environment. Monkhill should be able to retain its small "hamlet" feel;
12. there are septic tanks and outfall pipes on the land which would be affected by the development. There are questions about the ability to build over them and liability once any property has been built;
13. development of this land would inhibit future access for maintenance etc. of this infrastructure;
14. the land is currently overgrown which results in weeds protruding into neighbouring gardens. There are concerns about who will maintain the land if it is developed;
15. the land slopes which results in surface water flowing onto adjacent properties;
16. Monkhill is a small hamlet of around 38 properties and already has five new builds in progress and together with the proposed seven on this site, would result in an increase of 33% which is inappropriate;
17. the building process will result in high levels of noise and disturbance which is unacceptable as is the delivery construction vehicles that will access the site;
18. there is no education capacity for the children as the schools are already oversubscribed;
19. the layout of the site is asymmetrical and a lot of the building is close to properties and away from the farm area;
20. properties are selling quite close and residents should not be made to live adjacent to vacant and unsold properties.

4.2 In addition to the objections received from residents, Cllr Allison has submitted an objection with the main issues being raised as follows:

1. highway concerns were raised as part of the previous application. At a local public inquiry several years ago, it was stated that on average, each household generates 7 car journeys per day. Given the increase in car ownership and this rural location, it is reasonable to assume that this development will generate at least 50 vehicle movements each day,

- mostly at am and pm peak periods;
- 2. in a current application for outline planning permission at Burgh-by-Sands, the Highway Authority acknowledges that the absence of regular bus service leads to an increased dependency on car transport;
- 3. the site is accessed from the U1113 which forms a cross roads with the C2042 at approximately 50 metres distance. The U1113 is narrow and visibility to the right of the junction is limited by a garden wall at the corner. This corner has been demolished on a number of occasions;
- 4. speeding through Monkhill is an issue with local residents. The parish council commissioned traffic monitoring with the device located just beyond this junction. The report showed peak period two-way traffic flows in excess of 220 vehicles per hour. This will almost certainly increase with this and the Burgh-by-Sands development;
- 5. a water supply runs across the site to at least one of the bungalows along the frontage of the road. Their respective septic tanks with way-leaves to service them are also within the site. It is understood that this has been a long-standing issue in the development of the site and remains so. Clearly, a new property cannot be built over existing services and their access rights must be respected.

5. Summary of Consultation Responses

Beaumont Parish Council: - the following comments have been received:

- 1. as part of the Parish Plan, adopted and filed in 2013, Beaumont Parish Council has, as one of its priorities, the development of affordable and manageable housing for younger and older members of the community. Planning Policy HO1 of the Local Plan states that proposals must contribute to the overall mix of dwelling types and meet identified local housing need for the development of sustainable communities. This application makes no provision for this and does not take into account the view of the community, which states that there is a need for affordable housing and manageable in this area for older and younger members of the community.
- 2. Monkhill is not an allocated rural housing development area within the local plan. i.e. a development of 10 or more houses is not appropriate in this setting. There are currently approximately 35 houses and bungalows in this small hamlet and planning permission (either full or outline) for 6 more properties. This current development proposal takes the number of new properties up to 13, an increase of 37%

Planning policy H02 of the Local Plan states that windfall housing must be of a scale and design that is appropriate to the scale, form and function and character of the existing settlement. Given the narrow access road to the site and the rural nature of this area, this proposal does not seem to be appropriate to the scale, form and function of Monkhill.

- 3. The question of drainage on the proposed site has still not been satisfactorily addressed. The application does not take into consideration

the concerns of residents living in the properties adjacent to the proposed development. These parishioners have shown the Parish Council legal documents (signed by the owners of the site) giving them the right to build septic tanks with the associated inflow and outflow pipes and the right to ongoing access to maintain them. Dwellings cannot be built on top of existing drainage from the septic tanks on this site without compromising this right. The Parish Council has previously supplied copies of legal documents and plans relating to this matter for the properties known as Bushy Bank and Gracelands, which would both be affected by this development proposal.

In addition, some guarantee is needed that if any damage is caused to the outflow pipes of these septic tanks during the building of any new properties, then the responsibility for the satisfactory repair of this damage will lie with the applicants or any future purchaser/developer;

Cumbria County Council - (Highways & Lead Local Flood Authority): - the following comments have been received:

Highway Authority

The previous applications 07/1154, 13/0728 and 15/0284 are notes and the comments made previously should still apply.

