

## SCHEDULE A: Applications with Recommendation

21/0698

Item No: 10

Date of Committee: 22/10/2021

**Appn Ref No:**  
21/0698

**Applicant:**  
Magnus Homes Ltd

**Parish:**  
Wetheral

**Agent:**  
Harraby Green Associates

**Ward:**  
Wetheral & Corby

**Location:** Land North of Holme Meadow, Cumwhinton, Carlisle, CA4 8DR

**Proposal:** Erection Of 5no. Market Dwellings; Erection Of 9no. Self/Custom Build Dwellings; Formation Of Vehicular Access And Road; Provision Of Structural Landscaping/Planting; Formation Of Amenity Area And Provision Of Associated Infrastructure And Services (Outline) (Revised Application)

**Date of Receipt:**  
09/07/2021

**Statutory Expiry Date**  
11/10/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Christopher Hardman

#### 1. Recommendation

- 1.1 It is recommended that authority to issue an approval be given to the Corporate Director of Economic Development subject the completion of a Section 106 Agreement regarding:
- limiting defined units to self-build and custom build dwellings;
  - maintenance and management of on-site open space, amenity space and strategic landscaping areas.
- Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development.

#### 2. Main Issues

- 2.1 Whether the principle of development is acceptable
- 2.2 Impacts on residential amenity;
- 2.3 Whether the proposals are acceptable in terms of road/pedestrian safety;
- 2.4 Whether the proposals are acceptable in terms of surface water, foul water and any potential flood risk impacts;
- 2.5 Impacts on trees, hedgerows and biodiversity; and
- 2.6 Requirement for Section 106 Legal Agreement

### **3. Application Details**

#### **The Site**

- 3.1 The site (2.25 hectares) is an agricultural field adjacent to Broomfallen Road at the western end of Cumwhinton village. Broomfallen Road abuts the site's entire western boundary, which consists of two long sections of hedgerow either side of a field gate access. The section north of the existing field access is more substantial hedgerow than the section to the south of the access. It 'crests' near the centre, falling gently to the south and north and a little steeper in the north-east corner, where it slopes downhill in a north-easterly direction.
- 3.2 The northern boundary connects to the western boundary by the road and is formed by a field hedge containing a number of mature trees, several of which are in the central section of the hedge and 2-3 clumped in each corner.
- 3.3 The southern boundary is demarcated by vegetation and fences installed when the Holme Meadow development was constructed and augmented by householder planting. To the south of this boundary are the rear garden areas to 1, 2, 3, 4 and 5 Holme Meadow. Trees planted as part of the landscaping are beginning to mature and, alongside other vegetative and hard landscaping installations, provide a fairly deep separation between the site and Holme Meadow dwellings
- 3.4 The eastern boundary is more variable and extends in smaller sections incorporating an offshoot of the field at the north-east corner of the site and aligns to an extended garden boundary of number 6 Holme Meadow. The extended garden area boundary to 6 Holme Meadow consists of a close-boarded timber fence (approximately 1.8m height) supplemented by trees and shrubs behind (on the garden side).
- 3.5 At the southern corner a small strip of land is included within the site which would facilitate installation of a connecting footpath/pavement, meeting with the path that then goes into Holme Meadow.
- 3.6 To the east and north of the site are agricultural fields. On the opposite side of Broomfallen Road in relation to the northernmost part of the site is open farmland (currently arable) for a length of around 150m; south of that is an area of mature woodland fronting the road for a length of around 145m now covered by a Tree Preservation Order.
- 3.7 The main site access is opposite the point where the northern corner of the curtilage to a detached dwelling called The Brambles meets the mature woodland mentioned above.
- 3.8 A gas pipeline is situated in the verge alongside the road, along the entire western boundary of the site.

- 3.9 There is a surface water sewer passing through the eastern area of the site which has been indicated as being within an easement strip affecting several potential house plots. This comes into the site from the extended rear garden to No. 6 Holme Meadow, runs north-west for approximately 80m and turns north-east, where it is shown to run for approximately 100m before it meets an outlet point in a neighbouring field. Just before it reaches this outlet point, the surface water sewer is shown to cross the path of an existing foul sewer, part of which is just within the application site in its north-east corner.

## **The Background**

- 3.10 This application is a revised application and was submitted following the Development Control Committee's consideration of application 19/0871. That application was for the "Erection of 5 no. market dwellings; erection of 9 no. self/custom build dwellings; formation of vehicular access and road; provision of structural landscaping/planting; formation of amenity area and provision of associated infrastructure and services (outline)". At the meeting on the 11th June 2021 the application was refused for the following reason:  
*"The proposed development will lead to an unacceptable intrusion into the open countryside and therefore conflicts with criterion 3 of Policy HO2 of the Carlisle District Local Plan 2015- 2030."*
- 3.11 An appeal has been lodged with the Planning Inspectorate however at the time of writing this report, the appeal process has not yet commenced.
- 3.12 Following consideration of the refusal reason and the points discussed by Members of the Development Control Committee at its meeting on the 11th June, the applicant has undertaken additional work to address members concerns.

## **The Proposal**

- 3.13 The proposed development is applied for in outline with only "appearance" a reserved matter. The submissions indicate a potential layout including locations for 14 plots, an access road, woodland areas, attenuation area, structural landscaping (tree planting) and open spaces. The layout would include a single service road which enters the site close to where a current field gate is situated, the road running first east then north to work with the contours of the land i.e. road position set to avoid highest area and to loosely follow a lower contour.
- 3.14 Of the 14 plots, 9 would be self-build in accordance with self-build housing definitions and 5 plots would be market housing. It is intended that the applicant would provide the infrastructure and structural planting for the site and by the location of the market housing would ensure that the self-build plots are serviced and available. The illustrative layout would become adopted as a 'plot map' if this particular application achieves a planning permission. A design code accompanies the application to establish parameters for development of the self-build plots.

- 3.15 A substantial tract of land forming the northern area of the overall site, plus a significant area of land between plots 11-14 and Broomfallen Road are identified as amenity space including woodland areas and pathways. The amenity/woodland areas would occupy around half of the overall site, and would therefore be in the region of 1.2 hectares in area.
- 3.16 Revisions to this proposal include the provision of a an attenuation pond which will help to slow down the discharge of water from the site and act as a sediment trap thus ensuring that sediment does not build up downstream towards the village. The pond will also act to improve the biodiversity offer on site combined with the woodland planting and open space.
- 3.17 This revised application includes a Landscape and Visual Assessment from a landscape architect who assesses the degree of impact of the development and how this would appear over time.

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

- 4.1 The application was advertised by way of a site notice, press notice and neighbour letters sent to 28 addresses. Ten letters of representation were received all of which object to the application. Four of the objectors have referenced their earlier correspondence to application 19/0871 and additional points have been added into the summaries in this section. Members are provided with the full correspondence separate to this report.
- 4.2 A summary of the matters raised in objections are as follows:

Myself and the other objectors are outraged at this application. Formally request that this be rejected as I cannot see how it can be described as a revised application. There are no significant or material changes. The applicant has simply employed another consultant to agree with them and resubmitted the same application. It would be an affront to the taxpayer, the successful objectors, the members of the committee and the democratic process to accept this as a valid application.

As the applicant concedes in their Access, Planning and Design Statement they are simply asserting that the committee were wrong in their conclusion. This is simply akin to a child stamping its feet and having a temper tantrum in response to an adults decision and rightly this is no part of the planning process. I cannot see that there is any basis for concluding that this is a valid application and to so conclude would therefore be unreasonable.

The committee were perfectly clear in their decision that this site should not be developed as it is in open countryside, nothing in this application in any way changes that perfectly valid conclusion. Indeed the only proper and legitimate way for the applicant to seek to have that decision reviewed is to appeal, that is surely both clear and simple logic. Anything else would amount to an abuse of process.

I again ask that this application is simply rejected as not a valid revised application, indeed no such way forward is appropriate or proper in these circumstances.

We object to this application please apply our objections to the earlier refused application to this new application.

We have already asked that our objections to the previous applicant be applied to this application.

For the avoidance of doubt we also wish to make it clear that we disagree with the ecological and environmental impact claims made by the applicant. Firstly, of course, no such claims are necessarily true simply because the applicant asserts them. Secondly any such credentials are irrelevant where the application has or should be rejected on other planning grounds. Thirdly, as we demonstrated at the committee meeting which rejected the previous application, much wildlife already uses the existing field and hedgerow habitats, most of which will inevitably be displaced by residential development and will not find the proposed planting to be suitable alternative because of its immaturity, proximity to buildings and the fact that as community space it will be used by people and pets both of which will scare away the present species which use this area many of which will simply not tolerate such disturbance. As amateur naturalists, Life Fellows of the RSPB and having closely observed this area for over 21 years it is clear that the applicant grossly overstated any ecological benefits and totally ignores the negative effects on existing rare species. The proposed planting will only provide habitat for garden birds which in this locality tend to be dominated by wood pigeons and sparrows which can out compete other more endangered species which are currently present but will be lost.

As this issue has been ongoing since November 2019 and there has been much correspondence we thought it might be helpful if we listed the communications which we wish you to take account of and which contain our objections to this new application.

1. Our letter of 4/12/19 containing our initial objections.
  2. Our letter of 4/01/20 contains our response to the applicants revisions and additional information.
  3. Our letter of 18/11/20 containing our objections to the applicants revised application.
  4. My statement to the Planning Committee when it met on 11/06/21 (a copy of which I left with the committee clerk)
  5. My on-line comments in July.
- Finally (and without in any way conceding that such would merit approval) if the applicant had genuinely wished to respond to the committee's previous refusal and reduce the impact on open countryside then they could have simply switched the respective locations of the self build and single storey dwellings. This would have taken the large individual dwellings away from the highest part of the site and also meant that the proposed planting scheme would have started to have some screening effect over a much shorter timescale.

We trust that you will be recommending that this application be refused  
*Initial objections on application 19/0871 from same resident:*

This proposal would be the largest, densest and most intense development in the village. Cannot say that scale and design is appropriate.

Cannot be said that it meets the requirements of HO2 (3) requiring sites to be well contained within existing landscape features, physically connected and integrates to the settlement and does not lead to an intrusion into then open

countryside.

Local Plan identified sites in Cumwhinton and these have been developed. No more are needed.

Traffic issues are a major concern with speeding, congestion, and on-street parking and the use of the village as a rat run.

The school is full and cannot physically expand, development should be where capacity exists or can be provided

Retention of existing trees and hedges on southern and eastern boundary benefits their assertions but there no safeguarding proposals.

Serious questions regarding surface water drainage and capacity to take additional flow

Prevalent waterlogged ground north of Holme Meadow

Issue of construction vehicles need to be addressed

Local Plan indicates 30% growth in rural settlements, Cumwhinton has already accommodated more than its fair share, neither needs nor wants any further development.

The Garden Village can meet identified needs, and this would drive a coach and horses through that concept.

Local residents, MP and CPRE have all objected to the development on planning grounds, although the revised proposal is less intrusive it remains in breach of these important planning policies and should be refused.

There are already 8 recent modern urban style cul-de-sacs and another has planning permission, enough is enough

The village already has a limit imposed by Holme Meadow

The extent of approvals prove overdevelopment and should rule our further approvals.

Children from the development will not be able to get to the school.

