

## SCHEDULE A: Applications with Recommendation

19/0905

Item No: 01

Date of Committee: 04/12/2020

**Appn Ref No:**  
19/0905

**Applicant:**  
Gleeson Homes

**Parish:**  
Carlisle

**Agent:**  
PFK Land and  
Development

**Ward:**  
Belah & Kingmoor

**Location:** Land at Deer Park (land between Kingmoor Industrial Estate & Saint Pierre Avenue, Kingmoor Road), Carlisle

**Proposal:** Erection Of 80no. Dwellings

**Date of Receipt:**  
27/11/2019 16:01:18

**Statutory Expiry Date**  
02/03/2020

**26 Week Determination**  
05/10/2020

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### REPORT

**Case Officer:** Stephen Daniel

The application was deferred at the Development Control Committee meeting on the 9th October 2020 so that Members could be provided with a clear indication of the timing of primary and secondary school provision north of the river. Members requested that the Corporate Director of Economic Development pursue this matter with the County Council and to report back on the application at a future meeting of the Committee.

A letter has been received from the County Council which sets out their position regarding school places in Carlisle and this is set out in full below:

*The county council remains aware of the need to provide additional primary school places in North Carlisle to mitigate the impact of housing development. The full impact, of course, will only be realised once developments have been completed, and all houses are occupied. Whilst there is a perception that the need for new school places is imminent, all timely, main-round admission applications for Reception places in North Carlisle schools over the last 5 years from families living in the catchment area have been successful. This is partly the result of investments the county council has made in recent years to provide additional places at Rockcliffe, Houghton and Kingmoor Infant and Junior schools, but is also related to the phasing of housing development. Much of the housing with planning consent has not yet been completed and, therefore, has not fully impacted on the provision of places; whilst there is no current shortage of places, the county council still expects that there would be a shortfall once developments progress to completion.*

*The future of the Story Homes development at Crindledyke is a crucial component in concluding how the impacts would best be mitigated. There remains in place a Section 106 agreement that requires Story to provide a school at Crindledyke once the appropriate trigger is reached. In seeking contributions from other developments, the county council has no choice at the present time but to consider that the impact of a full development at Crindledyke will be mitigated by Story providing a new school there. The county council has undertaken discussions with Story Homes about the future of the development, but the developer has yet to submit a new planning application relating to further phases which would allow the county council to fully understand what this may mean for the previously agreed mitigation measures. If, for example, the number of houses proposed for Crindledyke is to be reduced from the number specified at outline planning stage, the impact on school places will be less severe than originally envisaged. The assessed impact of other development in the North Carlisle area has not been sufficient to warrant the seeking of contributions to cover the whole cost of a new school elsewhere, insofar as these would be much greater in scale than the developments could be expected to support. The county council is not in a position to fund the shortfall, so until the issue of Crindledyke is resolved, the county council cannot provide firm detail on the solution it will pursue.*

*In terms of secondary provision, as with primary, the county council has sought contributions to mitigate the cumulative impact of a number of long-term developments. Three schools – Morton Academy, Caldew, in Dalston, and William Howard in Brampton – have been identified as having the potential for expansion. To date, no further discussion has taken place as to the detail of what that expansion might entail but, as yet, the issue is not pressing. Pressure on places will result as housing developments progress and grow, but the county council expects to be able to accommodate admissions for at least the next two intakes (in September 2021 and 2022) within the existing capacity. Further work will be undertaken in the meantime to ensure that firm plans are in place to provide additional accommodation at the appropriate time to meet new demand.*

*Finally, the county council is entirely supportive of sustainable housing development in Carlisle, and would not expect the issue of school place planning to impact on the decision of the Planning Committee on the proposed Deer Park development. There are undoubtedly issues to resolve in terms of providing new school places at the appropriate time, but we remain confident that a solution will be found once Story Homes clarify plans for Crindledyke.*

Three additional letters of objection have been received after the closing date for comments but these do not raise any new issues.

A late response was received from the Council's Urban Design Officer, who has questioned the proposed materials (bricks and tiles) to be used. Condition 3 deals with materials and this has been amended to require the submission of materials for approval by the LPA.

A further response has been received from the Highway Authority after the report was written and this requests additional conditions on the provision of visibility splays. Three new conditions (conditions 37 to 39) have, therefore, been added to

the report to cover the provision of visibility splays – 60m for the main access and 43m for the emergency access and the 3 private driveways

Two additional letters of objection about ecology have been received after the closing date for comments, one of which is from the Cumbria Wildlife Trust. These raise the following issues:

- the site is used by plants and animal species in both existing nature reserves;
- the site allows the free movement of species from one nature reserve to the other;
- the site is an important buffer which reduces pressure from human visitors;
- Deer Park is important as a site in itself compromising a range of habitats;
- question the suitability of the proposed sites for translocated orchids;
- application should be rejected due to the site's importance from an ecological and biodiversity point of view. It should be put forward as a candidate for formal statutory protection as a local nature reserve;
- the decision should be delayed until it is clear from the Government's Environment Bill as what the duties of LPAs are in relation to biodiversity;
- there should be a very important public interest reason to justify the deliberate isolation and degradation of a local nature reserve.

In response to these issues:

- the nature reserves were in existence when the site was allocated for housing – the impact on the nature reserves would have been considered when the site was allocated for development;
- the site has been allocated for development in the last 2 local plans;
- the site is in private ownership and it has been left unmanaged with public access. The site's owner could start managing the site (remove unprotected trees, cut the grass etc) and could prevent public access to the site – other than to the Public Right of Way;
- we cannot delay the decision whilst we wait for the Environment Bill to be passed - this is likely to be some time off, particularly given the existing global pandemic.

PREVIOUS REPORT TO DEVELOPMENT CONTROL COMMITTEE FOLLOWS:

## **1. Recommendation**

- 1.1 It is recommended that this application is approved with conditions, subject to the completion of a S106 agreement to secure:
- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
  - b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
  - c) a financial contribution of £27,409 to support the off-site maintenance and

- improvement of existing play area provision;
- d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- f) the maintenance of the informal open space within the site by the developer;
- g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places);

If the Legal Agreement is not completed, delegated authority should be given to the Corporate Director of Economic Development to refuse the application.

## **2. Main Issues**

- 2.1 Whether The Proposal Is Acceptable In Principle
- 2.2 Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable
- 2.3 Impact Of The Proposal Of The Living Conditions Of The Occupiers Of Any Neighbouring Properties
- 2.4 Provision Of Affordable Housing
- 2.5 Highway Matters
- 2.6 Drainage Issues
- 2.7 Open Space Provision
- 2.8 Public Rights Of Way/ Footpaths
- 2.9 Education
- 2.10 Biodiversity
- 2.11 Impact On Trees/ Hedges
- 2.12 Crime Prevention
- 2.13 Archaeology
- 2.14 Noise Issues
- 2.15 Contamination
- 2.16 Other Matters

## **3. Application Details**

### **The Site**

- 3.1 The application site, which covers 3.51 hectares, is currently undeveloped and contains a number of trees, shrubs and plants. The site slopes downhill from south-east to north-west, with a total fall across the site of approximately 5m.
- 3.2 The northern part of the site was occupied by Deer Park House, but this was demolished a number of years ago. There are a number of trees on the site, a number of which are protected, including an avenue of lime trees, two groups of trees adjacent to Kingmoor Road and a group of trees that lie to

the west of the lime trees.

- 3.3 A Public Right of Way currently crosses the site and this links Kingmoor Road with Kingmoor Sidings Nature Reserve. There are a number of other informal paths that cross the site, with two of these also providing access to the nature reserve. A permissive path runs along the northern site boundary and this also links Kingmoor Road with the nature reserve.
- 3.4 Kingmoor Road adjoins the site east and this contains a number of dwellings that face the site. Dwellings on Gleneagles Drive and Saint Pierre Avenue lie to the south of the site and these are separated from the site by a belt of trees. Kingmoor Industrial Estate lies to the north of the site and is separated from it by a strip of land that is in City Council ownership, which contains the permissive path. Kingmoor Sidings Nature Reserve adjoins the site to the west beyond which lies the railway line.
- 3.5 The eastern site boundary, adjacent to Kingmoor Road, is predominantly hedgerows although there are sections of metal palisade fence and a section of stone wall. The northern, southern and eastern site boundaries consist of post and wire fencing.

## **Background**

- 3.6 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16). The site was allocated for mixed use development in the Carlisle District Local Plan 2001-2016 which was adopted in September 2008. This would have allowed the site to be developed for either housing or commercial use.

## **The Proposal**

- 3.7 The proposal is seeking to erect 80 dwellings on the site. The development would contain seventeen different house types and these would include 13 two-bedroom semi-detached starter homes, 26 three-bedroom semi-detached properties, 21 three-bedroom detached properties and 20 four-bedroom detached properties.
- 3.8 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 3.9 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of; brick sills and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.
- 3.10 Vehicular access to the site would be from a priority controlled junction with Kingmoor Road. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 77 of the

dwelling via two shared surface roads and three private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.

- 3.11 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained. This would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained, together with some protected trees that adjoin Kingmoor Road to the south of the avenue of lime trees.
- 3.12 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchids that currently exist on the site would be relocated to this area. Some of the orchids would be relocated to a landscaped area that adjoins the site to the north and which would lie adjacent to the footpath that runs along the northern site boundary.