Lead Local Flood Authority (LLFA)

The LLFA has no records of surface water flooding to the site and the Environment Agency surface water maps do not indicate that the site is in an area of risk;

Cumbria Wildlife Trust: - no response received;

Historic England - North West Office: - no comment;

Local Environment - Environmental Protection: - no objection subject to the imposition of conditions relating to noise & vibration, dust and contamination;

Local Environment - Waste Services: - the indicative layout looks acceptable, subject to sufficient road width and length of the turning fork for our collection vehicles to access which will be confirmed at reserved matters stage;

Natural England: - no response received;

Northern Gas Networks: - no objection;

United Utilities: - no objection subject to the imposition of conditions requiring drainage on separate systems and the submission of a surface water drainage scheme.

6. Officer's Report

Assessment

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that an application for planning permission is determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2 At a national level, the relevant considerations include the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).
- 6.3 The Development Plan for the purposes of the determination of this application comprise Policies SP1, SP2, SP6, HO2, HO4, IP2, IP3, IP4, IP6, CC5, CM5, HE1, HE3, GI3 and GI6 of the Carlisle District Local Plan 2015-2030 are of particular relevance. Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 together with the City Council's Supplementary Planning Document 'Achieving Well Designed Housing' and 'Trees and Development' (SPDs) are also material planning considerations. The proposal raises the following planning issues.

1. Whether The Principle Of Residential Development Is Acceptable

- 6.4 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.
- 6.5 Paragraph 11 of the NPPF continues to support sustainable development stating that:

“Plans and decisions should apply a presumption in favour of sustainable development.”

- 6.6 This is reinforced in paragraph 11(c) which states that:

“approving development proposals that accord with an up-to-date development plan without delay”

- 6.7 Policy HO2 is equally transparent in its guidance relating to housing development and requires housing is provided within or on the edge of existing settlements. Critically in terms of this application, criteria 3 states:

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

- 6.8 Members will note from the history that planning permission has twice previously been granted for residential development on the site. Although the previous consent has lapsed, there has been no substantial change in planning policy that would warrant refusal of this application which in itself, in

terms of the principle of development, is considered to fully accord with both national and local planning policies.

- 6.9 The planning issues raised by the development, including the impact on the character and appearance of the area, are discussed in the following paragraphs.

2. Whether The Provision Of Affordable Housing Is Required

- 6.10 The site was previous subject to a legal agreement for secure the provision of two affordable housing units on the site. In gaining a revised planning permission in 2015, the applicant negotiated the provision of a financial sum for the off-site provision of affordable housing. No such affordable housing is proposed as part of this application and the parish council consider that this is necessary to provide a variety of housing on the site and to fulfil the objectives of the parish plan.
- 6.11 It is fundamental to note that since the previous applications were approved, the current local plan was adopted. In the local plan, the site falls within Zone B for which Policy HO4 does not require any level of affordable housing for a development of this scale. The council's Housing Development Officer has confirmed that:

"Local Plan Policy HO4 stipulates that in Affordable Housing Zone B (which encompasses the application site) there will be no requirement for affordable housing on sites of fewer than eleven units."

- 6.12 It is possible that any subsequent scheme may include some smaller starter homes which by their nature command a less-than-average market price and therefore introduce an element or more affordable housing, there is no formal requirement for the provision of any affordable housing.

3. Whether The Scale, Design And The Impact Of The Proposal On The Character And Appearance Of The Area Is Acceptable

- 6.13 Policies seek to ensure that development proposals are 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 and massing and make use of appropriate materials and detailing.
- 6.14 As previously highlighted the application seeks outline planning permission with all matters reserved. The details of any buildings would therefore be considered on their merits during any subsequent application. Accordingly, this would ensure that the scale and massing of the proposed dwelling would appear comparable to the existing properties within the immediate vicinity and would not result in a discordant feature within the area as a whole.

- 6.15 The parish council raise concerns about the scale of the development and the percentage increase in terms of the numbers of new dwellings being built in the village. Whilst there is no reference in the current policies about allowing a specified percentage increase, the issue of scale and relationship to the form of the village is relevant; however, the site is well related to the village and is considered to be of an appropriate scale which is evidenced by the previous planning permissions that have been granted on the land.
- 6.16 On this basis, it is not considered that approval of this outline application would be prejudicial to these policy objectives or that the development would be detrimental to the character or appearance of the area.

4. The Impact Of The Development On The Character And Setting Of The Grade II Listed Building

- 6.17 Paragraph 7 of the NPPF states that:

“The purpose of the planning system is to contribute to the achievement of sustainable development”.