The amended application includes market dwellings which erodes any argument for exception as self-build

Claimed that because of revised planting it is a similar scale to Holme Meadow so should have approval

Can only assert that it "should" comply with the SPD

New properties will also be at risk from surface water discharge

No reason why these dwellings can't be provided in the Garden Village

An improved design in the wrong place is still wrong and should not be accepted

Raises questions about the efficacy of the drainage system and flood risk impacts.

I object to this application please apply our objections to the earlier refused application to this new application. To date, it does not appear that anything has altered in the application and the objections that have already been raised by ourselves and many other parties still exist

*Initial objection on application 19/0871 from same resident:*

Health and safety issues need to be addressed and refer to NPPF section 8.

Physical and mental health issues are now a premium consideration.

Urban development which result in the capping of natural rain draining land will increase the risk of flash flooding. To counter flash flooding sustainable drainage needs to be in place and risk assessment done, none of this has worked since flooding is increasing in Cumwhinton.

The boundary was subject of detailed consideration when Holme Meadow was built, this breaches the boundary and is in open countryside. There are enough new builds ongoing at present. Traffic and drainage is a problem.

I wish to object to the above appeal on the following grounds:-  
The development would be an intrusion into open countryside. There would be much lost habitat for wildlife, including bees. Highway safety is an issue, and the road near to the entrance of the proposed site has for some time now been used for parking. It is likely to result in a loss of privacy for existing homes in Holme Meadow. The village of Cumwhinton does not, in my opinion, have the amenities to support further development of this nature. We lack a proper General Store, a Hotel, and a Health Club and Spa, and we lack the public transport choices available in our neighbouring village of Wetheral (i.e. a Railway Station).

In reference to the application, the following outline our objections to this development.

1.) The expansion of the village into the open countryside - The new proposal does not significantly differ from application 19/0871 which was refused primarily on the basis of one element of criterion 3 of Policy HO2, namely the concern that the proposal would lead to an unacceptable intrusion into open countryside.

Part of the planning states it will still provide a northern edge to the village however this is already in place with Holme Meadow, which already has established trees, hedgerows and foliage to provide the barrier between open countryside and the village. Should the development of these houses take place at what point will it be decided that the edge of the village is defined, or will neighbouring fields be developed with dwellings in the future and so the village would just continue to grow in size?

2.) Village growth and recent housing developments - The village area and size has already increased significantly since 2014 with over 8 new housing developments already in place. The additional population growth is changing the traditional village characteristics, it will also have an impact on the local amenities and education of local residents. The size and type of houses being proposed would be more likely for families and therefore a direct impact on the local school. Having young children ourselves we are already aware of the local primary school being oversubscribed, where there is only 1 class per year group. The environmental impact of village children having to be driven to another school to meet their education needs due to additional houses being built is preposterous.

3.) Road infrastructure and road safety - the traditional linear village already receives a high proportion of traffic travelling through to neighbouring villages and towns. The police and local residents are aware of the issues and the increase of residential properties with their own vehicles will only increase the known infrastructure risks will heighten the probability of a serious incident or fatality. By minimising the through traffic to the village this will only help to reduce the risks of such tragic events.

4.) The Garden Village to the south of Carlisle has been approved where by this development was put into place to prevent the overdevelopment of existing villages, such as Cumwhinton. The historical linear village should be

maintained where new 'self build' properties will have no common visual appeal and to many be a modern eye sore when approaching what should be a traditional village outlook.

5.) The plans on this planning application 21/0698 alters from its subsequent planning application 19/0871 by the introduction of a pond - stating a biodiversity plan. There is already wildlife in place on this land where we have already seen rabbits, hares, stoats, foxes, hedgehogs and owls to name a few and these will have their current habitats removed.

In conclusion:

- There is already a clear distinction of the open country and the start of the village on the road approaching the village while travelling on Broomfallen Road.
- Oversubscription to the local school, inhibiting educational needs, is already creating unnecessary travel to alternative schools for local residents.
- Local road infrastructure is at a greater risk of serious incidents by the increase of traffic through the village.
- The garden village planning was approved with the aim to reduce the development of existing villages, such as this application.
- Wildlife and habitats are going to be destroyed with many animals and organisms being affected.

As a regular visitor to the village, I had noticed the planning application on the field gate where I would like to object to the planning with the following reasons :

There would be loss of habitats for wildlife and animals including endangered species.

The expansion of the village into the open countryside would make the village not as traditional and in-keeping with village populations.

Infrastructure and road safety is a huge concern that additional houses would bring for motorists, horse riders, pedestrians, and cyclists.

The lack of amenities in the village is not suitable for additional houses with a major concern of the school being oversubscribed, where already village children are not able to get into the school.

Finally the privacy of the local houses would be affected.

I strongly object to this proposed development on the following grounds.

1. Insufficient infrastructure to support such a development, ie, local schools are over subscribed already ( Scotby, Cumwhinton ).
2. Insufficient local amenities to support yet more housing, ie, public transport, shops/retail , leisure facilities etc.
3. Cumwhinton has already endured 3 recent new housing developments, Magnus Homes @ Thornedge, Genesis Homes at south end of village , Andy Brown development opposite the Lowther Arms public house in conjunction with a new Story development on Broomfallen Road outside Scotby village on road leading to Cumwhinton.
4. Why are you building a proposed new development in Cumwhinton when planning permission has been granted for 10,000 new houses for Garden Village on west side of Carlisle ?.
5. Totally unethical and unacceptable to build new builds and "en encircle" completely an established Holme Meadow housing estate.
6. " Over saturation" point of Cumwhinton has already been established.

7. The original planning permission for this development has already been refused, why has original objections not been "read across" to this new planning proposal ?.
8. You cannot accept this new proposal based upon re-submitting because of a "few tweaks" or adjustments.
9. Environmentally unacceptable for new development.
10. Is it Carlisle City Councils objective to completely "join up the villages of Scotby, Wetheral and Cumwhinton with new developments ?

Once more I find myself having to stand up against the fact that more housing estates are proposed on the land of little villages in the countryside i.e. Cumwhinton where there is no room to provide new schools and amenities for the tenants. All schools in Cumwhinton, Scotby and Wetheral are oversubscribed but the building of new properties carries on regardless and estates are being built on every spare piece of land. We have all spoken up about this before but the powers that be go ahead without listening to the people who live in these areas. Our worries fall on deaf ears so what do we do to get our point over? A new estate off Broomfallen Road now so more country roads congested also pot holes rife. Enough is enough in this area. Start to listen to peoples views. Please.

I strongly object to this planning application. The development is proposed on open countryside which should be protected. Trees and fields are important for carbon capture, provide habitats for wildlife and wildlife corridors. The flora, particularly trees are very important for helping to prevent climate change, the destruction of the open countryside does not support the Climate Emergency which the Council declared in 2019.

The infrastructure of the area is already at its maximum with schools oversubscribed and the transport network very busy. The addition of new houses will only exacerbate the current situation.

The addition of new homes and concrete areas will increase the flood risk. The aim of the garden village was to avoid developing smaller villages and this proposal does not support the garden village objective.

I object to the proposed development to the side of my property.

This is a small village which will spoil the look and also cause implications in the future (infrastructure)

There are other developments going ahead i.e. Carlisle Garden Village. Is it really necessary to build in a small village and spoil the look of it.

I'm aware since living in the village there has been a risk of flooding. We have seen this on a few occasions since moving here in December 2019

I feel this would harm the wildlife in the immediate area. We have seen birds of prey and other species and would not want their habitat to be affected. Agricultural land dissipating.

village noise would rise with extra pollution of cars.

In reference to the above application, I find myself once more objecting to this development.

The proposed expansion of the village into the open countryside - The new proposal does not significantly differ from application 19/0871 which was refused namely due to the concern that the proposal would lead to an

unacceptable intrusion into open countryside.

Village growth and recent housing developments Have already created additional pressures on the local infrastructure such as school capacity  
The village area and size has already increased significantly since 2014 with over 8 new housing developments already in place.

The Garden Village to the south of Carlisle has been approved where by this development was put into place to prevent the overdevelopment of existing villages, such as Cumwhinton. The historical linear village should be maintained!

We are writing to request that our previous objections to the earlier refused application now be applied to this Revised Application

*Initial objections on application 19/0871 from same resident:*

Huge detrimental effect on the village.

Cumwhinton will no longer be a village if future residential developments go ahead.

Would create a lot of additional traffic up and down and put a huge strain on local services.

This application is identical in substance to application ref 19/0871. I have therefore submitted as attachments my three objections (three amendments) to 19/0871.

19/0871 was refused on 11/06/2021 Therefore I expect 21/0698. submitted 13/07/2021, to be refused also. If not there is something sadly amiss with the planning processes.

I find it strange that a refused application can be made again with a different ref number. That implies that the whole planning process is flawed and can be jammed completely with repeats.

I will of course be requesting explanations from the planning ombudsman.

*Initial objections on application 19/0871 from same resident:*

Main concern is ability of current drainage systems to disperse additional amount of rain and foul satisfactorily.

Centre of Cumwhinton already subject to flash floods and additional water volumes will make this worse.

Represents a health and safety issue, need to cross contaminated ground to get to transport and village shop. Parents and children also use this road to access the primary school.

Old and young are most at risk

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

**Cumbria Fire & Rescue Service:** - No response received

**Cumbria County Council - (Archaeological Services):** - No objections

**Cumbria Constabulary - North Area Community Safety Unit (formerly Crime Prevention):** -

It is acknowledged that this is a revised application for outline permission, but the proposed layout has not changed from application 19/0871 - suggesting that this is the preferred option.

1.2 The purpose of this document is to determine at the outset the initial design parameters to control the type of unit and its positioning on the plot.

1.3 This outline planning application defines in clear terms the layout of the development, location of each plot, the infrastructure provisions and structural landscaping.

Item 6 (Planning Policy) of the published Planning, Design and Access Statement advises that Policy CM 4 of the Local Plan is a relevant policy to determine this application. However there is no additional information that indicates how the proposal complies with CM 4, or addresses the issues I raised in my previous consultation responses (copies attached for perusal). In the event of this outline application being approved, an application for full permission must include details that demonstrates how the proposal confirms to the Local Plan:

New development should make a positive contribution to creating safe and secure environments by integrating measures for security and designing out opportunities for crime.

(Previous comments)

It is acknowledged that this application is for outline permission and the proposed layout may only be considered as indicative.

Despite the individuality of house design being encouraged under a scheme of this nature, compliance with Policy CM 4 is still essential.

In the event of an application for full permission being submitted, the proposals should incorporate the following features, to reduce the opportunities for crime and to demonstrate compliance with council policy:

- Communal spaces and the access routes shall be in full view from the dwellings – from a variety of directions
- Public and private spaces shall be clearly and obviously delineated to promote the concept of ownership
- The landscaping scheme shall be designed to prevent views being obstructed or hiding places being created as plants mature
- Street and dwelling exterior lighting schemes shall be configured to acknowledge the rural nature of the site
- Rear and side garden boundaries will be formed to deter intrusion
- Dwellings shall be protected against forced entry (also demonstrating compliance with Building Regulations Approved Document Q)
- Provision for secure car parking

I shall be pleased to advise on any crime prevention issues arising from this application.

It is acknowledged that this application is for outline permission and the published Site Layout is indicative only.

I refer to my consultation response dated 30th December 2019, which explains various measures that should be implemented to reduce the opportunities for crime and to demonstrate compliance with Policy CM 4 of the Local Plan:

- Communal spaces and the access routes shall be in full view from the dwellings – from a variety of directions

It is not clear from the proposed layout drawing if Units 11 – 14 are orientated to address the vehicle access road (and Units 7 – 10), or orientated to

address the footpath and heavily landscaped area adjacent to Broomfallen Road – all of these public realm features should be under direct supervision. Is it intended that the footpath shall be lit?