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

- 4.1 This application has been advertised by means of three site notices and notification letters sent to 75 neighbouring properties. An online Zoom meeting also took place on Monday 10th August which was attended by the applicant, agent, case officer, local councillor and a number of local residents. In response 72 letters of objection and one letter of support were received to the application, with a further 78 letters of objections being received following a re-consultation following the submission of amended plans. A letter of objection has also been received from Councillor Helen Davison who is the city councillor for Belah and Kingmoor ward.
- 4.2 The letters of objection raise the following issues:

##### **Principle of Development**

- the land should never have been zoned for housing;
- the site is an area of historical and natural interest and should be protected;
- hard to see why this site needs to be developed given the number of other sites in the city that have been given planning permission;
- there has been a recent build of 7 houses behind the Redfern pub which are still unsold after 4 months;

- site is unsuitable for a housing development due to its proximity to existing nature reserves;
- the land should be used to extend Kingmoor Sidings Nature Reserve to create a valuable community asset and improve accessibility for recreation;
- the site has over the years become part of the nature reserve and is used for many social and recreational activities;
- the site is enjoyed by many people including dog walkers and families with young children;
- site is a very popular green space for local walkers;
- the few remaining green spaces in Kingmoor are precious and should not be sacrificed for development;
- area is a vital open space in an extensively built up area;
- there are few greenfield spaces in Carlisle but there are several brownfield sites and empty properties that could be redeveloped, preserving greenfield areas;
- other options exist for new housing e.g. garden village south of Carlisle;
- buildings should be completed on existing sites before agreeing to new ones;
- the land is boggy and water will be displaced on the nature reserve if the site is built on;
- the land between the recycling place and the railway bridge on Kingmoor Road has been granted planning permission for housing - does Kingmoor Road need a second housing development that increases the pressure on infrastructure and doubles the concerns of residents?;
- the Belah school site is still empty and would be better used for some of these houses;

### **Wildlife/ Biodiversity**

- the site contains a variety of flora and fauna and is an important habitat for a diverse range of wildlife;
- the field contains a level of biodiversity not found in housing developments or on agricultural land;
- the area should be conserved;
- the site joins Kingmoor Woods and Kingmoor Sidings and should be kept for recreation;
- do not see any plans to preserve, relocate and protect the habitat of Deer Park;
- the land is used for grazing by deer (there are 4 living on the land) and foxes use the field;
- the open grassland is home to insects, butterflies, birds and small mammals that provide food for larger animals, bats, owls, buzzards and many other

species that live in this area;

- honey bees have had a hive for a number of years within the trees at Deer Park;

- the land is a paradise for all kinds of animals and other wildlife that have lived undisturbed for many years;

- site supports an abundance of wildlife and is starting to regenerate naturally with the appearance of many small trees;

- there are many bats in the area - they fly over the field to the avenue of lime trees;

- would lose easy access to the nature reserve to the rear of the site;

- there needs to be a buffer between the housing and the wood to protect the area that is full of orchids and wild flowers;

- two species of wild orchid are on quite a large area of the site;

- once the orchids have died back it would be impossible to find them to dig them up and re-locate them;

- the site has Japanese Knotweed all along the boundary and well into the wood;

- the avenue of 24 lime trees which formed a driveway to Deer Park House are a very important feature - this is the most likely entrance to the site which could mean the trees are felled to gain access;

- concerned a number of the protected lime trees will be removed - losing these trees would have a detrimental effect on the area - they provide a lovely aspect from all directions, reduce noise and pollution and provide a shelter for birds, insects and animals;

- there are more protected trees in a spinney including a rare specimen European Cut Leaf Beech which should be protected - there are also other specimen trees including a copper beech;

- how can foundations for houses be dug without affecting the roots of the protected trees;

- the established trees will suffer greatly from the site being drained - which may cause them to fall;

- the older oak trees have re-seeded themselves and there are several young oak trees dotted around the field which will be destroyed by the development;

- building on this land will affect the wildlife in the nature reserve;

- the impact of draining the field and the siting of the SUDS pond have not been considered - will affect the water table in the nearby wet woodland;



- impact on great crested newts has been under estimated - removing another substantial and wet area could reasonably be expected to affect the population;
- site is a vital link between 2 nature reserves (Kingmoor Woods and Kingmoor Sidings);
- nature needs linking corridors of green areas in order to thrive;
- there aren't enough buffer zones between the houses and trees;
- there should be one or two ponds in the area next to the woods to take the drainage and provide a buffer;
- having extra housing closer to the nature reserve will have environmental impacts for nature through noise and light pollution and groundwater flooding;

### **Highway Issues**

- Kingmoor Road is already extremely busy with cars - additional traffic will endanger existing road users and residents;
- Kingmoor Road is already a rat run for local schools with queuing traffic creating unacceptable levels of emissions;
- Kingmoor Road is inadequate for current levels of traffic at peak times - the railway bridge creates a bottle-neck and frequently floods;
- Kingmoor Road is too narrow, difficult to cross and vehicles exiting the development will be held up by vehicles on Kingmoor Road;
- vehicles parked on one side of Kingmoor Road make the road single lane most of the time;
- traffic going to and from the bypass speeds along Kingmoor Road;
- there have been numerous accidents, both serious and minor, on Kingmoor Road;
- the current traffic survey that was done on 1st October and submitted with the application is not a true reflection of the traffic on a daily basis - that day the bridge leading to the bypass was flooded and a car was stranded in it and people were advised to avoid the area;
- visibility from the opposite side of the road adjacent to the proposed new access is already limited due to the gradual bend on Kingmoor Road;
- adding 2 new road entrances will increase the risk of accidents;
- given the speed of traffic on Kingmoor Road the visibility splays will be inadequate;
- on-street parking is only possible opposite the new access;
- there is only one pavement on Kingmoor Road which is quite narrow;

- all pedestrian footfall is on the same side of Kingmoor Road as there is no footpath from Gleneagles Drive until V Athletics;
- don't see any plans to include a footpath, traffic lights at any junction, a pedestrian crossing, speed reduction measures or road widening options for Kingmoor Road in light of the increased traffic;
- Kingmoor Road is already single lane for buses and larger vehicles at peak times;
- the traffic is worse than before the northern bypass was built;
- parking in the area is already difficult;
- there are no pedestrian crossings in the area - have concerns for the safety of children and others trying to cross the main roads;
- a crossing is desperately needed near the shop on Kingmoor Road and speed cameras at the nature reserve end;
- a crossing is needed on Kingmoor Road and traffic calming measures are needed;
- the new houses potentially put another 160 cars in the immediate area on roads which are comparatively narrow and unlikely to be able to handle the increased traffic;
- the road to the bypass under the bridge floods regularly;
- there are no bus services or pavements down to the further development next to the recycling centre;
- since the development of the bypass Hartley Avenue through to Briar Bank and Kingmoor Road have become heavily congested - extra housing will exacerbate this and increase the risk of accidents;
- pulling out of Hartley Avenue is difficult as visibility is restricted by bends in the road;
- proposal may adversely affect road safety for all traffic but especially cyclists;
- lack of parking is a concern and there isn't enough parking for each house - this will add to the parking problem in the area and lead to more accidents;
- only 6 visitor parking spaces are proposed;
- construction phase will lead to a significant increase in traffic in the area;
- there is no evidence of footway provision along Kingmoor Road on the revised plans as required by County Highways;
- proposed pedestrian crossing would be situated at the northern end of the site - this is a blind corner heading out to the bypass - need full visibility and traffic calming measures;
- the proposed crossing is to be at the worst possible place - at the northern end of the site near Vibralife - this is a very dangerous place to cross due to the blind corner near Hartley Avenue;

- the main access to the site is unfit for purpose;
- unbelievably several houses have their driveway access onto Kingmoor Road;
- the estate should have 2 means of open vehicle access to help reduce traffic congestion - the emergency access has bollards;
- the emergency access will be used as overflow parking which could impede the safety of residents in the development if it is obstructed;
- children from the development would have to cross Kingmoor Road to get to schools in the area;

### **Schools**

- development will impact on Kingmoor School which already struggles with high pupil numbers;
- schools north of the river are at a premium and yet housing developments continue to emerge none of which have adequately addressed the need for additional school places;
- both Stanwix and Kingmoor schools are about full to capacity;
- we need a new school now;
- seek assurance that school catchment areas do not change;
- the issue of a lack of school places north of the river, following the closure of Belah School, has still not been resolved although a number of new dwellings (675) have been given permission;
- the approval of new development requiring additional school places continues to aggravate the growing crisis;
- no new developments should be approved until the issues of school places has been resolved;
- using Gleeson's admission that at Greymoorhill 25% of homes would be occupied by children, 21/22 primary aged children could occupy this development;
- the out dated formula for children the development will yield is still being used
- only 29 children from 86 dwellings with 247 bedrooms - one child for every 3 houses - is too low;
- the County Council should already be in receipt of £1.6m towards education needs with a further £337,536 due - it has owned land for a school since 2017 - the progression of a new school should start immediately;
- the infrastructure must be in place before permission is given for more dwellings;
- it will take an estimated 3 to 4 years to build a new school by which time we will be beyond breaking point;
- Story Homes were going to build a school and this didn't happen;

- overcrowding in current schools will have a negative impact on children;
- need a new primary school and a new secondary school;
- the land is perfect for a school;

### **Footpaths/ Rights of Way**

- there are several footpaths on the site leading to 3 entrances to the nature reserve and these should be protected;
- what will happen to the Public Right of Way that crosses the site?;
- it is unclear where the footpaths will go and if they will still exist;
- the Right of Way through the site appears to have been removed;
- people wanting to enter the woods from the south of the site will have to walk further;
- the loss of the entry points to the wood will make access to the woods harder;
- people will be forced to enter the woods via a long and narrow path;
- 2 access points into Kingmoor Sidings have been removed - this only leaves one access at the northern end down what is a very narrow path;
- you cannot disrupt footpaths without going through lengthy proceedings;
- the Public Right of Way across the site would need to be kept as it is now or with an appropriate diversion to allow pedestrians to walk across to the nature reserve as at present;

### **Scale/ Design**

- the proposed number of dwellings is too many for the site;
- all new developments in Carlisle are exactly the same - where are the self builds, bungalows and truly affordable homes?;
- development should bring a mixture of styles and some good design;
- Policy HO1 requires the provision of housing for the elderly, including bungalows - no bungalows have been provided in the housing developments (761 dwellings) approved north of the river in the last 2 years;
- the application makes no provision for the elderly which is a clear objective in the Local Plan;
- Carlisle needs more houses but it doesn't need more small boxes that are

poorly and quickly thrown up - it needs affordable good sized forever homes;

- so many of the new housing estates in Carlisle are not well designed and the same issues appear in these plans;

- the site is too small to support the drainage and utilities for 86 decent sized dwellings;

- need to build some bungalows and low cost housing for young couples;

- if housing must be built on this site, reduce the number of dwellings, make changes to the parking and save more of the green space;

- appreciate the need for starter homes but these should be included in all developments;

- proposal will lead to overlooking of existing dwellings and loss of privacy and light;

- the lime avenue should be the main footpath into the woods - this could be a stunning feature if done sympathetically;

### **Drainage**

- the site is often boggy in wet weather;

- where will the surface water from the site go?;

- the site is at risk from ground water flooding below ground level - there is potential for groundwater flooding to basements and below ground infrastructure;

- there is no watercourse nearby and infiltration is not feasible so the applicant will rely for surface water on the existing public surface water sewer crossing the site to the west for surface runoff;

- pollutants will pool, runoff driveways enter the surface water sewer and contaminate ground to the west;

- surface water flood maps show highly significant risk of flooding at Balmoral Court and Kingmoor Sidings adjacent to the site - sewage and drainage systems and surface watercourses may be entirely overwhelmed and at times of groundwater flooding this would include on-site mitigation and the detention pool proposed;

- there are likely to be changes in extreme rainfall events - the applicant has used 40% allowance for climate change - it is unclear if the model takes into account rarer rainfall events with up to 10% more rainfall over and above the effect of climate change - this is recommended by Environment Agency's advice;

- drainage exceedance during flash flooding will have an adverse impact on Kingmoor Sidings Nature Reserve/ County Wildlife site - risks are associated with overland flow from dirty water, pollutants, pathogens and sediments in suspension or solution with overland flow or drain water;

### **Other**

- there is a covenant on the site that forbids building anywhere other than on the site of the original dwelling;

- too many builds north of the river;