- 6.18 Pursuing sustainable development involves protecting and enhancing the historic environment (paragraph 8).
- 6.19 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 highlights the statutory duties of Local Planning Authorities whilst exercising of their powers in respect of listed buildings. Accordingly, considerable importance and weight should be given to the desirability of preserving listed buildings and their settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.20 Paragraph 195 of the NPPF states that local planning authorities should refuse consent for any development which would lead to substantial harm to or total loss of significance of designated heritage assets. However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.21 Policy HE3 of the local plan also indicates that new development which adversely affects a listed building or its setting will not be permitted. Any harm to the significance of a listed building will only be justified where the public benefits of the proposal clearly outweighs the significance.
- i) the significance of the heritage asset and the contribution made by its setting
- 6.22 The Drovers Rest Inn and The Old Mill are both Grade II listed buildings and are located approximately 70 metres to the north and 20 metres to the west respectively.

- ii) the effect of the proposed development on the settings of the Grade II listed buildings
- 6.23 Historic England has produced a document entitled 'Historic Environment Good Practice Advice in Planning Note 3 - The Setting of Heritage Assets' (TSHA).
- 6.24 The TSHA document and the NPPF make it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive and negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 6.25 The NPPF reiterates the importance of a setting of a listed building by outlining that its setting should be taken into account when considering the impact of a proposal on a heritage asset (paragraph 195). However, in paragraph 196, the NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.26 Section 66 (1) requires that development proposals consider not only the potential impact of any proposal on a listed building but also on its setting. Considerable importance and weight needs to be given to the desirability of preserving the adjoining listed buildings and settings when assessing this application. If the harm is found to be less than substantial, then any assessment should not ignore the overarching statutory duty imposed by section 66(1).
- 6.27 The application seeks outline planning permission with all matters reserved. The site would be separated from the listed buildings by distance and intervening buildings. As such, it is considered that the principle of the proposal (in terms of its location, scale, materials and overall design) would not be detrimental to the immediate context or outlook of the aforementioned adjacent listed buildings, albeit this would be a matter for consideration during any subsequent detailed application.

5. The Impact Of The Proposal On The Living Conditions Of Neighbouring Properties

- 6.28 Planning policies require that development proposals should not adversely affect the living conditions of occupiers of residential properties by virtue of inappropriate development, scale or visually intrusive.
- 6.29 The indicative layout has been designed to take account of the requirements in the Council's Supplementary Planning Documents "Achieving Well Design Housing" and is compliant with the requirement to maintain 21 metres distance between primary facing windows and 12 metres between a primary window and a blank gable. Notwithstanding this, any future layout plan would

have to remain consistent with these policy requirements.

- 6.30 The development of the land for residential purposes would not be prejudicial to the living conditions of the occupiers of the neighbouring properties. Given the orientation of the application site and the proposed buildings within it, future occupiers of the proposed properties would not suffer from an unreasonable loss of daylight or sunlight and due to the appropriate siting to be considered as part of any subsequent application, the scale and design of the properties would not be over-dominant.

6. Highway Issues

- 6.31 The indicative layout shows that the development would utilise an existing access that serves the site. Cumbria County Council as the Highway Authority has raised no objection to the application subject to the imposition of conditions.
- 6.32 The objectors maintain that there is an issue with the speed of vehicles travelling through the village and that any additional vehicles using the junction would pose a highway safety risk. No evidence of any vehicle collisions at the junction has been provided and if vehicles do travel in excess of the 30mph speed limit, then this is a matter for the relevant enforcement authority.
- 6.33 Following the receipt of the objections and in particular, those submitted by Cllr Allison, the Highway Authority has provided a further response which reads:

“The concerns raised by Cllr Allison within his letter are that the access road width of 4.5m is inadequate to accommodate a development of this scale at Monkhill and the junction of the access road and the C2042 experiences speeding vehicles. Within the previous Highways Authority response dated 20 February 2019 it was stated that the principle of an access into this development site was agreed through the planning applications 15/0284 and 13/0728; therefore no objections could be raised with regards to the current application as no significant changes have been made to the access.

It has also been stated that the conditions associated with the planning application 15/0284 are to be used in conjunction with the new application. This will ensure visibility splays providing clear visibility of 43 metres measured along the nearside channel lines of the public road from a position of 2.4 metres inset from the carriageway edge are to be constructed. The access road width of 4.5m is acceptable to the Highways Authority for a development of 7 dwellings as stated within the Cumbria Development Design Guide 2017.

The Highways Authority has noted the issues which have been raised at this location with regards to speeding vehicles and this is an enforcement issue and will be looked at separately.

Therefore to conclude, as this is an outline application, at this stage the

Highways Authority can have no objections with regards to the approval of planning permission. The applicant will have to at a later date through a full planning application demonstrate that the proposed access can achieve the necessary visibility splays, highway details within the site and parking requirements prior to any further approval from the Highways Authority.”