If the outline application is successful, information regarding the other measures I have previously mentioned should be included at Reserved Matters. I shall be pleased to advise on any of these issues as this proposal progresses.

**Wetheral Parish Council, Wetheral Community Centre:** - Objection. The committee reiterates its previous objections. The Parish Council considers this to be over-development of the village, especially in light of the planned Garden Village which is supposed to reduce excessive development. The developer's plans do not show other new developments already underway in the village.

There is already a problem with drainage in Cumwhinton which is causing flooding in a number of properties. Until this is resolved there should be no further development permitted in the village. The proposed site and surrounding land are already waterlogged and unsuitable for building. This application is contrary to Policy HO2 Criterion 3 of the Local Plan, unacceptable intrusion into open countryside, and Policy SP2 Criterion 7, development opportunities of appropriate scale and sizing. It is not possible for a community to thrive when its infrastructure is being overloaded by excessive development.

**Council for Protection of Rural England/Friends of the Lake District:** - We previously objected to application 19/0871. This proposal (21/0698) is essentially a re-submission of 19/0871. Our concerns, set out in the email below, related predominantly to the principle of developing this site in the context of overdevelopment of the village, evidence that was used to inform the local plan, the Cumbria Landscape Character Guidance and Toolkit and local plan policy. As such, whilst we note the proposed planting and wildlife pond, these could be put in place without developing the site and ultimately, the reason given for the refusal of 19/0871 remains valid and our concerns about developing this site still stand. Previous harm to Cumwhinton's historically linear settlement form should not be used to justify further harm.

Original comments:

Friends of the Lake District (FLD) welcome the opportunity to comment on the above application. We are the only charity wholly dedicated to protecting the landscape and natural environment of Cumbria and the Lake District. Friends of the Lake District object to the above application on the grounds of impacts on landscape and settlement character and overdevelopment.

The Carlisle Local Plan states that there is a requirement of 478 (net) new homes per year between 2013 and 2020. This amounts to a total of 3346 new homes. It also states at para. 3.13 that 30% of housing growth will take place in rural settlements. 30% of 3346 is 1003.8. The Local Plan states that there are 'many' rural settlements (para. 3.29) but does not make clear which settlements are 'rural settlements'. However, during the preparation of the Plan, its 'Rural Master planning' exercise covered 22 settlements, meaning that each settlement, on average, would be expected to accommodate 46 dwellings each between 2013 and 2020. Even if 'many' meant as few as half

the settlements covered in the exercise, this would require each settlement to accommodate 91 dwellings each on average.

The amount of development already permitted in Cumwhinton during the 2013-2020 period has already resulted in 81 dwellings (19+62). Permissions for housing on the two sites allocated for housing there in the Local Plan alone amount to 34 new dwellings (although 15 of these (12/0856) were permitted before the Plan Period began). 19 were permitted under 18/1104. Permissions on windfall sites amount to 62 (22 resulting from 15/1011, 22 resulting from 14/0816, 8 resulting from 16/1087, 5 resulting from 15/0494, 3 resulting from 19/0611 and 2 resulting from 17/0561). Whilst recognising that the figures in the Local Plan are not intended to result in precise targets or maximums for each settlement, and that some rural settlements are more remote from Carlisle or may have fewer services and facilities than Cumwhinton, a further 24 houses through the development of this site would mean that the village had accommodated 105 new dwellings in just 7 years, clearly exceeding the amount indicated in the Local Plan and by over 125% assuming there are 22 rural settlements. The cumulative impact with application 19/0898 for a further 9 dwellings must also be taken into account.

As well as demonstrating the ability of the plan area to deliver housing in relation to an overall target, one of the purposes of indicating numbers in the Local Plan is to give local people, developers and anyone else with an interest in the area an idea of what development to expect, when and where. These groups could not reasonably expect, on the basis of the numbers indicated, that Cumwhinton would be expected to accommodate this level of development. Similarly, assessments of the Local Plan and its proposals, during its preparation and including by the Inspector when it was examined, took into account various factors of capacity and sustainability and the Plan indicated the numbers it did accordingly. On this basis, it is possible that the Plan would not have been found sound at Examination had the numbers now proposed been set out in the Plan as it was on the basis of the indicated lower level of development that the Plan was approved.

The Local Plan states at policy SP2 that development in rural settlements must be of a 'an appropriate scale and nature', 'commensurate with their setting' and 'enable rural communities to thrive'.

To expect Cumwhinton to accommodate over 125% more new housing than indicated in the Local Plan cannot be described as appropriate in scale. A development that compromises a green space that provides an important role in the settlement's character and which would sever the settlement's visual connectivity with the countryside beyond is not commensurate with the village's setting. To thrive, communities of all kinds require many aspects to be taken into account beyond economic gains; health and wellbeing, and a sense of community, place and history are all important. By compromising, as described above, a space that plays a key role in these factors, this proposal will not enable Cumwhinton to thrive in these ways.

**Policy HO2** applies to windfall sites such as this proposal. It states that '[w]ithin rural settlements applicants will be expected to demonstrate how the proposed development will enhance or maintain the vitality of rural

communities'. Again, Cumwhinton has already accommodated its fair share of new development and to allow further development of the scale proposed that is not supported by the community will not enhance or maintain the vitality of the village. The proposal fails to meet the requirements of points 1, 2 and 3 of HO2. The proposed development:

1. is not 'appropriate to the scale, form, function and character of the existing settlement'
2. will not 'enhance or maintain the vitality of the rural community within the settlement where the housing is proposed'
3. is not 'well contained within existing landscape features', does not integrate with the settlement, and does lead to an unacceptable intrusion into open countryside.

Policy GI1 states that 'all landscapes are valued for their intrinsic character and will be protected from excessive, harmful or inappropriate development' and that 'proposals for development will be assessed against the criteria presented within the Cumbria Landscape Character Guidance and Toolkit. Cumwhinton lies within character type 5 Lowland and sub-type 5b, low farmland. Within this sub-type, the Toolkit states that the 'traditional feel of villages and farms can provide a sense of stepping back in time in places and is sensitive to unsympathetic village expansion' and that 'views can be wide and long distance to the Fells and sea and have an expansive feeling'. This proposal would compromise both these characteristics, which are very relevant in the case of Cumwhinton and this site in particular as the site contributes to the setting of the village and provides an open aspect and expansive views to the open countryside.

Amongst the guidelines in the Toolkit for this sub-type are 'ensure new development respects the historic form and scale of villages', 'encourage stronger definition of gateway entrances and exits' and 'enhance and strengthen green infrastructure to provide a link between urban areas and the wider countryside'. Again, this proposal would achieve the opposite of these guidelines as it would result in overdevelopment and would wholly compromise both the existing strong link between village and countryside (provided by the visual link between this part of the village and the site) and the defined sense of entering the village, which has already been somewhat compromised by the Holme Meadow development.

The 'Rural Masterplanning' exercise referred to above, undertaken as part of the preparation of the Local Plan, also concluded that the 'distinctive hummocky landform to the north' of Cumwhinton should be 'conserved' and a notation placed on this site on the resulting map states 'little expansion northwards is possible before it creeps over the crest and becomes visible from the north'. The Commission for Architecture and the Built Environment (CABE) noted as part of the process that allowing substantial development in Cumwhinton would 'readily become incongruous and change the character of the village'.

The Council confirmed at April 2018 that it could demonstrate a 5 year housing land supply and has also recently won Government support to go ahead with a 'garden village' development of 10,000 houses only minutes

from Cumwhinton. This suggests that there are ample opportunities to meet identified needs, including for self-build, without requiring historic villages such as Cumwhinton to accommodate significant development amounting to over 125% more than that allocated to them in the Local Plan. Particularly where this would have unacceptable impacts on landscape character and settlement character, including the setting of Cumwhinton and where it clearly conflicts with relevant Local Plan policies as set out above.

**Cumbria County Council - (Highways & Lead Local Flood Authority): -  
*Local Highway Authority response:***

The planning application under consideration seeks full planning approval for 14 dwellings at Cumwhinton near Carlisle. The application considers the access, landscaping, layout and scale of the development. It is noted that 5 of the 14 units are to be open to the market with the remaining 9 to be self build; in addition 5 of the units are to be single storey.

The access to the site is north of Holme Meadow, Cumwhinton and is proposed to be 4.8m in width with a 1.8m footway which connects into the existing footway to the south. This provision is in accordance with the Cumbria Development Design Guide and is acceptable to the Highways Authority in principal. However, the radii of the kerbs on the access is stated to be 10.5m and this is to be altered to 6m which is considered more appropriate for a residential development. There is a known speeding issues at this location and it is a requirement that this is considered as part of this application as there will be an increase in traffic flows along Broomfallen Road post development. We would therefore require that the applicant fund, at the northern approach to the village at the revised 30mph sign location, a gateway feature which would reduce vehicle speeds entering the village. This will also require that the current speed limit and its signage are revisited and potentially amended.

The cost of the aforementioned would be:

- £5,500 for the gateway feature and speed limit changes.

The visibility splays at the proposed access have been agreed between the applicant and the Highways Authority as part of pre-application discussions at 2.4m x 60m for the main access into the development site. This visibility splay proposed meets the requirements of the Cumbria Development Design Guide as the access point is to be within a 30mph zone. A new hedge is proposed to be planted across the western extent of the development and this has the potential to impact upon the visibility splays associated with the access.

Therefore the applicant at a later stage of the planning process is to detail the location of the hedge so as it does not impede any visibility splays and is less than 1.05m in height. Therefore to conclude the Highways Authority have no objections with regards to the approval of planning permission subject to the conditions stated at the end of this response being applied to any consent you may wish to grant and a contribution of £5,500 towards the cost of a gateway feature.

***Lead Local Flood Authority response:***

The applicant has submitted a proposed drainage strategy to compliment this full application at Cumwhinton. It is stated that there is an existing United Utilities 225mm diameter surface water sewer which runs through the development site. The applicant is therefore proposing to discharge the

surface water from the development into this existing surface water sewer at a rate no greater than 2.8l/s in line with the greenfield runoff rate.

The applicant has worked through the hierarchy of drainage options as stated within the Cumbria Development Design Guide through undertaken a series of infiltration tests in accordance with the BRE365 method. The LLFA have reviewed the results of the infiltration testing against the requirements of the BRE 365 method and can confirm that infiltration is not a viable method of surface water disposal. As such discharge into the surface water sewer as per the applicant's preferred option is acceptable.

The discharge rate of 2.8l/s is equal to the greenfield runoff rate as demonstrated within the drainage strategy report submitted by the applicant. Further to this detailed calculations have been submitted to demonstrate that attenuation is provided on the development site to be able to accommodate a 1 in 100 year plus 40% to account for climate change storm event. This is acceptable in principle; however it is noted that the discharge rate within the calculations is a maximum of 2.9l/s when the discharge rate should be a maximum of 2.8l/s. This is to be amended by the applicant. The LLFA determine that this information can be provided at a later stage of the planning process along with a detailed drainage plan and exceedance routes which relates to the calculations.