- a potential 80 extra families will put a strain on local schools and services;

- there are not enough doctors or dentists in the area;

- climate emergency should be a priority for the Council - allowing a development that will increase pollution and lead to a loss of trees is not environmentally considerate;

- the proposal will lead to the further deterioration of the environment north of the river due to increased traffic and pollution;

- traffic pollution on Kingmoor Road is already bad;

- the rail depot to the west of Kingmoor Park causes a lot of noise and diesel fumes which drift across Deer Park and may affect the housing;

- the archaeological potential of the land identified previously has been dismissed by planning;

- has the archaeological site survey been completed? This was requested before any development;

- the field was damaged by heavy plant last month;

- building work will cause noise and disruption;

- having green areas nearby is important for physical and mental health;

- the great value of Deer Park has been realised even more due to the pandemic;

- the site allegedly contains hazardous material (asbestos) which might pop up in people's gardens;

- lack of current jobs and businesses;

- affordable homes are not affordable for many local people on low wages;

4.3 The letter of objection from Cllr Helen Davison raises the following concerns:

- prior to writing this to get residents views I held a drop-in session with residents to understand their issues and also hosted an online meeting with residents and the developer and planning officer where issues were raised by residents. I have also canvassed views of other residents, some of whom were unaware the development was proposed and have been upset and horrified to hear that the field is likely to be lost to housing development. From my discussions with residents I have learnt just what a precious community amenity this field has been over the years for them and just how much they value it. I got a real feel for their passion and desire to protect the field from development and their real sadness that anyone would even consider building houses upon it;

- Highway safety, traffic and parking issues - residents have raised major issues about road safety on Kingmoor Road where this development is planned and have significant concerns about the introduction of a new road junction onto a road which already has several junctions and driveways coming onto it;

- traffic is regularly observed exceeding the speed limit. In the time since the planning application was submitted at the end of last year I am aware of two vehicle collisions in that area (one into the barriers just by the entrance to Etterby Road and one into the garden wall of a house Kingmoor Road, close to the position the new entrance to the estate is planned). I have also had a resident have a near miss with a vehicle when trying to get four children across the road near the Redfern pub.

- given plans to remove a significant amount of the hedges on the development side I have it on good authority from a county council officer that this will reduce the sense of narrowness of the road and that there is a risk that people will speed more;

- some residents on Kingmoor Road do not have driveways so park on the roadside - if they fully park on the road this leads to there being only room for one vehicle to go along the road in certain sections. It also adds to the poor visibility to see vehicles coming when pulling out of driveways, which is a particular issue due to the speed that traffic travels along the road;

- the pavement width is such that when any vehicle parks partly on the pavement the pavement itself can be blocked to wheelchair and pushchair users requiring them to get onto the busy road;

- drivers drive like the road is a straight road but there are slight bends on it, which result in people having difficulty seeing cars in time when pulling out of junctions, especially when those cars are speeding. Residents have raised concerns about coming out of driveways, coming out of Hartley Avenue and also coming out from the Kingmoor Park Nature Reserve;

- there are currently no pedestrian crossings over Kingmoor Road and residents currently have to risk the speeding traffic to cross the road. Although one of the conditions of the development requested by highways that the developer fund a crossing over the road, as yet there is no exact location identified for this. It is being suggested at the north end of Kingmoor Road towards Kingmoor South Nature Reserve. Residents are concerned, depending

upon its location, what the visibility will be like coming up to it, given the slight but significant bends in the road.

- if the pedestrian crossing is not appropriately positioned people will continue to cross the road in places which are not so safe for crossing. Although a crossing at the northern end will work for children going to Kingmoor schools and would link to the cycle route from Lowry Hill it is less likely to be a route of choice for people who are going to the shop / post office, pub and take away from St Ann's estate and for parents who wanted to take their children to the large playing field off Belah Road from Etterby Road, Gleneagles Drive or the proposed development areas. Furthermore, given the pressure on the school places at Kingmoor Infant and Junior school how are children going to safely walk or cycle to a school being proposed at Windsor Way?;

- Conservation, wildlife and biodiversity - the strong message coming from residents is what on earth are we doing allowing building upon a field which has such an array of plant and wildlife, quite unique in its area and right next to our local nature reserve?;

- the orchids for example may not be the rare types that can be protected by legislation, but I don't know anywhere else in our local vicinity that you can see over 80 orchids over summer in a field so close to many residents who can access them. Where else locally can residents look out of their windows and watch the deer in a field?;

- many of the trees are protected, including the avenue of trees lining the old driveway to the house on Deer Park, but what will happen to them once surrounded by houses. How will their roots be affected? What damage will happen to the trees with TPOs during building? How many of them will become damaged and will have to be chopped down?;

- other species on the site include goldfinches, badgers, bats, two or three species of orchid including northern marsh orchids, butterflies, fruit trees and bushes including blackberries, raspberries, apples, pears and sloes;

- how is the field used by the various species that inhabit it? Is the field part of a wildlife corridor that links wildlife here into Kingmoor Nature Reserve on the other side? Where will the creatures go that live there? This is a very different habitat from the adjacent nature reserve;

- what will happen to the honey bees nest that has been in the tree at the entrance to the field that has been there for several years and where if you look carefully you can see the honeycomb?;

- our knowledge and understanding have dramatically changed since the Local Plan was written back in 2015 and the land re-allocated for housing. We are facing the extinction of wildlife on an unprecedented scale and a huge loss of insect life, the pollinators that maintain our food crops, down to human activity and the loss of habitats as a result of human development - would like to see the council consider every development with this consideration. Of all the fields to pick for this development this more than so many others around Carlisle is hugely biodiverse;



- how is this development going to properly implement the net gain principle in the National Planning Policy Framework (Feb 2019) with regards to this development? Para 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment;
- although this may not be a “valued landscape”, this is absolutely a valued landscape for the local residents and those from further afield who have used that field over the years to get outdoors for exercise and recreation;
- the benefits to residents of this field (their local natural capital) are immeasurable in terms of the impact on their health and wellbeing - what this field gives that the nature reserves don't is open space and open skies;
- the developer mentioned moving some orchids to near the path to the north of the field - that land is dry and marsh orchids would not survive there - also how are the orchids going to be transplanted? Are the scale of the orchids mentioned within the reports on the field so that it can be seen where they are in order to a) protect them and b) safely move them?;
- Carlisle Local Plan (2015 – 2030) Policy GI3 is also relevant. “Biodiversity assets across the district will be protected and where possible enhanced”;
- a conservation expert at Friends of the Lake District considers that the obvious option would be for the field to the north to be enhanced for biodiversity (and protected from future development) to make a physical link between the two areas of the nature reserve. However, it already has planning approval for 71 houses;
- whatever green space is available in this new development is not going to compensate for the loss of the habitat as it is. Would question how net biodiversity gain, as required, can be achieved on the site itself or close enough to the area to mitigate for the impact of losing this field;
- if the development is to go ahead the maximum amount of conditions that can be imposed should be imposed to ensure that there are homes and habitats for bats, hedgehogs and other creatures that currently inhabit the field;
- Amenity - this field would seem to me to fulfil the definition of amenity as taken from the planning portal - the loss of this field to housing will destroy a valuable local amenity for the neighbourhood;
- this field is closest to the areas of Belah and Kingmoor ward which have the worst statistics for health and social factors. Also Belah was identified in the Carlisle Green Infrastructure Strategy (The Big Green City: The Green Infrastructure Strategy for Carlisle City and District, 2011) as being number six on the list of the 10 wards in the city with the least green infrastructure cover;
- this is a gem of a field that is within very easy walking distance for the residents in that area, where it is possible to get a sense of tranquillity and being “away from it all” even though you are close to houses;
- the site offers open space, trees and hedgerows and the opportunity to engage with nature and wildlife, see the stars and planets away from so much

light pollution and educate children about nature. Building houses on this field will take away an irreplaceable community asset;

- the developer talks about the development enhancing the area and creating a desirable place to live, but the very development will take away one of the key assets that makes the area a desirable place to live in the first place;

- would ask that all involved in making the decision for this field read all the objections that have been submitted - reading a summary of the report highlighting key issues raised is unlikely to capture the depth of feeling and the desire of the community to protect this field both for themselves and future generations;

- Impact on and availability of local services - where is it intended that children will go to school from this and the nearby approved development north of the industrial estate? Kingmoor Infants and Junior schools are currently oversubscribed and Stanwix School hasn't got the capacity to expand;

- when this development is built and if families move in straight away, where will their children be expected to attend school? Will they have to go to the not yet built but talked about school at Windsor Way? And if so how will they travel to school?;

- if the children from here attend Kingmoor schools, what areas in the ward will then have to send their children to the Windsor Way school and if so how will they get to that school?;

- what measures are going to be put in place to ensure that the option of walking and cycling to school is a safe and preferable option rather than parents needing to drive their children to school adding to congestion and pollution? This will require safe routes for children across Scotland Road both on foot and bicycle;

- also particularly important to consider are the routes for children coming from this estate to the secondary schools in the centre of Carlisle, Trinity and Richard Rose Academy. What provision is going to be put in place to enable a safe cycle route on the direct route that children will want to take, along Etterby Scaur and along Cavendish Terrace or the path below to Eden Bridge?;

- the developer is being required by highways to put a walking and cycling path in along the front of the estate which is great. But how do children and teenagers then safely get from there to Eden Bridge without needing to cycle on Kingmoor Road from Gleneagles Drive, the Etterby Scaur road and the bottom of Etterby Street? There is a potential route that could be developed about which I have spoken to County Council officers but there would need to be funding to enable that;

- if we are serious as a council about moving towards net zero as a city, which includes playing our part in facilitating a modal shift in how we travel I believe all these questions need to be answered and the infrastructure be ready to be set up and funded before we agree to this housing development going ahead;

- what is the impact of this development and the neighbouring planned estate on local health services? Is there the capacity within the system as it stands to

deal with the additional pressure on services?;

- Housing need - given there is the development on the next field out to the north of the industrial estate, this more than covers the allocation of houses that were suggested for the Deer Park field;

- if the developers genuinely want to provide Carlisle residents with some truly affordable housing for the area and care about enhancing the opportunities for people to live in a pleasant environment how about creating some properly affordable low level blocks of flats on the site on the footprint of the old house - this would leave the neighbourhood with its valuable community amenity and provide the residents wanting to live there with the opportunity to live in a beautiful piece of estate land and the major threat to biodiversity and the loss of a wildlife corridor to Kingmoor Nature Reserve would be removed;

- At odds with the Carlisle Local Plan and other planning documents

- the Public Right Of Way provides a direct route through the field enabling residents coming from the south end of the site to access Kingmoor Sidings Nature Reserve and everything should be done to protect this right of way;