- 6.34 Again, the council has previously accepted the principle of development with these access arrangements and in the absence of any material change in circumstances and given the Highway Authority’s response, subject to the imposition of the remaining highway conditions, the proposal does not raise any highway issues.

7. The Impact Of The Development On Hadrian's Wall Buffer Zone

- 6.35 Although not part of the Hadrian's Wall Vallum, the site is within the buffer zone of Hadrian's Wall Military Zone World Heritage Site where policies require that proposals for development which would have an unacceptable impact on the character and/or setting of the World Heritage Site will not be permitted. Development within or adjacent to existing settlements, established farmsteads and other groups of buildings will be permitted, where it is consistent with other policies of this Plan, providing that the proposal reflects the scale and character of the existing group of buildings and there is no unacceptable adverse effect on the character and/or appearance of the Hadrian's Wall Military Zone World Heritage Site.
- 6.36 On the basis of the details submitted, neither Historic England or the Historic Environment Officer at Cumbria County Council have raised any objection.

8. Impact On Existing Trees And Hedgerows

- 6.37 There are a number of trees and a mature hedgerow within the site, none of which however are protected by a Tree Preservation Order. Subject to the imposition of a condition requiring protection during construction works and the integration within a proposed landscaping scheme, the development would not be detrimental in this regard.

9. Foul and Surface Water Drainage

- 6.38 In order to protect against pollution, Policies IP6 and CC5 of the local plan seek to ensure that development proposals have adequate provision for the disposal of foul and surface water. No details have been provided in respect of either the foul or surface water drainage arrangements and as such, conditions are included within the decision notice requiring the submission and agreement of further details including a management and maintenance scheme for the soakaway in accordance with the NPPF.
- 6.39 The objectors make reference to the septic tank and infrastructure that crosses the site and that development of the site would impede further access and maintenance contrary to already established way leaves and legal judgements. It is further stated that such development would not be acceptable under the Building Regulations.

- 6.40 The layout is indicative and any scheme would have to take account of any underground infrastructure and the requirement to comply with an existing way leave or legal judgement would be a civil matter. The council's Building Control Manager has confirmed the same that as far as the Building Regulations are concerned, the fact that there is underground infrastructure, is not in itself a barrier to development but that account of such would have to be taken at the time of any application for development on the land.

10. Impact Of The Proposal On Biodiversity

- 6.41 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.
- 6.42 Planning Authorities in exercising their planning and other functions 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, cc.) Regulations 1994 (as amended). Such due regard means that Planning Authorities must determine whether the proposed development meets the requirements of 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.
- 6.43 The City Council's GIS layer did identify the potential for protected species to be present on the site or within the immediate vicinity. Given that the proposal involves a small piece of agricultural land, adjacent to existing buildings, it is unlikely that the proposal would affect any species identified; however, an informative will be included within the decision notice ensuring that if a protected species is found all work must cease immediately and the local planning authority informed.

11. Other Matters

- 6.44 Some objectors have raised the issue of the lack of education facilities in the area. There is no requirement for an education contribution to be provided as part of this development.

Conclusion

- 6.45 In overall terms, the site is well-related to the village of Monkhill for which two

previous planning permissions have been granted on this site. The application is supported by the NPPF and the development plan and as such, the principle of development remains acceptable. Additionally, the scale and design would be considered during the course of any subsequent application that would safeguard the character or appearance of the area.

- 6.46 No education contribution is required as part of this development. The submitted plans take account of the highway issues and the living conditions of the occupiers of the neighbouring properties would not be prejudiced subject to the imposition of conditions.
- 6.47 The means of foul and surface water drainage can be suitably addressed through the imposition of planning conditions. Any subsequent development would have to take account of existing underground infrastructure both through the planning and building control processes.
- 6.48 The proposal would preserve the character and setting of nearby listed buildings and existing trees and hedges would be protected by means of a condition requiring the provision of protection barriers.
- 6.49 In overall terms, the proposal is considered to be compliant with the objectives of the relevant local plan policies and the NPPF.

7. Planning History

- 7.1 An application for outline planning permission was submitted in 2006 for the erection of 12 dwellings but was withdrawn prior to determination.
- 7.2 Outline planning permission was granted in 2014 for the erection of 7 dwellings, including 2 affordable units and the change of use of agricultural land to domestic garden to serve the property known as 'Hallcroft'.