The applicant has detailed with the drainage strategy report that the drainage proposals incorporate sufficient treatment of the surface water prior to discharge for a residential development in accordance with page 568 of the SuDS manual (table 26.2). The SuDS manual dictates that for a very low and low risk residential development that the following pollution control is required:

Suspended Solids = 0.7

Metals = 0.6

Hydrocarbons = 0.45

The applicant with their drainage strategy has illustrated that a detention basin and pond are to be provided as part of any development. The mitigation indices of the SuDS components proposed are detailed below:

Suspended Solids = 0.7

Metals = 0.7

Hydrocarbons = 0.5

As such the drainage proposals are in accordance with page 568 of the SuDS manual (table 26.2) and are acceptable to the LLFA.

Therefore to conclude the Lead Local Flood Authority have no objections with regards to the approval of planning permission subject to the conditions stated at the end of this response being applied to any consent you may wish to grant.

Conditions relating to : adoptable standard, ramps, access drive surfaces; existing boundary reduced for visibility splay; visibility splays; footway provision; parking for construction vehicles; Construction phase plan; surface water drainage scheme; construction surface water management plan;

### **Local Environment - Environmental Protection: -**

#### **Land Contamination.**

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. Further guidance can be found on the Carlisle City Council website “Development of Potentially Contaminated Land and Sensitive End Uses – An Essential Guide For Developers.”

Site investigations should follow the guidance in *BS10175:2011 (or updated version) “Investigation of Potentially Contaminated Sites.- Code of Practice ”*.

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.

#### Air Quality and Transport

Prior to the occupation of any dwelling, a 32Amp single phase electrical supply shall be installed to allow future occupiers to incorporate an individual electric car charging point for the property. The approved works for any dwelling shall be implemented on site before that unit is first brought into use and retained thereafter for the lifetime of the development.

Reason: To ensure the provision of electric vehicle charging points for each dwelling, in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

#### Noise & vibration

Consideration should be given to limit the permitted hours of work in order to protect any nearby residents from possible statutory noise nuisance, this includes vibration. Any other appropriate noise mitigation measures should be considered, for example, the use of noise attenuation barriers, the storage/unloading of aggregates away from sensitive receptors and the use of white noise reversing alarms, where possible. These measures should aim to minimise the overall noise disturbance during the construction works.

#### Dust

It is necessary to protect any nearby residents or sensitive receptors from statutory nuisance being caused by dust from the site. Given that the site is located in a residential area it would be advisable to consider all appropriate mitigation measures. Vehicles carrying materials on and off site must be sheeted or otherwise contained, water suppression equipment should be present on site at all times and used when required, wheel wash facilities should be made available for vehicles leaving site and piles of dusty material should be covered or water suppression used.

#### Public Information

It would be advisable for the applicant to write to all residents and businesses within the vicinity of the site, which could be potentially adversely affected by the works. This could include detail of the planned hours of work and duration of the project, prior to commencement of works. The applicant should also distribute details of a suitable contact number which can be used in the event of issues/complaint.

#### **United Utilities: - Drainage**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

Following our review of the submitted information, we understand that the Lead Local Flood Authority (LLFA) is satisfied that infiltration at this site has been discounted as an option for surface water management.

With regards to the option of discharge to watercourse, no information has been submitted which demonstrates that a direct discharge to the watercourse to the north east is not feasible. We note this after having reviewed the drawing titled '*Site Plan As Proposed*' drawing number '*2064 - 04 Rev. E*', which shows a blue line boundary that abuts the watercourse. We therefore request that the applicant confirms why a direct discharge to watercourse cannot be achieved without recourse to the public sewer for the management of surface water. We are happy for this to be dealt with conditionally in accordance with our recommended conditions.

We also note that the submitted drainage report confirms that there are a number of existing field drains present within the site which enter the public surface water sewer system. We wish to note that United Utilities has no obligation to accept land drainage and therefore as a result of the development the land drains should be disconnected from the public surface water sewer. This is also reflected in our recommended conditions.

The local planning authority should note that the submitted drainage report confirms the intention of the applicant to maintain both the foul and surface water drainage systems privately. As such, United Utilities will have no role in the assessment of the detailed design of the future on-site drainage proposals save for considering the detail of any interaction with the existing public sewerage system. We therefore wish to highlight that the local planning authority and LLFA will need to carefully consider the detail of the foul and surface water drainage designs including the proposed finished floor and ground levels. We mention this with specific reference to the individual drainage runs for each proposed dwelling, some of which have finished floor levels (FFLs) lower than the cover level on the receiving sewer. It is good practice for the FFLs for a proposed property to be higher than the manhole cover level at the point of connection to the receiving sewer. Also, given the proposed site levels, careful consideration should be given to safe overland flow routes within and outside the development.

We wish to also highlight that the detail of the gradients of the drainage proposals prior to their interaction with the public sewer will need further consideration. This should be discussed with our Wastewater Developer Services' team prior to finalising the detail of any drainage design and prior to making any connection with the public sewer.

Finally we note the submitted landscaping proposals and we request that the applicant confirms that any landscaping proposal in the vicinity of the public sewer accords with the landscaping advice in our '*Standard Conditions for Works Adjacent to Pipelines*'. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Notwithstanding the above points for further consideration, we have no objection to the proposed development in principle subject to the attachment of drainage conditions. The drainage conditions we have recommended are based on those recommended by Cumbria County Council.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoption Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

If the applicant's development proposal incorporates any SuDS component(s) which interact with a sewer network that the applicant plans on offering for adoption to United Utilities, contact should be made with our technical team at the applicant's earliest convenience by completing the '*Section 104 pre-application form*'. These discussions can help prevent delays later in the development process.

### **Management and Maintenance of Drainage Systems**

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

### **Water Supply**

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

### **United Utilities' Property, Assets and Infrastructure**

Public sewers cross this site and we may not permit building over them. We will require an access strip width of 10 metres, 5 metres either side of the centre line of each sewer for maintenance or replacement. The applicant should ensure that their proposal meets this requirement or a modification of the site layout will be necessary. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction. Both during and post construction, there should be no additional load bearing capacity on our assets without prior agreement from United Utilities. This would include earth movement and the transport and position of construction

equipment and vehicles.

**Local Environment, Waste Services:** - No objection as turning head provided

**Planning - Access Officer:** - No objections

**Northern Gas Networks:** - No objections

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/Section 36 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 are the NPPF, NPPG and Policies SP1, SP2, SP6, SP8, SP9, HO2, IP2, IP3, IP4, IP5, IP6, IP8, CC3, CC4, CC5, CM4, CM5, GI1, GI4, GI6 of the Carlisle District Local Plan 2015-2030. Carlisle City Council's Achieving Well-Designed Housing, Affordable and Specialist Housing and Trees and Development Supplementary Planning Documents are also relevant.
- 6.3 Some objectors have raised concerns that this submission of this application should not have been a valid planning application and should not be considered by the local planning authority (LPA). For clarity, it has long been established that more than one application can be made on a plot of land and historically these have been done where some developers have twin-tracked the planning process putting in an early appeal for non-determination of an application whilst pursuing the same application with the LPA. This is not the case in this instance where the developer has revised proposals to deal with the issues raised in an earlier determination. Whilst the overall form of development is similar to the earlier submission there has to have been at least two applications of a similar nature and an appeal before the LPA can consider refusing to determine an application (we cannot refuse to validate and accept an application). This does not apply in this instance and we therefore have to consider the application and reach a determination.

### **1. Whether the principle of development is acceptable**

- 6.4 Objections have highlighted the concern about the scale of development which has also been echoed by the Parish Council in relation to this application and questioned the principle of development when it should be directed to the Garden Village. The Local Plan strategy is directing development towards St Cuthbert's Garden Village and this work continues. In parallel, work will commence on a review of the Local Plan for the remainder of the district and how development will be directed to different areas however until such work progresses, the Local Plan remains the Development Plan for

the area and proposals must be considered in accordance with those policies. This includes Policy HO2 and SP2 on the distribution of housing. The Garden Village work continues to progress however it is still early days in the development of the planning documents to bring forward development and therefore development proposals may still be considered premature in that area as the infrastructure requirements and delivery are still being determined. The current Local Plan policies remain in force and it is appropriate to consider the merits of any application outside the garden village area against other policies in the Local Plan. Development in other parts of the district cannot be put on hold whilst the Garden Village progresses.

- 6.5 Given Cumwhinton's proximity to Carlisle there have been a number of developments, some brought forward through Local Plan allocations and others as a result of the windfall policies. The two Local Plan allocations (How Park and adj Beech Cottage) are currently being completed and there has been a gradual redevelopment at Thornedge in the centre of the village which recognises the demand for housing in this village. There is however no limit on the number or scale of windfall sites and each must be treated on its merits in terms of scale and its relationship to the village.
- 6.6 When considering the principle of development, this site does not form part of an allocated housing site and must therefore be considered in relation to policy HO2 'Windfall Housing Development' in the Carlisle District Local Plan 2015-2030. This policy is linked to paragraph 78 of the NPPF, which requires that housing should be located where it will enhance or maintain the vitality of rural communities, and that opportunities for villages to grow and thrive should be identified through planning policies.
- 6.7 This development would meet the objectives of Policy HO2 if:
1. The scale and design of the proposed development is appropriate to the scale, form, function and character of the existing settlement;
  2. The scale and nature of the development will enhance or maintain the vitality of the rural community within the settlement;
  3. 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;
  4. There are either services in the village or in nearby villages; and
  5. The proposal is compatible with adjacent land users
- 6.8 In considering these points, the development is appropriate in scale to other developments in Cumwhinton and reflects that layouts which have been integrated into the village over a number of years. Although there is no scale specifically mentioned in Policy HO2, the scale of the proposed development is comparable to the nearby housing. Objectors have raised concerns as to whether this will enhance the village as the services are potentially overstretched with additional housing. The proposed development seeks to contain the housing within a village envelope which is strengthened by woodland planting.