- Carlisle Local Plan Policy GI5 Public Rights of Way states: "New development will be expected to ensure that all public footpaths, bridleways, cycleways and other rights of way are retained. Development proposals that would affect existing rights of way will not be permitted unless an alternative route is made available, or can be made available, which is safe, attractive, is well integrated with the existing network and is not significantly longer than the original route.";

- how long is significantly longer and how long is the diversion likely to be? The current footpath is 280 metres (according to the sign in the nature reserve as you enter it) Will the Kingmoor Sidings Nature Reserve still be accessible for those with mobility issues and limited in the distance they can walk, for example people coming from the Gleneagles Drive area, or in St Ann's?;

- Para 10.24 of the Local Plan states: "Only if it can be demonstrated to be impossible or impractical should the rerouting of a right of way be considered. When an alternative route is proposed as part of an application for new development, the application will only be approved once it is clear that the route has been (or will be) established, and that the route is safe, convenient, of similar or better quality to the original, well integrated with the development and its setting and not significantly longer than the original route.";

- what has the developer done to demonstrate that it is impossible or impractical to keep the existing route? Is it actually impossible for the developer to keep the path where it is? How will having a path through a housing development enhance the experience for users of that public footpath?;

- Carlisle Local Plan Policy GI3 states: "Biodiversity Assets across the District will be protected and, where possible, enhanced". The nature reserve is a priority habitat. Given that the field to the north of the site, which would have been the area with the scope for the protection of and enhancement of the Kingmoor Siding Nature Reserve by linking it with Kingmoor South Nature Reserve, is now being built upon, how is this development really going to do this?;

- potential site contamination - could a condition be put on that should the developer start work and find something within the process that stops it from happening, and if it becomes apparent that the development becomes unviable that they will cover the cost of restoration of the field, given what a precious community resource it is?;

- there is high confidence from a first-hand witness, a former railway worker at Kingmoor Sidings, that there is asbestos along the route of the public right of way in the field - it would be a real shame if the developer starts work and digs up the field, only to find some level of contamination from this or other industrial materials which prevented houses being built there;

- lack of meaningful engagement in the Local Plan process - it seems wholly unfair and wrong to me that, at the moment they learn that there is a planning application for houses and want to voice their objections, residents are told that they should have objected at the time of the local plan consultation;

- not one resident I have spoken was aware that the local plan process was either happening or that if they were, that it was advertised in such a way that they realised this was the time to object to the principle of building houses on this site. Had they known they would have actively objected then and would have raised awareness within their own community, as they are now currently doing;

- in the introduction to the Carlisle District Local Plan (p4) it states that "Active community involvement at each key stage of plan preparation has helped to mould the Plan ..... to ensure stakeholders and the community are engaged in the process." - from all of my discussions with residents I can categorically say that the community who value this field and community amenity and desperately want to protect it were not actively involved in this local plan process;

- hope that this is heard by the council and that it will see the unfairness in a system that has meant residents objections to the principle of building houses on Deer Park did not get voiced in the way that the system dictates because they did not know they could;

- has the decision already been made? – the developer seems to think so - there seems to be an assumption by the developer that planning permission for this development has already been granted. Do they know something that I and residents do not? That would seem to make a mockery of the planning process if it is all already agreed. They are already advertising this site on their website.

#### 4.4 One letter of support has been received which makes the following points:

- this new development is exactly what this area needs and will be fantastic;

- will allow new families to buy homes and input into the local community;

- Carlisle needs to grow and improve and this development looks like it will be a brilliant addition.

## 5. Summary of Consultation Responses

**Northern Gas Networks:** - no objections;

**Cumbria County Council - (Highway Authority - Footpaths):** - a PROW runs across the site and would need to be diverted - requested some funding for upgrading of nearby public footpaths;

**The Ramblers:** - no comments received;

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objections subject to conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking of footways and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval; submission and approval of surface water drainage scheme and Construction Surface Water Management Plan);

**Local Environment, Waste Services:** - no objection in principle - would like to see waste container collection points for all the areas with private shared driveways;

**Local Environment - Environmental Protection:** - should limit the permitted hours of work; need mitigation measures to deal with noise, vibrations and dust; note reports and findings of the Geotechnical Report submitted with the application - need a further report and need to agree a remediation strategy; need conditions in relation to remediation and unexpected contamination; developer needs to provide at-least one electric charging point per dwelling and rapid charging points in communal areas;

Additional comments were submitted following an objection from DRS, which has requested that noise level measurements should be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels should be reported to and approved in writing by the Local Planning Authority;

**Health & Wellbeing:** - require contributions for offsite open space (£22,364); offsite play provision (£27,409), offsite sports pitches (£15,561) and upgrading the permissive path (£3,500). Need to establish suitable boundary fence to the nature reserve to prevent unauthorized access from the open spaces and back gardens. Need to assess the trees within the nature reserve in relation to having them protected where they overhang the development;

**Planning - Access Officer:** - no objections at this time;

**Cumbria Constabulary - North Area Community Safety Unit:** - revision has significant benefits to previous scheme. Large areas of unsupervised space have become private curtilage. SUDS pond is better supervised. Obvious

definition of front curtilages should be implemented. Has concerns about the lack of overlooking of sections of the PROW;

**Natural England:** - as surface and foul drainage is to go to a sewer there is unlikely to be any negative impact on the River Eden SSSI/SAC. Further bat surveys and GCN surveys are required as referred to in the ecology report. The proposal gives opportunities for delivering net gain. The proposal should also look to implement high quality green infrastructure.

Following the receipt of additional surveys the updated ecology report recommends further detailed bat surveys; enhancing the bat foraging corridors along the western and southern boundaries; wildlife sensitive lighting; bat box provision; and an additional red squirrel survey prior to any tree removal - these measures should be secured through planning conditions;

**Cumbria County Council - (Archaeological Services):** - the applicant has commissioned an archaeological evaluation of the site which indicates that there is a very low potential for archaeological assets to be disturbed by the development and no further archaeological work is required on site;

**Direct Rail Services:** - objects to the proposals for the following reasons:

- operate a 24 hour depot and this might be a cause for concern for the proposed residents - cannot see any evidence that a noise and pollution assessment has been carried out by a specialist consultant in this field;

- in the winter months, locomotives requiring idling/ warm up on a continuing basis of around 3 to 4 hours, 2 to 3 times a day and this generates a significant amount of low frequency noise - measured one of the loudest locomotives from approx 100m away and got a noise reading of 98.1db - aware that the proposed development will be next to a nature reserve which may create a sound barrier but need to see evidence of how effective this would be;

- in line with national policy guidance, the applicant needs to identify the effects of existing businesses that may cause a nuisance - DRS propose that a noise, vibration, emissions and pollution assessment should be undertaken;

- there is no evidence that Network Rail has been consulted which is required as the railway line operated by them is close to the proposed development;

- DRS are considering expansion of the depot engineering shed which will turn the light maintenance depot into a heavy overhaul depot which will create added noise - this needs to be taken into account.

**United Utilities:** - no objections subject to conditions (surface water; foul water);

**Cumbria County Council - Development Management:** - estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils. There are insufficient places available in the infant

catchment school of Kingmoor to accommodate all of the infant pupil yield from this development; leaving a shortfall of 2 places. No spaces are available in the catchment junior school of Kingmoor to accommodate the yield of 10 places. Therefore a contribution is required for 2 infant places and 10 junior places  $12 \times £17,829 = £213,948$ . Trinity Academy is already oversubscribed and cannot accommodate any further pupils. Therefore, an education contribution of £294,648 ( $12 \times £24,554$ ) is sought for secondary school places.

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

### **Assessment**

- 6.1 Section 70(2) of the Town and Country Planning Act 1990/ Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with 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 National Planning Policy Framework (NPPF), the Planning Practice Guidance (PPG) and Policies SP2, SP5, SP6, HO1, HO4, IP1, IP2, IP3, IP4, IP6, IP8, CC4, CC5, CM2, CM4, GI3, GI4, GI5 and GI6 of The Carlisle District Local Plan 2015-2030. The council's Supplementary Planning Documents (SPD) "Achieving Well Designed Housing", "Affordable and Specialist Housing" and "Trees and Development" are also material planning considerations.
- 6.3 The proposal raises the following planning issues:
1. Whether The Proposal Is Acceptable In Principle
- 6.4 The site is allocated for housing in the Carlisle District Local Plan 2015-2030 (Policy H01 - Site U16) and the proposal to erect 80 dwellings on the site would, therefore, be acceptable in principle.
- 6.5 The site was allocated for mixed use development in the Carlisle District Local Plan 2001-2016 which was adopted in September 2008. This would have allowed the site to be developed for either housing or commercial use.
- 6.6 A number of objectors have stated that they were not aware that the site has been allocated for housing. It has, however, been identified as a development site since 2004 and extensive public consultation was undertaken (including articles in the press, public exhibitions and information sent to every household in the District) prior to the adoption of both Local Plans.
- 6.7 A number of objectors consider that the site should be de-allocated as a housing site but this can only be done through a review of the Local Plan. Allocating a site for housing through the Local Plan process gives certainty to developers that the principle of housing is acceptable on a site. This gives them the confidence to invest large sums of money in undertaking site

surveys (transport assessments, ground investigation reports, tree surveys, ecological surveys, great crested newt surveys, bat surveys, Flood Risk Assessment), commissioning architects to draw up plans and paying the planning fee (which was £27,827 for this application).

2. Whether The Layout, Scale And Design Of The Dwellings Would Be Acceptable

- 6.8 The site covers an area of 3.51 hectares and the proposal is seeking to erect 80 dwellings on the site. This equates to a density of 22.8 dwellings per hectare which is low density. The adopted Local Plan gives an indicative yield of 100 dwellings for this site. The initial scheme that the applicant submitted to the Council as part of a pre-application enquiry showed 99 dwellings on the site. This scheme has been amended due to a number of constraints on the site.
- 6.9 Vehicular access to the site is proposed from a priority controlled junction with Kingmoor Road with visibility splays of 2.4m by 45m in each direction being provided. This road would vary in width from 5.5m to 4.8m and would have a 2m footpath to one side. This road would provide access to 77 of the dwellings via two shared surface roads and three private shared drives, with 3 of the dwellings at the northern end of the site having direct access onto Kingmoor Road. An emergency access would also be provided onto Kingmoor Road, the use of which would be controlled by bollards.
- 6.10 A 3m wide footpath/ cycleway would be provided along Kingmoor Road from the southern end of the site, near Gleneagles Drive, to the northern end of the site. At the southern end of the site the footpath would be set back behind some protected trees that are to be retained. An additional footpath would be provided along the avenue of protected lime trees, which are to be retained. This would link (via a shared surface road) to the public footpath that runs along the northern site boundary. This footpath would replace the existing Public Right of Way that runs through the site. A group of protected trees that lie to the west of the avenue of lime trees would also be retained.
- 6.11 A SUDS pond would be provided in the south-west corner of the site and this would take the surface water from the development. An area of open space would be provided to the west of the SUDS pond and a number of the orchards that currently exist on the site would be relocated to this area.
- 6.12 The development would contain seventeen different house types and these would include 13 two-bedroom semi-detached starter homes, 26 three-bedroom semi-detached properties, 21 three-bedroom detached properties and 20 four-bedroom detached properties. The size of the dwellings would range from 60.5sq m to 108.5sq m.
- 6.13 The dwellings would be constructed of a red multi brick, under a flat dark grey concrete tiled roof. Windows, fascias and soffits would be white upvc with rainwater goods being black upvc.
- 6.14 The dwellings would have various designs and would utilise a range of features to add visual interest and variety. These include the use of: brick sills



and lintels; brick quoins; open porches; bay windows; two-storey projecting gables; single-storey projections; pitched roof dormer windows; with some dwellings having integral garages, attached garages or detached garages.