8. Recommendation: Grant Permission

- 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 layout, scale, appearance, access and landscaping of the site (hereinafter called "reserved matters") shall be submitted to and approved in writing by the local planning authority. The details shall be accompanied by an appropriate survey to determine the route of services across the land and this survey should inform the final layout of the scheme.

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

3. The approved documents for this Planning Permission comprise:

1. the Planning Application Form received 2nd November 2018;
2. the Location Plan received 2nd November 2018;
3. the Planning Statement received 1st February 2019;
4. the Tree report received 29th January 2019;
5. the Statement on Land Contamination received 29th January 2019;
4. the Notice of Decision;
5. any such variation as may subsequently be approved in writing by the local planning authority.

Reason: To define the permission.

4. Prior to the commencement of development, details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the local planning authority before any site works commence. The development shall then be undertaken in accordance with the approved details.

Reason: In order that the approved development is appropriately located within the topography of the land in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

5. Prior to the commencement of any development, a surface water drainage scheme, including a sustainable drainage management and maintenance plan for the lifetime of the development, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the local planning authority.

The surface water system shall demonstrate that no flooding will occur on any part of the site for a 1 in 30 year event unless designed to do so, flooding will not occur to any building in a 1 in 100 year event plus 40 % to account for climate change, and where reasonably possible flows resulting from rainfall in excess of a 1 in 100 year 6 hour rainfall event are managed in conveyance routes (plans of flow routes etc). The scheme must also confirm the design of the surface water drainage system will mitigate any negative

impact of surface water from the development on flood risk outside the development boundary.

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. In the event of surface water draining to the surface water public sewer, the pass forward flow rate to the surface water public sewer must be restricted to 5l/s for any storm event.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off onto adjoining land including the highway and to reduce the risk of flooding in accordance with Policies SP6 and CC5 of the Carlisle District Local Plan 2015-2030, in the interests of highway safety and environmental management and to support Local Transport Plan Policies LD7 and LD8 and to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with policies within the National Planning Policy Framework and National Planning Practice Guidance.

6. 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. No part of the development shall be brought into use until such treatment plant has been constructed and completed in accordance with the approved plans. The development shall then be undertaken in accordance with the approved plans.

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

7. The shared access way shall be designed, constructed and drained to a standard suitable for adoption and in this respect full engineering details shall be submitted for written approval before work commences on site. Any works so approved shall be constructed before the development is complete.

Reason: In the interests of road safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

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

Reason: The carrying out of this development without the provision of these facilities during the construction works is likely to lead to

inconvenience in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and danger to road users and to support Local Transport Plan Policy LD8.

9. Before development commences a scheme of tree and hedge protection shall be submitted to and approved in writing by the local planning authority. The scheme shall show the position and type of barriers to be installed. The barriers shall be erected before development commences and retained for the duration of the development.

Reason: To protect trees and hedges during development works in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

10. Prior to the commencement of development hereby approved, a Method Statement detailing the type of materials and construction methods to be used in the Root Protection Areas shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.

Reason: To protect the trees on and adjacent the site in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

11. Prior to the construction of any building on the site, samples or full details of all materials to be used on the exterior shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall then be undertaken in accordance with the approved details.

Reason: To ensure the materials are appropriate to the building and character of the area in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and maintained thereafter to the satisfaction of the Council; and 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 in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

13. No dwelling shall be occupied until the vehicular access and parking requirements have been constructed in accordance with the approved plan and brought into use. These facilities shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior

written consent of the local planning authority.

Reason: To ensure a minimum standard of access provision when the development is brought into use in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD5, LD7 and LD8.

14. No development shall commence until visibility splays providing clear visibility of 43 metres measured along the nearside channel lines of the public road from a position of 2.4 metres inset from the carriageway edge, on the centre line of the access, at a height of 1.05 metres, have been provided. Notwithstanding the provision of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grow within the visibility splay which obstruct the visibility splays.

Reason: In the interests of highway safety in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030 and to support Local Transport Plan Policies LD7 and LD8.

15. 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. Site investigations should follow the guidance in BS10175.

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

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 the Policy CM5 of the Carlisle District Local Plan 2015-2030.

16. Any subsequent application for Reserved Matters shall take account of existing underground infrastructure on the site and the layout shall take account of such to avoid inhibiting future access for maintenance and repair by the relevant entitled party.

Reason: To ensure that there is reasonable future access to the septic tanks and other underground infrastructure in accordance with Policy IP6 of the Carlisle District Local Plan 2015-2030.

17. No construction work associated with the development hereby approved shall be carried out before 07.30 hours or after 18.00 hours Monday to Friday, before 07.30 hours 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 CM5 of the Carlisle District Local Plan 2015-2030.