- 6.9 In addition, services like a village shop are unlikely to resist development for commercial reasons. It has been identified that the school is at capacity however a number of developments have contributed towards additional works to accommodate more pupils and once the development is established, children from the village would lead to those from outside being displaced over time. Services are contained within the village satisfying criterion 4 of the policy and this site is close to the village pub. The proposed housing use is compatible with existing housing.
- 6.10 As a result of these considerations, when members considered application 19/0871 it was therefore resolved that the application did not satisfy criterion 3 of this policy.
- 6.11 In considering this application, the applicant has sought to address the concerns raised, by the production of a Landscape and Visual Assessment which demonstrates how the development of this site will be contained within the landscape and that the proposed structural planting as part of the application provides the strong landscape feature connected directly to the woodland to the west of the site. Some concerns have been raised that the landscape feature which is created would not be evident for some time. The Assessment considers this at a 10 year interval from development to illustrate how this would develop over time. Although acknowledging that the existing development has a clear northern boundary, these proposals clearly seek to ensure that not only would the development of the proposed housing integrate with the village, it will also ensure that a future woodland belt is created distinguishing the built area of the village from the surrounding countryside and creating a buffer for wildlife.
- 6.12 This revised application has therefore sought to strengthen the compatibility with Policy HO2.
- 6.13 The proposed development is therefore compatible with Policy HO2 of the Local Plan however given the earlier consideration of the principle of development some members may be concerned that their refusal has not been overcome. There is therefore an important element to consider about this proposed development which is the consideration of self-build housing.
- 6.14 Paragraph 60 of the NPPF requires planning authorities to provide a sufficient amount and variety of land where needed to address the needs of a variety of housing requirements which can be built without delay. Paragraph 62 specifically refers to a wide range of needs and includes people wishing to commission or build their own homes. The NPPF goes further to state that:  
*Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.*
- 6.15 Further guidance has been issued by the current Government in February 2021 update of Planning Practice Guidance, which states (Paragraph 025

Reference ID: 57-025-20210508):

*More widely, relevant authorities can play a key role in brokering and facilitating relationships to help bring suitable land forward. This can include:*

- supporting Neighbourhood Planning groups where they choose to include self-build and custom build housing policies in their plans;*
- effective joint working across service delivery areas and with local delivery partners including Housing Associations, Arms Length Management Organisations and housing developers;*
- using their own land (if available and suitable) for self-build and custom housebuilding and marketing it to those on the register;*
- working with Homes England to unlock land and sites in wider public ownership to deliver self-build and custom build housing;*
- when engaging with developers and landowners who own sites that are suitable for housing, and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the register where the landowner is interested.*
- working with local partners, such as Housing Associations and third sector groups, to custom build affordable housing for veterans and other groups in acute housing need.*

6.16 The Council's Housing Development Officer has confirmed that *"the Council has still not currently approved enough Custom/ Self-Build plots to meet its statutory obligations, as detailed in my e-mail of 23 November 2020. The latest situation, as of today's date, 23 July, is that since the Council's Custom & Self-Build Register was established in 2016 there have been 41 applicants registering for the scheme and 37 plots approved (a further 5 plots have been approved in principle on application 19/0898 but the S106 Agreement has not yet been signed off – this would still leave the Council in an extremely borderline situation, even if the S106 is signed off)." The number of requests for this type of accommodation is greater than the provision and the Government is aware that at a national level needs are not being fully addressed. It is clear from the 2015 Act above that the duty to provide sufficient homes is placed on the LPA and we are currently under-supplying this sector of the market.*

6.17 Whilst the numbers in the paragraph above may not appear large there is a significant latent demand in this sector of the housing market sufficient for the Prime Minister to commission a review into how the scaling-up of self-commissioned new homes can boost capacity and overall supply. That review (The Bacon Review) has reported and includes a number of recommendations including through the forthcoming planning reforms. Whilst the future of those planning reforms is still being considered by Government, it was clear that there was an increased importance to delivery of custom and self build housing. Those suggested reforms focussed on a number of ways from specific site allocations to setting targets for local authorities to ensure that the Duty is being met and potential sanctions if the registered need is not met. Members need to be cognisant of the duty to provide this type of housing and consider in light of the findings above and in relation to Policy HO2 that this site would provide a sustainable integrated development

helping to address that identified housing need. The duty to provide self build and custom housing is a material consideration and is incumbent on the LPA to provide sufficient housing to meet the need. In balance, when considering the duty and the overall conformity with Policy HO2 this weighs in favour of the principle of development being acceptable.

## **2. Impacts on residential amenity**

- 6.18 The proposals would introduce development that interacts with existing dwellings on its southern boundary (6 dwellings on the north side of Holme Meadow) in terms of its proximity and the presence of buildings and domestic settings. In order to address those concerns the developer has included a Design Code which sets out basic principles for development of the self build plots including distances for any buildings which will take into account the separation distances and boundary treatments. In consideration of application 19/0871 Members asked whether a TPO would be appropriate for consideration on the boundary of the properties in Holme Meadow however given the nature of the trees within the gardens they would not normally qualify for protection. The distance to the new dwellings would help preclude the chance of overshadowing from existing trees. There would be no issues of overlooking due to the distances between dwellings which would be up to 38 metres between primary windows.
- 6.19 The site access would be close to the exit from The Brambles however this is unlikely to impact on their ability to use their private access. In addition, the relocation of the 30mph signage would reduce the speed of vehicles entering the village improving their access arrangements by reduced vehicle speeds.
- 6.20 The developer has stipulated that 5 of the 14 plots including the cluster of 4 plots closest to the crest would be limited to single storey dwellings. Residents have raised concerns that the lower development should be closer to the rear garden boundaries however this is not the highest part of the site and to switch these plots around would increase the overall visual impact of the development. The separation distances would adequately deal with any amenity issues and is far greater than required in the Council's SPD.

## **3. Whether the proposals are acceptable in terms of road/pedestrian safety**

- 6.21 Consideration must be given to the impact of the main service road access, connecting vehicular traffic from Broomfallen Road to the site. Although it is not a major connecting route, the affected/nearby section of Broomfallen Road does attract significant traffic and speeds can be fairly high as vehicles leave or approach the 30mph zone, signposts for which are located 40m north-west of where the northern corner of The Brambles' garden meets the corner of the existing woodland. On last consideration, Members noted that there had been some road safety issues in the vicinity of the site.
- 6.22 The County Council as Local Highway Authority has no objection to the proposed access, subject to a range of conditions (adoption of roads, construction details, visibility splays) along with a relocation of the 30mph

limit. This advice has taken into consideration the potential for safe access into and from the main service road, on the basis that the frontage would be within an extended 30mph limit zone and that adequate visibility is available in each direction. Care would need to be taken to ensure that the area alongside the road would provide adequate visibility in perpetuity. This would be accompanied by a pedestrian pavement to join the existing pavement at the side of 1 Holme Meadow.

- 6.23 Each plot within the overall site would be large enough to accommodate in-curtilage parking.
- 6.24 Concerns have been raised about construction vehicles and any plant utilised during any plot development. To prevent vehicles parking on Broomfallen Road and thereby causing a hazard to road users, it would be reasonable and necessary to impose conditions requiring the developer to set out a proposal for the management of construction traffic.

#### **4. Whether the proposals are acceptable in terms of surface water, foul water and any potential flood risk impacts**

- 6.25 The application is accompanied by a drainage strategy which has been considered by both Cumbria County Council and United Utilities. The proposals are acceptable to both organisations subject to a number of planning conditions.
- 6.26 In the context of surface water the development would present an opportunity to improve circumstances for existing residents within the village. Objectors have commented that the rear gardens in Holme Meadow tend to be wet although the houses have not flooded. The moisture in those gardens is likely to be in part run-off from the application site/field. Placement of the housing development and infrastructure would potentially reduce the amount of permeable surface available for natural drainage, but the ground is already known not to have great capacity to store water because of its geological make-up. This latter point is reflected in the objection submitted by the Wetheral Parish Council, within which it states that the proposed site and surrounding land are already waterlogged and unsuitable for building.
- 6.27 Although the site is situated within Flood Zone 1 and is therefore considered not to be at significant risk of flooding, Cumwhinton village has relatively recently been the subject of flooding. This occurred in the centre of the village close to the war memorial, flooding the main street and at least one property on the southern side of the street. This was understood to have been caused by heavy rainfall rather than river flooding, and has been documented photographically.
- 6.28 Wetheral Parish Council has identified potential exacerbation of the existing problem in its objection, suggesting that until this has been resolved, no further development should be permitted in the village.
- 6.29 The application site is located on higher ground that links into the area that

floods through neighbouring fields. The Flood Risk Assessment concludes that the development would neither be at significant risk from flooding, nor would it give rise to flooding concerns elsewhere. The position is supported by the County Council as the Lead Local Flood Authority subject to conditions. United Utilities do not contend with the conclusions of the Assessment.

- 6.30 As part of the development, the developer proposes to provide on-site attenuation. This has been revised to include an attenuation pond which will provide not only for attenuation but also act as a filter to ensure that sediment does not continue downstream and cause further issues in the centre of Cumwhinton.
- 6.31 The proposed drainage strategy is acceptable and would improve the existing situation by attenuation and increase capacity to deal with predicted climate change.

## **5. Impacts on trees, hedgerows and biodiversity**

- 6.32 There is no direct threat to existing trees and hedgerows on the peripheries of the site. Indirectly, it is possible that inclusion of boundaries as part of housing plots could lead to pressure arising to trim or fell trees overhanging private gardens or encroaching towards dwellings. In order to overcome this issue the design code has included separation distances of at least 8m within the plot. These plots are long enough that the existing trees could be retained as end-of-garden features.
- 6.33 It may be noted that although some of the peripheral trees are of some significance in terms of their contextual contribution to the site setting, a Tree Preservation Order is unlikely to be required. The site is not substantially characterised by the trees on the boundaries, and the general condition of the trees is as expected in these circumstances. Whilst all show reasonable vigour, structurally there are likely to be issues with at least half of the mature specimens.
- 6.34 The woodland aspect of the proposal incorporates a large area of new woodland to provide a new strong edge to the village beyond (to the north and west of) the site; the woodland areas are intended to provide recreational/open space for residents with an attenuation pond as a feature with open space around with woodland to separate it from farmland to the north. It is also intended that this would serve as a new positive landscape feature. It is noted that there is an intention to provide a new native hedgerow along most of the southern boundary of the new woodland/amenity area within the site.
- 6.35 Introduction of the new woodland areas has several aims. The first is to provide a strong woodland feature separating the village from the open countryside to the north. The second is to provide areas which serve as informal recreation space(s); the area would be handed over to a management committee of those occupying the new development. Within the northernmost area, a clearing with no trees planted upon it would be created including SUDS attenuation. This space would be accessible to local

residents.

- 6.36 The woodland area is also intended to be planted with large species of trees with the potential to grow into a substantial feature akin to the area of woodland on the opposite side of Broomfallen Road. If successful, it would create the impression that the village approach would be 'wooded' generally, as the two areas would visually connect. The submitted Landscape and Visual Assessment considers both the landscape character and the visual impact. It is clear from the assessment and from the proposed layout that the large area of tree planting on the northern and western boundaries of the site would ensure that not only is the development screened (evident after a 10 year growth) it would visually align with the existing woodland providing a strong woodland vista. The trees would also become visible above the existing housing setting a significant backdrop to the existing village.
- 6.37 The site is an open field in the main, with associated hedgerows that include a number of mature trees. The site is not exceptional in biodiversity terms and is not designated for any special ecological reason. It links to minor watercourses in the north-east fringes of the site. Considering the level of woodland planting, the additional hedgerows and the attenuation pond, this development would significantly enhance the biodiversity levels as opposed to objectors concerns that gardens would diminish the variety and quality. A biodiversity gains plan and planting scheme set out the proposed species and planting illustrating the biodiversity net gain proposed for the site.

## **6. Requirement for Section 106 Legal Agreement:**

- 6.38 The provision of self and custom build housing is a definable sector of the housing market and as such should only be developed by those conforming to the defined need. This is not solely restricted to those on the Council's register but anyone who fits the eligibility criteria. In order to ensure that people meet the criteria and that the Council is fulfilling its Duty a legal agreement is required to set out the eligibility requirements.
- 6.39 It is accepted that the development would not promote a requirement to provide affordable housing on the overall site. Further, it is accepted that it would not be a requirement to seek a commuted off-site financial contribution towards affordable housing. These assessments relate to advice within the NPPF, which clearly advises that even within major developments, if the development is proposed or intended to be developed by people who wish to build or commission their own homes, this will invoke an exemption to the need to provide or contribute towards affordable homes.
- 6.40 Consultation responses of Cumbria County Council have identified a requirement for a sum of £5500 to be provided because if the site is implemented, it would be necessary to relocate/provide new signage identifying the increased length of road requiring a 30mph limitation. The applicants accept that this is an appropriate sum and are not challenging the requirement. They have however requested that as this relates to later development rather than the outline stage, this matter is deferred through

panning condition to enable this application agreement to focus on the self-build requirements.