- 6.15 The Council's Affordable and Specialist Housing Supplementary Planning Document recommends that developments of between 50 and 100 dwellings should provide 5% of the dwellings as bungalows or as suitable adaptable properties which meet the needs of an ageing population.
- 6.16 Gleeson is a niche house builder that specialises in the provision of low cost housing for those on low incomes with a core aim of getting people out of housing poverty and the 'rental trap' and into home ownership. The company is proud of its average selling price which currently sits at £128,900 (November 2019) across their entire range which includes 4 bed detached properties. 87% of purchasers are first time buyers, with an average age of 31 (and over 81% of purchasers are under the age of 35) and an average household income of £32,400.
- 6.17 In order to be able to provide low cost homes, Gleeson has to maintain an efficient and economical operation, and this extends to land values. Bungalows are inherently 'land hungry' and would be economically prohibitive to bring forward in a Gleeson development. The SPD notes that bungalows achieve greater values than dwellings but this runs completely at odds to the ethos of the Gleeson business which, as set out above, is all about providing low cost housing for low income families to get their foot on the housing ladder. The majority of developers would be able to provide bungalows as part of their development and recoup the 'loss' through increasing the asking price, but this doesn't work for a Gleeson development.
- 6.18 Gleeson considers that its proposals are consistent with the desires of the SPD, as it provides a product which is financially beneficial for an occupier over even social housing rental prices and so is attractive and effective in allowing social housing tenants to move out of their rented accommodation and into home ownership, freeing up the rental property for those who truly need it. This can be particularly helpful in the case of more limited accommodation types, such as bungalows, where tenants may be residing in inappropriate accommodation which can then be freed up for those requiring it.
- 6.19 Gleeson does offer, as part of its 'Community Matters' initiative, a 'Design for Disability' policy which provides free of charge alterations to dwellings to cater for those with specific identified needs. This policy would facilitate the provision of specialist hardware such as chair lifts, but not the installation of such hardware.
- 6.20 On balance, it is considered that the benefits of low cost housing which would be delivered by the proposal would outweigh the none provision of bungalows within the development.
- 6.21 In light of the above, the layout, scale and design of the proposed development would be acceptable.

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

## Any Neighbouring Properties

- 6.22 The application site lies adjacent to residential properties on St Pierre Avenue, which lies to the south and Kingmoor Road, which lies to the west. There would be a minimum separation distance of 33m between the proposed dwellings and the existing dwellings on St Pierre Avenue and a belt of trees would lie on the boundary between the existing and proposed dwellings.
- 6.23 A number of the proposed dwellings that would face Kingmoor Road would be orientated so that do not directly face the existing dwellings on Kingmoor Road or would lie to the rear of existing trees which are to be retained. Plots 17 to 25 would have elevations directly facing the existing dwellings on Kingmoor Road. Plot 22 would have a side elevation 20m from the front elevation of a property on Kingmoor Road but this would only contain a bedroom window at first floor level, with all other plots being a minimum of 25m away from the existing dwellings.
- 6.24 The separation distances proposed would comply with the Council's separation distances (21m between primary facing windows and 12m between primary windows and blank gables) set out in the Council's Achieving Well Design Housing SPD.

## 4. Provision Of Affordable Housing

- 6.25 In July 2018 the NPPF was revised to include a revised and expanded definition of Affordable Housing, which includes the following:  
“d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.” This definition was included once more in the NPPF published in February 2019.
- 6.26 Gleeson has been delivering a product very closely aligned to the new definition of ‘other low cost homes for sale’ for a number of years. The proposals for the application site are to sell a minimum of 30% of properties on the development at prices that are 20% below local market levels. At least 13 two-bed semi detached dwellings (15% of the entire development) would be sold for no more than £109,995 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019) - the Land Registry data does not specify the bedroom size. Gleeson's two-bed semi-detached dwellings that make up 15% of the total development would be 35% below the local market value.

- 6.27 At least 13 three-bed semi-detached dwellings (15% of the entire development) would be sold at no more than £135,879 (sold with parking space but not a garage). The average sale price of a semi-detached home within one mile of the site is £169,849 (Land Registry Data 21st November 2019) . Gleeson's three-bed semi-detached properties that make up 34% of the total development would be 20% below the local market value.
- 6.28 Gleeson is happy to give nomination rights on these dwellings to the council. Upon the initial sale, the properties would be made available to applicants on the Council's Low Cost Housing Register (for one month exclusively) before being made available to the general public.
- 6.29 In light of the above, at least 20% of the development would be affordable homes (in accordance with the NPPF definition) with a mix of two and three-bed properties being provided. The prices would be reviewed each year with an allowance to increase in line with the percentage increase in the national living wage in the same period. These prices would exclude garages and any 'purchaser extras' which would be over and above the discounted price. Such provisions would be covered within a S106 agreement.

## 5. Highway Matters

- 6.30 The application is accompanied by a Transport Statement, which has been prepared in accordance with recognised guidance and pre-application advice from Cumbria County Council. It concludes that:
- the site has been demonstrated to be accessible on foot, by bicycle and by public transport;
  - a review of the historical collision data has demonstrated that there are no existing accident blackspots in the vicinity of the site and no safety concerns related to the operation of a priority controlled junction on this section of Kingmoor Road;
  - based on the findings of the trip generation analysis, there is no reason to believe that highway safety would be worsened as a result of the development;
  - the design of the proposed site access junction and internal road layout accord with the County Council's design guidance;
  - car parking has been provided in accordance with the Highway Authority's pre-application advice;
  - an AutoTrack assessment has demonstrated that the site can be safely serviced using an 11.2m refuse vehicle;
  - from a review of the traffic generation of the site, the proposed development would have no material impact upon the safe and efficient operation of the surrounding highway network;
  - the proposed Kingmoor Road site access junction has been demonstrated to operate well within capacity.
- 6.31 An issue previously stated was associated with the main vehicular access into the development and its junction radii. Following detailed discussions with the developer and the submission of a revised block plan, the junction radii of 6m has been confirmed. This is acceptable to the Highway Authority and in line

with the requirements of the Cumbria Development Design Guide. As part of the revised site plan plots 22 to 24 have direct access off Kingmoor Road. Following on from previous comments the applicant has demonstrated that each vehicular access has visibility splays of 2.4m x 90m which is acceptable to the Highway Authority.

- 6.32 For the scale of the development, an Emergency Vehicle Access (EVA) onto Kingmoor Road is required and this is being provided between plots 21 and 25. The visibility splays for the EVA are 2.4m x 45m in line with the requirements of the Cumbria Development Design Guide. In previous iterations of the visibility splays the hedge line next to the EVA was an issue, but this has since been removed and is therefore acceptable.
- 6.33 The applicant has demonstrated that a 3m wide footway / cycleway is to be provided along the boundary of the development with Kingmoor Road. A pedestrian crossing point is to be provided along Kingmoor Road and this would be funded by the applicant and secured through a condition. The exact location of the pedestrian crossing would be determined at a later date following further detailed investigations to determine the most suitable location.
- 6.34 Traffic calming is also required within the development to restrict the ability of vehicles to exceed speed limits and should also provide additional benefits (i.e. crossing points). This is to be achieved through shared surface areas being reached by a ramp and speed tables throughout the development. It is also not stated within the suite of documents submitted as part of this application what the property driveways will be formed of. It is a requirement that they are formed of a bound material and not loose chippings or gravel. The issues noted above have not been clarified by the applicant within the revised site plans. However, this is to be addressed as part of detailed design submission, along with construction details etc. which will be required for the design check for the Section 38 Agreement and secured through planning conditions.
- 6.35 The car parking provision associated with each dwelling within the development has been submitted by the applicant. The car parking provision proposed for each dwelling is acceptable to the Highways Authority as it meets the requirements of the Cumbria Development Design Guide with all spaces 2.4m x 5m in diameter. As noted within previous responses to this application, the private shared driveways will require bin collection points that are not located in the highway extent. This issue has been rectified within the revised block plan and is therefore acceptable to the Highway Authority. The applicant should note that long sections, construction details, engineering layouts showing road lighting and highway drainage will be required to progress a Section 38 Agreement. All these will be required as the scheme progresses, as will a Stage 1/2 Road Safety Audit.
- 6.36 In light of the above, the Highway Authority has no objections to the proposal subject to the imposition of conditions (construction details of roads/ footways/ cycleways and ramps; details of the crossing on Kingmoor Road; construction details of driveways; no other vehicular access to the site; linking

of footways and cycleways to nearest footway/ cycleway; submission of Construction Traffic Management Plan for approval).

## 6. Drainage Issues

- 6.37 The applicant has submitted a Flood Risk Assessment and Drainage Strategy (FRA) which details the drainage principles associated with the development. The applicant has stated within the FRA that the proposed surface water discharge is to be into the combined sewer to the west of the site. This is because it has been deemed by the applicant that discharge via infiltration is unfeasible on site and there are no available watercourses within the vicinity of the site.
- 6.38 It is expected that the applicant works through the hierarchy of drainage options as stated within the Cumbria Development Design Guide. As such the first option to be explored for the discharge of surface water is via infiltration. A series of valid infiltration tests across the development site in accordance with the BRE 365 method have been undertaken by the applicant and the results submitted to the LLFA within a geo-environmental report for comment. It is stated within this document that 3 trial pits were constructed across the site in accordance with the BRE 365 method which concluded that infiltration is not a valid method of surface water discharge for the development. The LLFA agrees with this conclusion; and with no ordinary watercourses within the vicinity of the development site, surface water discharge into the combined sewer is acceptable in principle.
- 6.39 The greenfield runoff rate calculated for the site is 19l/s and this is proposed to be the discharge rate for the site controlled via a hydro brake. It is also stated that attenuation is to be provided on site to accommodate a 1 in 100 year plus 40% (to account for climate change) storm event. The principles stated above regarding the discharge rate being equal to the greenfield runoff rate and the attenuation volume to be designed into the drainage network are acceptable to the LLFA. The detailed micro drainage calculations submitted by the applicant illustrate that the drainage network can accommodate a 1 in 100 year plus 40% (to account for climate change) storm event without increasing flood risk on site or downstream of the development.
- 6.40 A detailed drainage design with built ground levels has not been submitted which correlates to the Micro Drainage calculations. For clarity, the attenuation on site is to be provided through a series of rain gardens, permeable paving, attenuation ponds and swales, not a predominantly piped system leading into an attenuation pond. It is the preference of the LLFA that drainage features are not piped but are surface features which are easily maintainable and provide additional biodiversity benefits. It is deemed that the applicant can provide this information at a later stage of the planning process and this can be secured through the use of planning conditions.
- 6.41 In light of the above, the LLFA has no objections to the proposals subject to the imposition of a number of conditions (surface water drainage scheme; submission of a Construction Surface Water Management Plan).
- 6.42 United Utilities has been consulted on the application. It has reviewed the FRA and Drainage Strategy and has confirmed that the proposals are acceptable in principle. United Utilities has requested conditions are added to the permission which require the submission of a surface water drainage

scheme and a sustainable drainage management and maintenance plan for the lifetime of the development, both of which would need to be approved by the LPA.

## 7. Open Space Provision

- 6.43 The proposal should provide 0.89 Ha of open space to maintain the Local Plan target of 3.6Ha/'000. The plan provides 0.49 Ha of open space leaving a deficit of 0.40 Ha (45%). The proposal provides links to other open spaces which would contribute to this deficit, subject to a contribution for the upgrading and maintenance of open space within the ward of £22,364 (45% of total contribution) and this would be secured through a S106 Legal Agreement.
- 6.44 There is no provision for a play area on site and the development is too small to have its own dedicated play area. An offsite contribution is, therefore, required, to maintain and improve existing play provision within the local ward, which is accessible from the development. Based on the size of the development (247 bedrooms) a contribution of £27,409 is required and this would be secured through a S106 Legal Agreement.
- 6.45 There is no provision for sports pitches on site and no scope to do this. Therefore, a contribution to improve existing off-site sports and recreation provision within the District is required. Based on the size of the development a contribution of £15,561 is required and this would be secured through a S106 Legal Agreement.
- 6.46 The developer would be required to ensure appropriate measures are put in place for the management of any new open space provided within this development. The future maintenance of the open space within the development would be secured through a S106 Legal Agreement.
- 6.47 The pedestrian and cycle links through the site and on to the play area at Gleneagles Drive and open spaces on the Kingmoor Sidings Nature Reserve, Kingmoor South Nature Reserve and Briar Bank Field open space are improved and suitable. The existing Public Right of Way is being re-routed to link up with the existing link to the Kingmoor Nature reserves.
- 6.48 In light of the above, the proposed level of open space in the site would be acceptable, together with financial contributions to improve existing open space, play areas and sports pitches in the area.

## 8. Public Rights of Way/ Footpaths

- 6.49 A Public Right of Way (FP109397) currently crosses the site. It starts in the south-east corner of the site and provides access to Kingmoor Nature Reserve. A permissive path, which is on land owned by the City Council, runs to the north of the site and this provides a link from Kingmoor Road into the nature reserve.
- 6.50 The proposed plans retain a PROW through the site but alter the alignment. The route would start in the south-east corner of the site and would run along the eastern side of the site near to Kingmoor Road before passing through the avenue of lime trees. It would then link into the permissive path that runs to the north of the site via a shared surface road and a landscape strip which

is in City Council ownership.

- 6.51 The County Council has been consulted on the application and is happy with the proposed new route of the PROW. It has, however, requested that the permissive path that the PROW would link to should be dedicated as a PROW so that it can be suitably maintained as a part of the network. The Health & Well Being Manager has no objections to the permissive path becoming a PROW and if the application is approved this would need to happen along with the diversion of the existing PROW. The applicant has agreed to pay £3,500 to upgrade this footpath and this will be secured through a S106 Legal Agreement.
- 6.52 At present there are a number of informal paths across the site, which are not identified as PROWs and there is no legal requirement to retain these. There are currently three entrances into the nature reserve from the application site and the Health & Wellbeing Manager supports the removal of these and creation of a single footpath link into the nature reserve.

## 9. Education

- 6.53 It is estimated that the proposed development would yield 29 children: 7 infant, 10 junior and 12 secondary pupils for the schools.
- 6.54 The site is in the catchment areas of Kingmoor Infant and Kingmoor Junior Schools (1.5 miles) and Trinity Secondary Academy School (1.8 miles). The only other primary school within the walking threshold is Stanwix School (1 mile) and the next nearest secondary school is Central Academy (1.94 miles).
- 6.55 There are insufficient places available in the infant catchment school of Kingmoor to accommodate all of the infant pupil yield from this development, leaving a shortfall of 2 places. No spaces are available in the catchment junior school of Kingmoor to accommodate the yield of 10 places. Therefore, a contribution of £213,948 is required for 2 infant places and 10 junior places (12 x £17,829).
- 6.56 The multiplier is £14,500 as at September 2015 and adjusted using the BCIS Public Sector North West TPI. The Education Authority would require the contribution to be provided prior to occupation of any dwellings and this approach is consistent with what has been agreed in relation to other developments in north Carlisle which include the Story development at Greymoorthill (14/0761), the Persimmon development at Windsor Way (14/0778), the Kingmoor Park Properties development at Harker Industrial Estate (15/0812) and the Gleeson development at Greymoorthill (18/1142). It is important to note that the multiplier and timing of the contributions has been accepted by a Planning Inspector as part of the appeal decision for the development at Harker Industrial Estate (15/0812) & (App/E0915/W/3179674).
- 6.57 Trinity Academy is already oversubscribed and cannot accommodate any further pupils. When all housing developments are taken in to account none of the secondary schools in the Carlisle area can accommodate the additional

children. Therefore, an education contribution of £294,648 (12 x £24,554) is required. The multiplier used is the £18,188 figure referenced in the County Council's Planning Obligations Policy (2013) index linked using the BCIS All in Tender Price Indexation.

- 6.58 As there are both primary and secondary schools within the statutory walking distances, subject to the above contributions being provided, no contribution is sought for primary or secondary school transport.

## 10. Biodiversity

- 6.59 The application is accompanied by an Ecological Appraisal of the site. An Extended Phase 1 Habitat Survey of the study area was undertaken in June 2019. The site's habitats were mapped and plant species were recorded. The site is dominated by poor semi-improved grassland derived from the historical management of Deer Park House and its grounds.
- 6.60 In the lower lying south western part of the site an area of semi-improved grassland is present and this area has greater species diversity than other parts of the site, including marsh orchid hybrids. In the central/ northern part of the site a mosaic of habitats are present dominated by mature plantation woodland. An avenue of mature lime trees extends from the eastern boundary of the site towards the location of the former dwelling and this formed the formal driveway to the house. A number of trees are located to the west of the lime trees and this area also contains the former foundations of the dwelling together with several large mounds of rubble and spoil. Other small groups of trees are located along the eastern site boundary, including a group in the south-east corner of the site and a group to the south of the lime trees, with further trees lying just beyond the northern site boundary. A hedge runs along the eastern site boundary adjacent to Kingmoor Road.
- 6.61 During the Phase 1 Habitat Survey additional surveys were undertaken where appropriate to establish the presence of protected species. A badger survey was undertaken of the site. No setts were found on site and no sign of badger activity was found on the site or along the site boundaries.
- 6.62 Trees were inspected for potential opportunities that may be of value to bats and some trees were identified as having bat roost potential. Some trees are considered to have moderate to high potential for roosting bats and this potential is significantly enhanced by the habitats on site and the proximity of high quality bat foraging habitats which extends into the wider landscape for considerable distances.
- 6.63 Trees were also inspected for dreys and checks were made for feeding remains of red squirrels. The survey did not locate any feeding remains of red squirrels and there was no evidence of red squirrel dreys although visibility in many areas was significantly reduced by dense leaf cover. Several sightings of grey squirrel were made.
- 6.64 The report makes a number of recommendations which are summarised below:
- the development should aim to retain as much woodland/ mature trees and



boundary hedgerow as possible;

- the development should aim to maximise an undeveloped buffer along the western and southern site boundaries;

- the hedgerows affected by the development are species poor and do not qualify as important hedgerows under the Hedgerow Regs. Any lengths of hedgerow lost must be replaced by new native hedgerows;

- there are no issues in relation to badgers;

- removal of woodland/ trees/ scrub/ hedgerows should take place outside the bird breeding season otherwise checks should be made to establish any nesting or breeding activity prior to the removal of suitable habitat. Following the felling of trees/ scrub piles of brash should be removed from the site;

- further surveys for feeding remains and dreys for red squirrels need to be repeated when trees are dormant and without leaf cover;

- a daytime bat roost assessment is required of all trees affected by the development. This must be undertaken when trees are dormant and without leaf cover. Any trees that require further detailed inspection will be identified for inspection by a licensed bat handler;

- additional native hedge planting should be incorporated into the sites landscaping where possible;

- lighting of the site's woodland/ tree lined/ hedge boundaries must be avoided. Where lighting is required this must be low level, directed downwards and low intensity;

- significant provision for bats should be made within the development using artificial bat roosts (within properties and trees);

- Great Crested Newt (GCN) surveys need to be undertaken to establish the location of viable GCN breeding locations within 250m of the site.

6.65 A further Ecological Surveys & Assessments Report was undertaken in March 2020, in relation to bats, red squirrels and great crested newts. In relation to bats, the survey identified 10 trees as having bat roost potential which will require further more detailed inspections by a licenced bat handler. Following these inspections further recommendations will be made. In relation to red squirrels, the latest survey failed to detect the presence of the species on the site. One drey was located in woodland within the centre of the site but it is not possible to differentiate between grey and red squirrel dreys. The survey for dreys needs to be repeated before construction starts on site and before any trees are removed.

6.66 The Great Crested Newt (GCN) Survey revealed the presence of 4 water bodies within terrestrial range of the species in relation to the site and at least 3 of these have historical records of supporting GCNs. A GCN Survey was undertaken in May 2020. Three ponds and a ditch were surveyed. GCN are absent beyond reasonable doubt from Pond 1 (58 west of the site), Pond 2 (100m north of the site) and Ditch 1 (162m to 400m north of the site). There are, therefore, no water bodies within 250m of the site currently supporting

GCN.