- 6.41 The City Council's Greenspaces Officer had previously advised that there would be a requirement to make financial contributions including £5481 towards off-site sports pitches and £34800 towards upgrading of the existing play area in Cumwhinton. However as this development includes a element of non-market housing which is exempt from other contributions such as affordable housing the contribution would be reduced. In addition, the site is providing amenity space and large area of woodland to provide open space of a scale which would be beyond the normal requirements of a development of this scale. Those benefits for open space provision outweigh the additional requirements for contributions.

### **Conclusion:**

- 6.42 The principle of delivering a development of part open market, part self and custom-build homes within the village of Cumwhinton would be acceptable in overall planning policy terms, at national and local level. Its appropriateness, however, would depend on it being consistent with Local Plan Policies HO2 and SP2, plus Policies SP6 and G11. Members had previously considered that the site was in conflict with criterion 3 of Policy HO2. Additional information and some changes to the scheme have formed a revised application to address those concerns. In addition, the provision of 9 self build and custom housing plots seeks to address the Duty on the Council to deliver housing for this sector of the market. An area of housing where the council is below its own requirements for provision for those on the register. This additional Duty is a significant material consideration which means that on balance this application is supported.
- 6.43 Concerns relating to drainage, highways, residential amenity and landscaping/biodiversity can all be addressed through appropriate conditions.
- 6.44 The proposals therefore accord with the development plan, National Planning Policy Framework and Planning Practice Guidance.
- 6.45 It is recommended that authority to issue an approval be given to the Corporate Director of Economic Development subject the completion of a Section 106 Agreement regarding:
- limiting defined units to self-build and custom build dwellings;
  - maintenance and management of on-site open space, amenity space and strategic landscaping areas.
- Should the S106 not be completed, authority to refuse the application be given to the Corporate Director of Economic Development.

## **7. Planning History**

- 7.1 Outline application 19/0871 for the erection of 5 no. market dwellings; erection of 9 no. self/custom build dwellings; formation of vehicular access and road; provision of structural landscaping/planting; formation of amenity

area and provision of associated infrastructure and services was refused by Development Control Committee at its meeting on the 11 June 2021.

## **8. Recommendation: Grant Subject to S106 Agreement**

1. Approval of the details of the layout of the development, the scale and appearance of the dwellings, the means of access and landscaping (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.

**Reason:** The application was submitted as an outline application in accordance with the provisions of Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 5 years from the date of this permission and the development of each individual plot hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot or 7 years from the date of this outline permission whichever is the longer.

**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).

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 9 July 2021;
2. the Location Plan - Dwg. No. 19-C-15617/01 Rev B received 9 July 2021;
3. the Block Plan (Dwg. No. 19-C-15617/02 Rev E excluding individual dwelling units) received 9 November 2020;
4. the Site Plan As Proposed (Dwg 2064-04 Rev E) received 9 July 2021;
5. the Site Section As Proposed (Dwg 2064-05 Rev A) received 9 July 2021;
6. the Site Plan Aerial (Dwg 2064-06) received 9 July 2021;
7. the Planting Schedule (Dwg 2064-07) received 9 July 2021;
8. the Biodiversity Gains Plan (Rev 2) received 9 July 2021;
9. the Topographical Survey (Dwg. No. 19-C-15617/08) received 9 July 2021;
10. the Long Drains Sections, Pipe Sections, Trial Pits, Inspection, Field Drains drawings received 9 July 2021;
11. the Drainage Plan (Dwg No. 19-C-15617/09 Rev G) received 9 July 2021;

12. the Proposed Kerb Layout (Dwg No. 19-C-15617/12 Rev B) received 9 July 2021;
13. the Proposed Manhole Details (Dwg No. 19-C-15617/16 Rev C) received 9 July 2021;
14. the Proposed Road Levels (Dwg No. 19-C-15617/10 Rev C) received 9 July 2021;
15. the Proposed Road Sections (Dwg No. 19-C-15617/11 Rev B) received 9 July 2021;
16. the Amended Pond Details (Dwg No. 19-C-15617/15 Rev E) received 9 July 2021;
17. the Vertical Stopping Sight Distance and Visibility Splay (Dwg. No. 19-c-15617-04 Rev E) received 9 July 2021;
18. the Plant Specification for Woodland copse, boundaries and internal/site landscaping areas (Dwg. No. 15617/05D) received 9 November 2020;
19. the Drainage Strategy Report by AL Daines and Partners (rev C) and associated appendices and drawings received 9 July 2021;
20. the Flood Risk Assessment by AL Daines and Partners received 9 July 2021;
21. the Landscape and Visual Assessment Statement (Galpin Landscape Architecture) received 9 July 2021;
22. the Design Code received 9 July 2021
23. the Notice of Decision; and
24. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

4. The number of self-build/custom build dwellings subject of this application shall be not less than 9no. in total and those dwellings hereby permitted on plots 10 -14 (inclusive) shall comprise single storey units

**Reason:** For the avoidance of doubt in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

5. Development shall not commence until a Construction Phase Plan (CPP) has been submitted to and approved in writing by the Local Planning Authority. The CPP shall include details of:
  - pre-construction road condition established by a detailed survey for accommodation works within the highways boundary conducted with a Highway Authority representative; with all post repairs carried out to the satisfaction of the Local Highway Authority at the applicants expense;
  - details of proposed crossings of the highway verge;
  - retained areas for vehicle parking, maneuvering, loading and unloading for their specific purpose during the development;
  - cleaning of site entrances and the adjacent public highway;
  - details of proposed wheel washing facilities;
  - the sheeting of all HGVs taking spoil to/from the site to prevent spillage or deposit of any materials on the highway;

- construction vehicle routing;
- the management of junctions to and crossings of the public highway and other public rights of way/footway;
- details of any proposed temporary access points (vehicular / pedestrian);
- surface water management details during the construction phase

**Reason:** To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safety.

6. No development hereby approved by this permission shall commence until the developer has entered into and obtained a S106 Agreement to provide finance to fund the revision of the 30mph entry point along Broomfallen Road together with the formation of a gateway feature.

**Reason:** In the interests of highway and pedestrian safety, in accordance with Policies SP6, HO2 and IP8 of the Carlisle District Local Plan 2015-2030.

7. No work associated with the construction of the development hereby approved shall be carried out before 07.30 hours on weekdays and Saturdays nor after 1800 hours on weekdays and 1600 hours on Saturdays (nor at any times on Sundays or statutory holidays).

**Reason:** To prevent disturbance to nearby occupants in accordance with Policy CM5 of the Carlisle District Local Plan 2015-2030.

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

9. The planting of the woodland copse, boundaries and internal/site landscaping areas along with the associated amenity space, path and

means of enclosure shall be carried out in accordance with the approved details/plans not later than the first planting season following the construction to base course of the estate road and thereafter maintained. If at any time during the subsequent five years any tree or hedge forming part of the landscaping scheme shall for any reason die, be removed or be felled it shall be replaced with another tree or shrub of the same species and size during the next planting season unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that an acceptable structural landscaping scheme and associated amenity space is carried out in compliance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

10. The carriageway, footways and footpaths shall be designed, constructed, drained and lit to a standard suitable for adoption and in this respect further details, including longitudinal/cross sections, shall be submitted to the local planning authority for approval before any work commences on site. No work shall be commenced until a full specification has been approved. These details shall be in accordance with the standards laid down in the current Cumbria Design Guide. Any works so approved shall be constructed before the development is completed. In addition, the highway improvement works (revised 30mph zone and pavement) so approved shall be constructed before the occupation of the first dwelling hereby permitted.

**Reason:** To ensure a minimum standard of construction in the interests of highway safety and that the matters specified are designed to the satisfaction of the Local Planning Authority and to support Local Transport Plan Policies S3, LD11 and LD7

11. A 2.4 metre x 2.4 metre pedestrian visibility sight splay as measured from the highway boundary (or footpath boundary) shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

**Reason:** To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users.

12. Ramps shall be provided on each side of every road junction to enable wheelchairs, prams and invalid carriages to be safely manoeuvred at kerb lines. Details of all such ramps shall be submitted to the Local Planning Authority for approval before development commences. Any details so approved shall be constructed as part of the development.

**Reason:** To ensure that pedestrians and people with impaired mobility can negotiate road junctions in relative safety and to support Local Transport Plan Policies LD12 and LD7.

13. Footways shall be provided and lit that link continuously and conveniently to

the nearest existing footway concurrently with the construction and occupation of the respective dwellings. The footways shall be lit such that the luminance levels do not exceed 600cd/m<sup>2</sup>.

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

14. Prior to the commencement of any development, a site-wide foul and sustainable surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of site conditions;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority. The rate of discharge shall be restricted to no greater than 2.8 l/s for any storm event;
- (iii) Levels of the proposed drainage system including proposed ground and finished floor levels in AOD;
- (iv) Details of any existing land drainage and how this will be disconnected from the public sewer as a result of the development proposals;
- (v) Foul and surface water shall drain on separate systems;
- (vi) A management and maintenance plan. The management and maintenance plan shall include as a minimum:
  - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the drainage systems to secure the operation of the drainage scheme throughout its lifetime including during construction.
- (vii) A timetable for implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and no surface water shall discharge to the public foul or combined sewers either directly or indirectly.

The drainage scheme shall be completed, maintained and managed in accordance with the approved details and retained thereafter for the lifetime of the development.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. To ensure the delivery of drainage infrastructure in a co-ordinated manner.

15. As part of the development hereby approved, adequate infrastructure shall be installed to enable telephone services, broadband, electricity services and television services to be connected to any property within the application site and shall be completed prior to the occupation of the dwellings. Thereafter, notwithstanding the provisions of the Parts 15 and 16 of Schedule 2 to the Town and Country Planning (General Permitted

Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order) no distribution poles or overhead lines shall be erected to serve the development, other than with the express consent of the local planning authority.

**Reason:** To ensure adequate infrastructure provision and to maintain the visual character of the locality in accordance with Policies IP4 and SP7 of the Carlisle District Local Plan 2015-2030.

16. Prior to the commencement of development within each plot, details of the relative heights of the existing and proposed ground levels and the heights of the proposed finished floor levels, eaves and roof ridges of that dwelling and any associated outbuilding/garage (if proposed) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order that the approved development is appropriate to the character and appearance of the area in accordance with Policies SP6 and HO2 of the Carlisle District Local Plan 2015-2030.

17. Prior to the commencement of development within each plot, samples or full details of all materials to be used on the external surfaces of the respective dwelling shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out and completed in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of visual amenity in accordance with Policies HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

18. Prior to the commencement of development within each plot, with the exception of any work in connection with the servicing of the plot(s), full landscaping details (which include the retention of the existing hedgerows within the application site) for the respective plot shall have been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be undertaken within each of the individual plots not later than the first planting season following the plastering out of that dwelling within the plot and thereafter maintained. If at any time during the subsequent five years any tree, shrub or hedge forming part of the landscaping scheme shall for any reason die, be removed or felled it shall be replaced with another tree or shrub of the same species during the next planting season unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that an acceptable landscaping scheme is prepared and to ensure compliance with Policies SP6 and GI6 of the Carlisle District Local Plan 2015-2030.

19. No development shall commence until a construction surface water management plan has been agreed in writing with the local planning authority and prior to commencement of development within each plot, a construction surface water management plan for that plot shall be submitted to and approved in writing with the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguards against pollution running through the site. To support Local Transport Plan Policies: LD7, LD8.