- 6.67 Pond 3 is the only pond supporting GCN. This pond is over 300m away from the site at its nearest point which is beyond distances considered to present acceptable risk to the species. In addition, this pond is immediately surrounded by extensive and very high quality optimum GCN terrestrial habitat, including mature woodland. It has been shown by Natural England that where such habitat exists around ponds the vast majority of the GCN population is likely to be contained within 100m of the pond.
- 6.68 In light of the above, it is unlikely that GCN are present anywhere within the proposed development site and, therefore, no further action is required in respect of GCN in relation to the development of the site.
- 6.69 Pennine Ecological was commissioned to undertake additional investigations of the 10 trees that were identified as being suitable for bats. It concluded that three of the surveyed trees (T1, T2 and T6) pertain to 'Moderate' bat roost suitability. Therefore, it is recommended that two dusk and/or dawn emergence/re-entry surveys are conducted during the active season of bats (May - August) in order to establish if the trees are being used by bats, and if so identify the species, abundance, roost locations and flight lines following emergence/re-entry.
- 6.70 Pennine Ecological was re-commissioned to undertake the dusk bat surveys and these were carried out in June and July 2020. These found that T1 is being used by two Soprano Pipistrelle bats and T6 by one Soprano Pipistrelle for roosting purposes.
- 6.71 To ensure that bats are not left without a roost while the work takes place two Schwegler 1FF bat boxes (or suitable equivalent) will be erected on suitable trees in close proximity to T1 and T6 respectively; if this is not possible, pole-mounted boxes will be required. The receptor bat boxes will act as receiver boxes if bats have to be captured by hand and relocated to them by the ecologist during the work schedule; they will be retained permanently post-development to provide a long term roost opportunity for bats.
- 6.72 Prior to felling being undertaken the presence/absence of bats (as far as is possible) will be established by the arborist undertaking detailed investigation of each section identified as holding potential for roosting bats under supervision from the ground by the Ecologist. A minimum of 10 bat boxes will be erected on trees in proximity to those trees which have been felled. Furthermore, additional new roost provision can also be incorporated into the design of the proposed new dwellings. Landscaping on the site should include native tree planting to include the creation of linear features, particularly along the eastern border and central area of the site.
- 6.73 Natural England has been consulted on the application. As surface and foul drainage is to go to a sewer and there is no hydrological link it is unlikely there will be any negative water quality impact on the River Eden SSSI/SAC. The proposal gives opportunities for delivering net gain particularly due to the presence of quality habitat adjacent and the opportunity for enhancing the ecological network. The recommendations in the updated ecology report should be secured by condition (detailed bat survey; enhancing bat foraging corridors along the western and southern boundaries; wildlife sensitive

lighting; bat box provision; additional red squirrel survey prior to tree removal). Natural England has also been consulted on the follow up GCN report and bat reports and referred back to its previous advice.

- 6.74 An objector has e-mailed Members of the Planning Committee to raise concerns about the ecological reports undertaken to date. This includes a statement from Dr Simon Pickering which notes that a preliminary Ecological Report was undertaken in June 2019 with a second follow up report on bats, red squirrel and great crested newts being undertaken in March 2020. He notes that both these reports are technically inadequate in order for the planning application to be determined and if the Council were to rely on these he considers that there is a high risk of a successful legal challenge on the grounds that there is no evidence as to whether protected species (bats and GCNs) are or are not present on this site. This is because appropriate surveys have not yet been carried out. The second report clearly states that further bat and GCN surveys are required and there is no evidence that such surveys have been carried out and submitted to the Council.
- 6.75 Additional surveys on GCNs and bats have actually been carried out. The GCN report was submitted in June 2020 with two new bat reports being submitted on 7th September. Natural England has been consulted on these additional reports and has raised no concerns.
- 6.76 Objectors have raised concerns about the impact of the proposals on orchids (hybrid marsh orchid and common spotted orchid) which are present on the site, particularly in the south east corner. These are not protected species but the applicant is proposing to relocate them around the proposed SUDS pond and to an area at the northern end of the site. Objectors have questioned relocating the marsh orchids to the northern end of the site which is drier than the south-east section but the applicant's ecologist considers that the ground conditions at the northern end of the site are suitable for marsh orchids.
- 6.77 Objectors have also made reference to deer using the site. Deer are not, however, a protected species. Objectors have also made reference to honey bees using one of the trees on the site that is to be removed but honey bees are not a protected species. The applicant's ecologist has advised that it would be very difficult for the bees to be manually re-homed due to being located within a hollow of a tree. There are a limited number of honey bees active in a nest during winter season and he has suggested the best thing to do would be to leave parts of the felled tree in situ for a period of time and let the bees leave on their own accord.
- 6.78 Objectors have made reference to biodiversity net gain. This is not, however, currently policy although there is a requirement to provide mitigation. Whilst this application would lead to the loss of some trees and hedgerows, new trees and hedgerows would be planted to mitigate for their loss. The orchids that are currently present on the site would be translocated to new areas within or adjacent the site. Bat boxes and bird boxes would be provided within the site. Once the gardens become established and flowers and trees are planted they would contribute to the biodiversity of the site.
- 6.79 The Health & Wellbeing Manager has stated that the boundary treatment

between the nature reserve and the development needs to be improved to prevent multiple access points from the open space and back gardens. Conditions have been added to the permission which require the submission of landscaping details and boundary treatment for approval by the LPA.

- 6.80 The SUDS uses existing United Utilities systems to outflow to and, therefore, doesn't affect Kingmoor Nature reserve. The SUDS pond would provide some biodiversity enhancements within the site.
- 6.81 In light of the above, the proposal would not have an adverse impact on biodiversity subject to the imposition of a number of conditions (retention and protection of a number of existing trees; additional landscaping (including trees and hedgerows); wildlife enhancement measures; external lighting and relocation of orchids). Informatives have been added to require bat and red squirrel surveys prior to tree removal and to protect breeding birds.

#### 11. Impact On Trees/ Hedges

- 6.82 The site contains a number of trees (a number of which are the subject of a Tree Preservation Order(TPO)) and a tree survey has been submitted with the application.
- 6.83 The avenue of lime trees that formed the driveway to Deer Park House are protected by a TPO and these trees would be retained. A group of trees, which are also protected, lie to the west of these and these would also be retained, with the exception of two trees (an ash and a horse chestnut) which are identified as trees unsuitable for retention (Category U).
- 6.84 There are four mature trees in the southern corner of the site which are also subject to a TPO. Two of these would be retained, with two being removed. The trees to be removed are both ash trees which have major decay and which as a consequence have been identified as unsuitable for retention (with one being identified as a tree which should be felled as a matter of urgency). The layout plan also shows other mature trees that lie adjacent to Kingmoor Road, to the south of the avenue of lime trees, being retained with the exception of one horse chestnut which is identified as a tree of low quality. Existing trees that adjoin the footpath that runs along the northern site boundary would also be retained. A group of trees that lie within the northern section of the site would be removed but none of these are protected trees.
- 6.85 A belt of trees adjoins the site to the south, with trees in the nature reserve adjoining the site to the west and these would both be adjoined by the gardens of the proposed dwellings. New hedgerows would be planted along the southern site boundary. There are some significant trees within the nature reserve adjacent to the development and these should be assessed to see if any are worthy of a TPO.
- 6.86 A hedge runs along the majority of the eastern site boundary. A large section of this would need to be relocated to accommodate the 3m footway/ cycleway that is proposed along Kingmoor Road. Additional hedgerows would be planted within the site (particularly along the southern site boundaries) to enhance the biodiversity of the site and these would be secured by condition.

- 6.87 Footpaths, drives/parking areas, fences and gardens would be located within the Root Protection Areas (RPAs) of trees to be retained. The applicant has submitted an Arboriculture Method Statement, which sets out the methodology for works within the RPAs of the existing trees. A plan has also been submitted which shows the construction details of roads and footpaths within the RPAs of existing trees. Conditions will ensure that the works in the RPAs are undertaken in strict accordance with the Method Statement. A condition also requires the applicant to submit details of the location and specification of tree protection fencing which would be need to be installed prior to construction works starting on site.
- 6.88 In light of the above, the proposal would not have any adverse impact on the existing trees.

## 12. Crime Prevention

- 6.89 The Crime Prevention Officer (CPO) raised a number of concerns about the layout as originally submitted. His concerns predominantly related to the lack of direct supervision of the public open space, the woodland path and the SUDS pond and the presence of open space to rear of a number of properties.
- 6.90 The site layout has been amended a number of times and the CPO considers it is now a significant improvement on the initial site layout. The removal of the additional link into the nature reserve is supported; the incorporation of large areas of unsupervised open space into private gardens is welcomed; and the SUDS ponds is better overlooked.
- 6.91 The CPO still has concerns about the PROW that invites access to non-residents to reach the adjacent Kingmoor Sidings Nature Reserve or vice-versa. It enters the development at the south east corner of the development and the closest dwelling (Unit 80) presents a blank gable towards the footpath. The route then passes to the rear of Units 1, 2, 3 and 7 and the Crime Prevention Officer considers that it is unacceptable for a formalised route to pass to the rear of dwellings. He has also noted that as the PROW leaves the development the closest dwellings (Units 35 & 36) present blank gables towards it.
- 6.92 Plots 35 and 36 have windows in the side elevations and in light of the comments from the CPO, windows have been added to the side elevation of Plot 80 to improve the overlooking of the footpath. It is acknowledged that the footpath runs to the rear of some dwellings within the development. This is due to the desire to retain the protected trees along Kingmoor Road, which prevents the footpath being sited adjacent to the road. Views of the footpath from Kingmoor Road should be possible beneath the trees. The PROW also runs through the avenue of lime trees and this will limit overlooking. It should, however, be noted that the existing PROW that crosses the site is currently unsupervised and it provides access into an area of woodland to the rear of the site. There is an alternative footpath route through the development that runs adjacent to the main road through the development.
- 6.93 The CPO has also requested obvious definition of front curtilages. The

development would be an open plan estate but individual property owners would be able to define their front boundaries by planting.

### 13. Archaeology

- 6.94 Records indicate that the site lies in an area of archaeological potential and Roman remains were identified during an archaeological investigation in advance of an adjacent housing development. The archaeological assets were interpreted as a temporary Roman camp, one of a number that were located around the periphery of the Roman town. It is, therefore, considered that the site has the potential for similar archaeological assets to survive below ground and that they would be disturbed by the construction of the proposed development. The County Archaeologist, therefore, recommended that, in the event planning consent is granted, the site is subject to archaeological investigation and recording in advance of development which should be secured by condition.
- 6.95 The applicant has commissioned an archaeological evaluation of the site prior to the determination of the application. The results indicate that there is a very low potential for archaeological assets to be disturbed by the construction of the proposed development and so no further archaeological work is required on the site. The County Archaeologist has, therefore, confirmed that he no longer considers the condition he previously recommended is necessary in any planning consent that may be granted.