20. Prior to commencement of any development of each plot, details of the vehicular access, parking and manoeuvring facilities serving that dwelling (including materials and drainage) shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the vehicular access and turning requirements have been constructed in accordance with the approved details and has been brought into use. The vehicular access and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior written approval of the Local Planning Authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. to support Local Transport Plan Policies: LD5, LD7, LD8.

21. Prior to the formation of any boundary treatment within the individual plots, particulars of height and materials of all screen walls and boundary fences for that plot shall be submitted to and approved by the Local Planning Authority. Thereafter all works comprised in the approved details of means of enclosure and boundary treatment shall be carried out in accordance with the approved details prior to the occupation of that dwelling unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that the work is undertaken in a co-ordinated manner that safeguards the appearance and security of the area in accordance with Policies HO2 and CM5 of the Carlisle District Local Plan 2015-2030.

22. No dwelling hereby permitted shall be occupied until charging cabling to a dedicated socket fixed to the dwelling or an associated garage/outbuilding of sufficient capacity to enable a minimum Mode 3 at 3.7kW (16Amp) single phase electrical supply has been installed and thereafter shall be maintained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the provision of electric vehicle charging points for each dwelling in accordance with Policy IP2 of the Carlisle District Local Plan 2015-2030.

23. No dwelling hereby approved shall be occupied until the vehicular access

and turning requirements serving that dwelling have been constructed in accordance with the approved plan and has been brought into use. The vehicular access and turning provisions shall be retained and capable of use at all times thereafter and shall not be removed or altered without the prior consent of the local planning authority.

**Reason:** To ensure a minimum standard of access provision when the development is brought into use. To support Local Transport Plan Policies: LD5, LD7, LD8.

24. No dwelling hereby permitted shall be occupied until it is connected to the approved surface water and foul drainage schemes.

**Reason:** To ensure a satisfactory form of development in accordance with Policies CC5 and IP6 of the Carlisle District Local Plan 2015-2030, the National Planning Policy Framework and Planning Practice Guidance..

25. Details showing the provision within the site for the parking, turning and loading and unloading of vehicles visiting the site, including the provision of parking spaces for staff and visitors, shall be submitted to the Local Planning Authority for approval. The development shall not be brought into use until any such details have been approved and the parking, loading, unloading and manoeuvring facilities constructed. The approved parking, loading, unloading and manoeuvring areas shall be kept available for those purposes at all times and shall not be used for any other purpose.

**Reason:** To ensure that vehicles can be properly and safely accommodated clear of the highway and to support Local Transport Plan Policies: LD7, LD8.

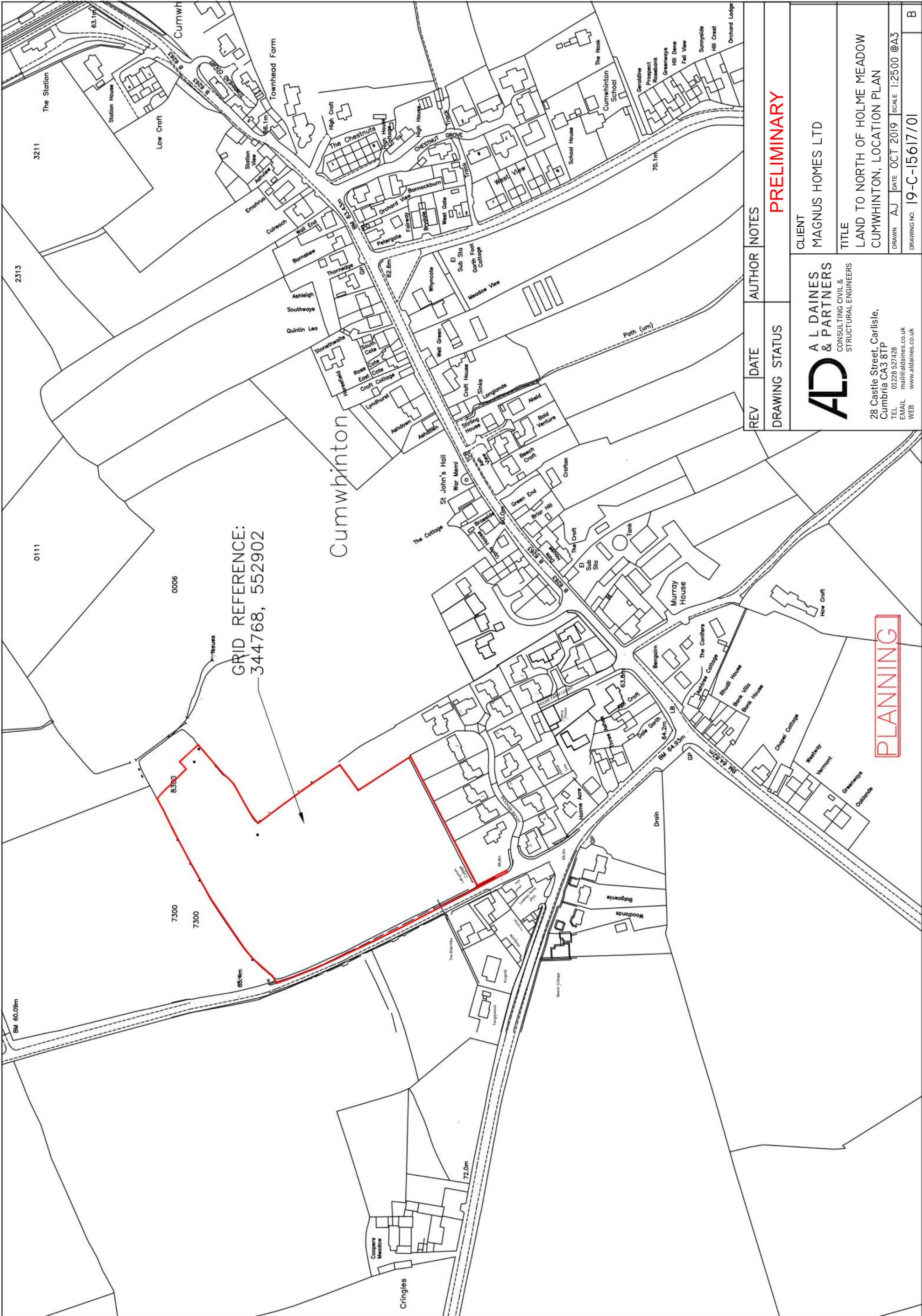
26. Any existing highway fence/wall boundary shall be reduced to a height not exceeding 1.05m above the carriageway level of the adjacent highway in accordance with details submitted to the Local Planning Authority and which have subsequently been approved (before development commences) (before the development is brought into use) and shall not be raised to a height exceeding 1.05m thereafter.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies: LD7 and LD8.

27. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is occupied /brought into use.

**Reason:** In the interests of highway safety and to support Local Transport Plan Policies: LD5, LD7, LD8

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GRID REFERENCE:  
344768, 552902

REV	DATE	AUTHOR	NOTES
<b>PRELIMINARY</b>			
DRAWING STATUS		CLIENT	
DRAWING STATUS		MAGNUS HOMES LTD	
DRAWING STATUS		TITLE	
DRAWING STATUS		LAND TO NORTH OF HOLME MEADOW CUMWHINTON, LOCATION PLAN	
DRAWN	AJ	DATE	OCT 2019
SCALE	1:2500 @A3		
DRAWING NO.	19-C-15617/01		

**AD**  
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**PLANNING**

344700m

344800m

344900m



GROUND RE-PROFILED FROM TOP OF POND EARTH EMBANKMENT DOWN TO EXISTING GROUND LEVELS. APPROXIMATE AREA SHOWN.

65.4m

EP

EXISTING WOODLAND

The Brambles

Tanglewood

Rosehill

Hollyside

Ivy Cottage

Lowther Arms (PH)

Cottage

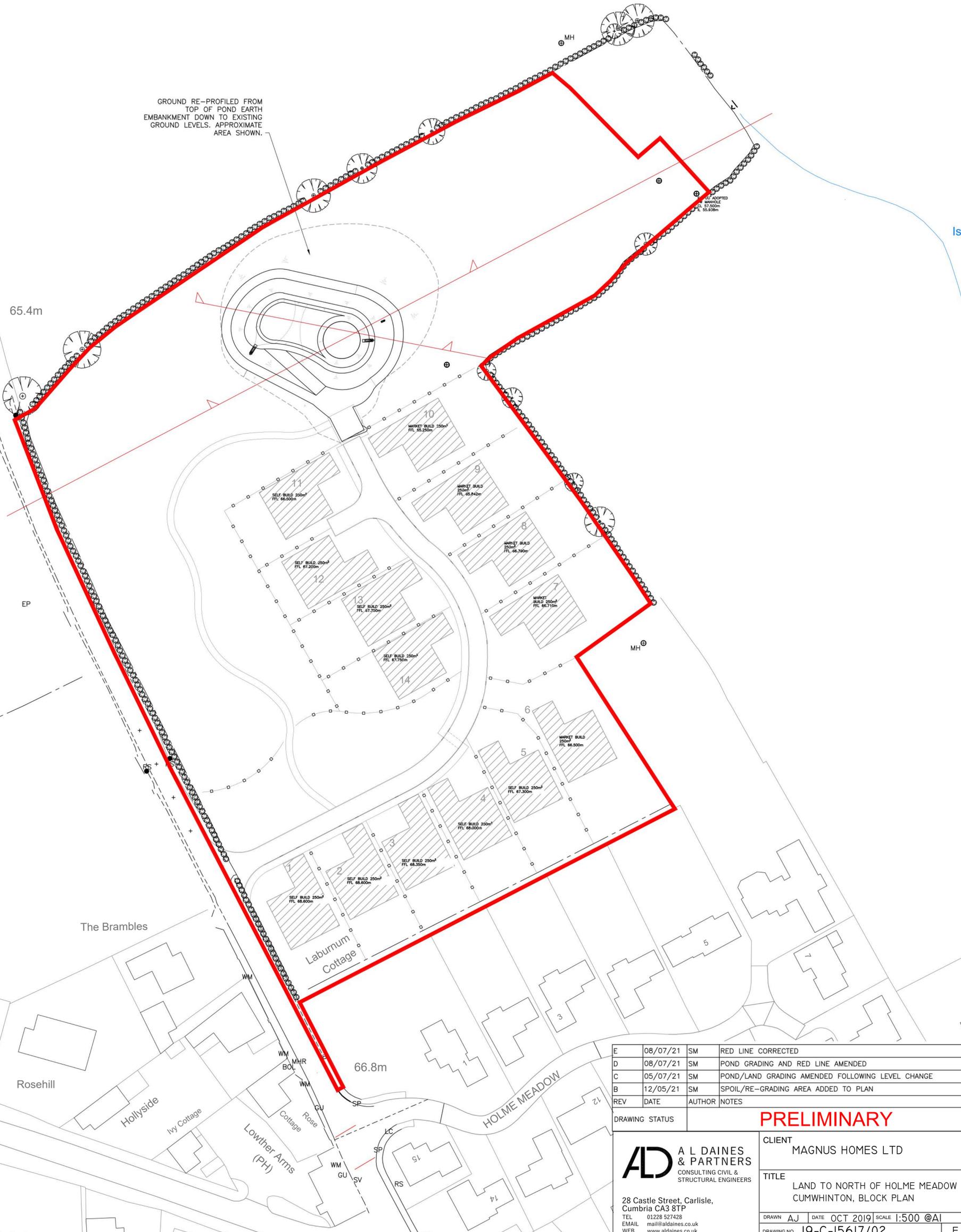
Rose

66.8m

HOLME MEADOW

Beech Cottage

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E	08/07/21	SM	RED LINE CORRECTED
D	08/07/21	SM	POND GRADING AND RED LINE AMENDED
C	05/07/21	SM	POND/LAND GRADING AMENDED FOLLOWING LEVEL CHANGE
B	12/05/21	SM	SPOIL/RE-GRADING AREA ADDED TO PLAN
REV	DATE	AUTHOR	NOTES

DRAWING STATUS: **PRELIMINARY**

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CLIENT: MAGNUS HOMES LTD

TITLE: LAND TO NORTH OF HOLME MEADOW  
CUMWHINTON, BLOCK PLAN

DRAWN: AJ DATE: OCT 2019 SCALE: 1:500 @A1  
DRAWING NO.: 19-C-15617/02

E



Key to plots

- Self-build plots
- Market housing plots

Key to planting

- Existing hedgerows
- Existing trees
- Proposed hedgerow planting
- Proposed copse planting
- Proposed standard trees

- Type 1 - Fagus sylvatica (1no.)
- Type 2 - Quercus petraea (2no.)
- Type 3 - Prunus avium (9no.)

\*New hedgerow trees to be planted outside of site boundary but on land within applicant's control.



Revisions E 07 July 2021 Drawing updated ahead of planning submission.

Project Land Adjacent to Holme Meadow,  
 Cumwhinton  
 Carlisle  
 CA4 8DR

Drawing Site Plan  
 As Proposed

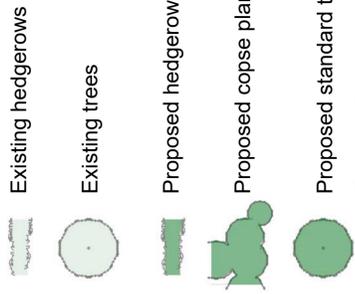
Drawing No. 2064 - 04 Rev.E  
 Scale 1:500 @ A1  
 1:1000 @ A3  
 Drawn GC Date Jun. 2021

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Key to plots



Key to planting



- Type 1 - Fagus sylvatica (1no.)
- Type 2 - Quercus petraea (2no.)
- Type 3 - Prunus avium (9no.)

\*New hedgerow trees to be planted outside of site boundary but on land within applicant's control.



Revisions - July 2021 Planning submission.

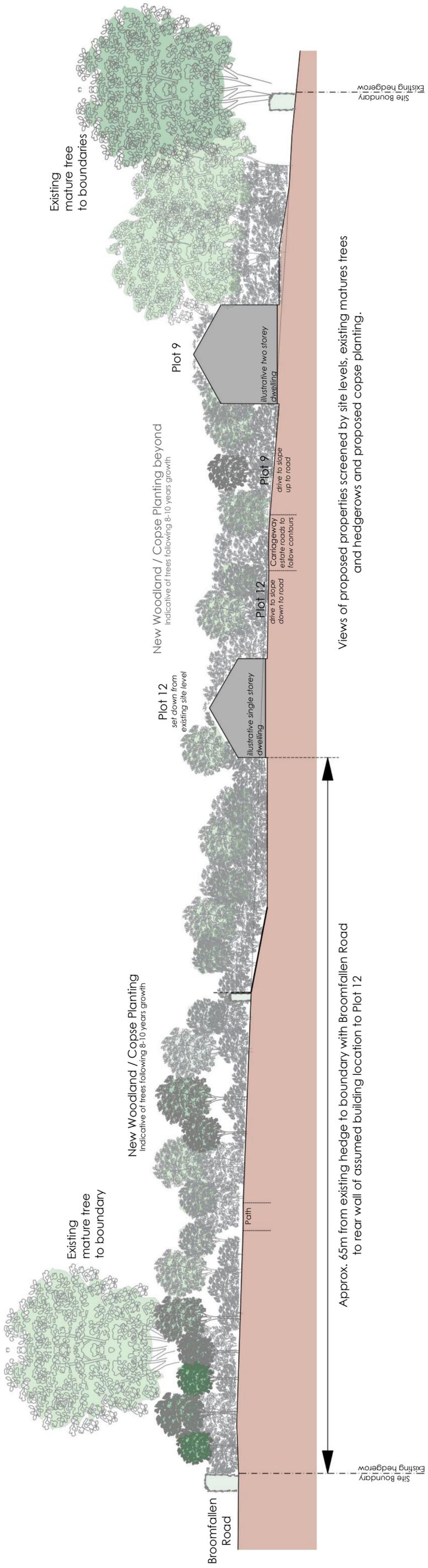
Project Land Adjacent to Holme Meadow,  
Cumwhinton  
Carlisle  
CA4 8DR

Drawing Site Plan overlaid onto Aerial Image  
As Proposed

Drawing No. 2064 - 06  
Scale 1:500 @ A1 Drawn GC Date Jun. 2021  
Scale 1:1000 @ A3

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Approx. 65m from existing hedge to boundary with Broomfallen Road to rear wall of assumed building location to Plot 12

Views of proposed properties screened by site levels, existing matures trees and hedgerows and proposed copse planting.

Datum +40,000



Key Plan Identifying Section Line  
Except of submitted drawing 2064-04 Site Plan As Proposed (Rotated)  
1:1000 @ A2 / 1:2000 @ A4



Revisions  
A July 2021 Updated issue for revised planning application. GC

Project  
Land Ajaent to Holme Meadow,  
Cumwhinton  
Carlisle  
CA4 8DR

Drawing  
Site Section  
As Proposed

Drawing No. 2064 - 05 Rev.A  
Scale 1:250 @ A2  
1:500 @ A4  
Drawn GC  
Date July 2021

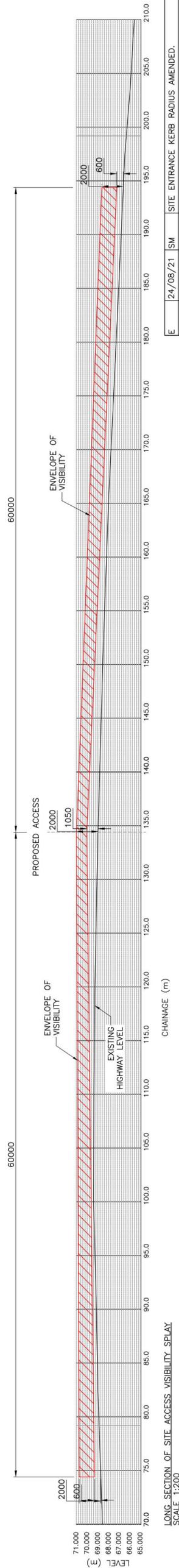
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552900m

552800m

PROPOSED ACCESS LOCATION & VISIBILITY SPLAY  
SCALE 1:500



LONG SECTION OF SITE ACCESS VISIBILITY SPLAY  
SCALE 1:200

E	24/08/21	SM	SITE ENTRANCE KERB RADIUS AMENDED.
D		AJ	CHANGE TO ACCESS LOCATION, VISIBILITY SPLAY PLAN ADDED.
C		AJ	CHANGE TO VISIBILITY SPLAYS
B		AJ	CHANGE TO MAIN ACCESS LOCATION & VISIBILITY SPLAYS
A		AJ	CHANGE TO MAIN ACCESS LOCATION
REV	DATE	AUTHOR	NOTES
DRAWING STATUS			

**PRELIMINARY**

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CLIENT  
MAGNUS HOMES LTD

TITLE  
LAND TO NORTH OF HOLME MEADOW, CUMWHINTON  
VERTICAL STOPPING SIGHT DISTANCE & VISIBILITY SPLAY

DRAWN: AJ | DATE: NOV 2019 | SCALE: AS SHOWN @ A1  
DRAWING NO: 19-C-15617/04

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- KEY**
- Biodiversity Indicators**
- New Wildlife Habitats
  - Improved Wildlife Corridors
  - New Wildlife Corridors
  - Bird Feeding Tables
  - Bird Nesting Boxes
  - Bat Nesting Boxes
- General**
- Existing Trees
  - Existing Hedgerow
  - Proposed Trees
  - Proposed Copse Trees
  - Proposed Hedgerow Trees
  - Proposed Hedgerows
  - Proposed Wildlife Pond Planting
  - Proposed Pond

**NOTE:**  
 -The following species are to be included in the planting schedule  
 -Proposed Bat & Bird boxes will be located within proposed woodland once established .

Common Name	Botanical Name
<b>Marginals-Aquatics</b>	
Water Plantain	<i>Alisma plantago-aquatica</i>
Flowering Rush	<i>Butomus umbellatus</i>
Marsh Marigold	<i>Caltha palustris</i>
Lesser Pond Sedge	<i>Carex acutiformis</i>
Common Cotton Grass	<i>Eriophorum angustifolium</i>
Yellow Flag Iris	<i>Iris pseudacorus</i>
Water Mint	<i>Mentha aquatica</i>
Water Forget-me-not	<i>Myosotis scorpioides</i>
Marsh Cinquefoil	<i>Potentilla palustris</i>
Lesser Spearwort	<i>Ranunculus flammula</i>
Branched Bur-reed	<i>Sparganium erectum</i>

Common Name	Botanical Name
<b>Tree Species</b>	
Sycamore	<i>Acer pseudoplatanus</i>
Birch	<i>Betula pendula</i>
Common Hazel	<i>Corylus avellana</i>
Hawthorn	<i>Crataegus monogyna</i>
Beech	<i>Fagus sylvatica</i>
Crab Apple	<i>Malus sylvestris</i>
Scots Pine	<i>Pinus sylvestris</i>
Sessile Oak	<i>Quercus petraea</i>
Rowan	<i>Sorbus aucuparia</i>
Wild Cherry	<i>Prunus avium</i>

Common Name	Botanical Name
<b>Hedgerow Species</b>	
Common Hazel	<i>Corylus avellana</i>
Hawthorn	<i>Crataegus monogyna</i>
Holly	<i>Ilex aquifolium</i>
Honeysuckle	<i>Lonicera periclymenum</i>
Blackthorn	<i>Prunus spinosa</i>
Dog Rose	<i>Rosa canina</i>
Gelder Rose	<i>Viburnum opulus</i>

**Habitat Creation:**

12Nr	Total New Trees
1,680Nr	Total New Copse Trees
460Nr	Total New Hedgerow Trees
214lin.m	Total Hedgerow Plants
1,074Nr	Total New Hedgerow Hedgerow Plants
5,535m <sup>2</sup>	Total New Habitat Areas
2Nr	Bird Feeding Tables
4Nr	Bird Nesting Boxes
3Nr	Bat Nesting Boxes

**Biodiversity Net Gain** is an approach to development that leaves biodiversity in a better state than before, providing an increase in appropriate natural habitat and ecological features over and above that being affected.

This plan shows habitats and wildlife corridors that would be created through the proposed planting scheme. Additional bat and bird boxes and bird tables further encourages wildlife around the site.



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Client  
Magnus Homes Ltd - Harraby Green Associates

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Project  
Cumwhinton Housing

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Location  
Cumwhinton, Cumbria

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Drawing  
Biodiversity Gains Plan

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Scale	Date	Drawn By
1:500@A1	July 2021	NB
Drawing Nr.	Revision	Checked by
Planning	Rev 2	SG