### 14. Noise Issues

- 6.96 Direct Rail Services (DRS) has objected to the proposals. DRS operates a 24 hour depot and this might be a cause for concern for the proposed residents. In the winter months locomotives require idling/ warm up on a continuing basis of around 3 to 4 hours, 2 to 3 times a day and this generates a significant amount of low frequency noise. DRS are considering expansion of the depot engineering shed which will turn the light maintenance depot into a heavy overhaul depot which will create added noise and this needs to be taken into account. Whilst the proposed development will be next to a nature reserve which may create a sound barrier DRS want to see evidence of how effective this would be. A noise and pollution assessment does not appear to have been carried out.
- 6.97 Officers in Environmental Health have been consulted on the application in relation to noise. Due to the close proximity of the proposed development to the railway line, depot and associated sidings, they have suggested that a noise survey should be carried out. This should provide details of noise from railway activities and demonstrate the likely impact upon future occupants of properties on this development. This information should be used to inform details of the final design/ construction and orientation of the houses. Details of proposed mitigation measures to minimise noise disturbance from the railway should be provided to the planning department. Prior to the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the roads and the railway do not result in the internal and external noise levels exceeding World Health Organisation guidelines during

the daytime and night time; and the measured noise levels must be reported to and approved in writing by the Local Planning Authority. A suitably worded condition has been added to the permission to deal with this issue.

- 6.98 DRS has raised concerns that Network Rail has not been consulted on the application, which is required as the railway line operated by them is close to the proposed development. There is, however, only a requirement to consult Network Rail on development within 10m of the railway line and this development is approximately 130m away.

## 15. Contamination

- 6.99 Objectors have raised concerns about the site being contaminated. The applicant has commissioned a Geo-Environmental Appraisal of the site. The Environmental Health department has reviewed this report and a Ground Gas Monitoring Addendum letter in respect of land contamination. The findings and recommendations of these reports have been noted. In view of concerns regarding elevated levels of Lead, Benzo (a) pyrene and Napthalene which have been identified within the site investigation, officers in Environmental Health concur that a further report should be produced to agree a remediation strategy and this would be secured by condition. A condition has also been added to deal with any unexpected contamination that is encountered in the course of the development.

## 16. Other Matters

- 6.100 Objectors have raised the issue about a covenant on this land that stipulates the only building allowed would be on the site of the demolished house. The applicant has confirmed that no such covenant exists.
- 6.101 A condition has been added to the permission which requires each dwelling to be provided with a separate 32Amp single phase electrical supply. This would allow future occupiers to incorporate an individual electric car charging point for the property.
- 6.102 An objector has made reference to Japanese Knotweed growing on the site and in the adjacent nature reserve. This issue has been raised with the Health & Wellbeing Team who manage the nature reserve.

## Conclusion

- 6.103 The application site is allocated for housing in the adopted Local Plan. The layout, scale and design of the development would be acceptable and the proposal would not have an adverse impact on the living conditions of existing and future occupiers. Subject to the proposed conditions and a S106 agreement it is considered that the proposal would not raise any issues with regard to highway safety, foul and surface water drainage, biodiversity, trees, archaeology, education, or open space. The site would provide 20% of the dwellings as affordable (in accordance with the NPPF definition) which is considered to be acceptable. The proposal is, therefore, recommended for

approval subject to the completion of a S106 Agreement.

6.104 If Members are minded to grant planning approval it is requested that “authority to issue” the approval is given subject to the completion of a S106 agreement to secure:

- a) the provision of 20% of the units as affordable (in accordance with the NPPF definition);
- b) an off-site open space contribution of £22,364 for the upgrading and maintenance of open space;
- c) a financial contribution of £27,409 to support the off-site maintenance and improvement of existing play area provision;
- d) a financial contribution of £15,561 to support the off-site improvement of existing sports pitches;
- e) a financial contribution of £3,500 to upgrade the footpath to the north of the site (which is to become a PROW);
- f) the maintenance of the informal open space within the site by the developer;
- g) a financial contribution of £508,596 to Cumbria County Council towards education provision (£213,948 for infant and junior places and £294,648 for secondary school places);

If the Legal Agreement is not completed, delegated authority should be given to the Corporate Director of Economic Development to refuse the application.

## **7. Planning History**

7.1 There is no relevant planning history relating to this site.

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

1. The development shall be begun not later than the expiration of 3 years beginning with the date of the grant of this permission.

**Reason:** In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

1. submitted planning application form, received 27th November 2019;
2. Site Location Plan (drawing ref 1732-PL100) received 28th July 2020;
3. Proposed Site Plan (drawing ref 1732-PL212 (Rev M) received 21st September 2020;
4. House Type - 201 (drawing ref 201/1F) received 27th November 2019;



5. House Type - 211 (drawing ref 211/1A) received 27th November 2019;
6. House Type – 301 (drawing ref 301/1G) received 27th November 2019;
7. House Type - 311 (drawing ref 311/1A) received 27th November 2019;
8. House Type – 314 (drawing ref 314/1) received 27th November 2019;
9. House Type - 315 (drawing ref 315/1A) received 27th November 2019;
10. House Type - 403 (drawing ref 403/1H) received 27th November 2019;
11. House Type – 337 (Elevations - Rural 13) (drawing ref 13/337-10 Rev A) received 19th August 2020;
12. House Type – 337 (Floor Plans) (drawing ref 337/1) received 19th August 2020;
13. House Type – 340 (Elevations - Rural 13) (drawing ref 13/340-10) received 19th August 2020;
14. House Type – 340 (Floor Plans) (drawing ref 340/1) received 19th August 2020;
15. House Type – 351 (Elevations - Rural 13) (drawing ref 13/351-9 Rev A) received 19th August 2020;
16. House Type – 351 (Floor Plans) (drawing ref 351/1) received 19th August 2020;
17. House Type – 353 (Elevations - Rural 13) (drawing ref 13/353-9 Rev A) received 19th August 2020;
18. House Type – 353 (Floor Plans) (drawing ref 353/1A) received 19th August 2020;
19. House Type – 354 (Elevations - Rural 13) (drawing ref 13/354-10 Rev B) received 19th August 2020;
20. House Type – 354 (Floor Plans) (drawing ref 354/1A) received 19th August 2020;
21. House Type – 357 (Elevations - Rural 13) (drawing ref 13/357-8 Rev A) received 19th August 2020;
22. House Type – 357 (Floor Plans) (drawing ref 357/1A) received 19th August 2020;
23. House Type – 401 (Elevations - Rural 13) (drawing ref 13/401-9 Rev C) received 24th September 2020;
24. House Type – 401 (Floor Plans) (drawing ref 401/1G) received 19th August 2020;
25. House Type – 404 (Elevations - Rural 13) (drawing ref 13/404-9 Rev

B) received 19th August 2020;

26. House Type – 404 (Floor Plans) (drawing ref 404/1F) received 19th August 2020;
27. House Type – 436 (Elevations - Rural 13) (drawing ref 13/436-10 Rev A) received 19th August 2020;
28. House Type – 436 (Floor Plans) (drawing ref 436/1) received 19th August 2020;
29. House Type – 450 (Elevations - Rural 13) (drawing ref 13/450-9) received 19th August 2020;
30. House Type – 450 (Floor Plans) (drawing ref 450/1A) received 19th August 2020;
31. Boundary Treatments – 1800mm Timber Fence Details (drawing ref 0282-SD-100 Rev D) received 27th November 2019;
32. Boundary Treatments – Post and Wire Fence Details (drawing ref 0282-SD-103 Rev B) received 27th November 2019;
33. Standard Garages - Single (drawing ref 0282-SD700 Rev A) received 27th November 2019;
34. Standard Garages - Double (drawing ref 0282- SD701 Rev B) received 27th November 2019;
35. Landscape Plan (drawing ref WW/01 Rev A) received 18th September 2020;
36. Drainage Details (drawing ref 19004-D701 Rev 1) received 15th January 2020;
37. Proposed Engineering Layout 1 of 2 (drawing ref 19004-D001 Rev 1) received 15th January 2020;
38. Proposed Engineering Layout of 2 (drawing ref 19004-D002 Rev 1) received 15th January 2020;
39. Manhole Schedule (drawing ref 19004–D200 Rev1) received 15th January 2020;
40. Flood Routing Plan (drawing ref 19004–D201 Rev 1) received 15th January 2020;
41. Proposed Impermeable Areas (drawing ref 19004–D202 Rev 1) received 15th January 2020;
42. Proposed Road Long Sections 1 of 2 (drawing ref 19004–D300 Rev 1) received 15th January 2020;
43. Proposed Long Sections 2 of 2 (drawing ref 19004–D301 Rev 1) received 15th January 2020;
44. Kerbs & Surfacing Plan (drawing ref 19004–D500 Rev 1) received 15th January 2020;
45. Proposed Highway Construction Details (drawing ref 19004–D700

Rev 1) received 15th January 2020;

46. Public Right of Way Proposed Diversion Route (drawing ref 1732–PL214 Rev G) received 21st September 2020;
47. Public Open Space Plan as Proposed (drawing ref 1732–PL213 Rev C) received 21st September 2020;
48. 3m Wide Footpath Plan as Proposed (drawing ref 1732-PL215 Rev B) received 21st September 2020;
49. Boundary Treatments & Enclosures Plan as Proposed (drawing ref 1732-PL216 Rev B) received 21st September 2020;
50. Existing Drainage Plan (drawing ref 19004–SK-002 Rev 1) received 27th November 2019;
51. Geoenvironmental Appraisal (Report 7049A, April 2019), received 27th November 2019;
52. Geotechnical Appraisal Ground Gas Monitoring Addendum received 27th November 2019;
53. Archaeological Desk Based Assessment (Report 303 - 20th October 2019) received 27th November 2019;
54. Transport Statement/Travel Plan (VN91443 - November 2019) received 27th November 2019;
55. Preliminary Ecological Appraisal (Pennine Ecological) received 27th November 2019;
56. Tree Survey Report & Plan (Iain Tavendale - 26th April 2019) received 27th November 2019;
57. Flood Risk Assessment and Drainage Strategy (Ae/FRADS/19004 November 2019) received 27th November 2019;
58. Planning Statement received 27th November 2019;
59. Construction Management Plan received 27th November 2019;
60. Economic Benefits Report received 27th November 2019;
61. Affordable Housing Statement received 27th November 2019;
62. Draft Heads of Terms received 27th November 2019;
63. Design and Access Statement received 27th November 2019;
64. Ecological Surveys & Assessment - Pennine Ecological - March 2020 Update in Relation to Bats, Red Squirrels & Great Crested Newts received 16th June 2020;
65. Great Crested New Survey - Pennine Ecological received 16th June 2020;
66. Appendix 1 – Extended Phase 1 Habitat Survey Plan received 15th June 2020;

- 67. Archaeological Evaluation (Report 312 - 3rd February 2020) received 19th August 2020;
- 68. Dusk Bat Survey Results - Pennine Ecological received 7th September 2020;
- 69. Additional Appraisal and Inspection of Trees in Relation to Bats - Pennine Ecological received 7th September 2020;
- 70. Schedule of Affordable Housing Units received 18th September 2020;
- 71. Arboriculture Method Statement (Westwood) received 18th September 2020;
- 72. Paving Details in RPA (drawing ref D/01) received 18th September 2020;
- 73. House Type - 403 - Plot 80 variation (drawing ref 403) received 18th September 2020;
- 74. any such variation as may subsequently be approved in writing by the Local Planning Authority.

**Reason:** To define the permission.

- 3. Samples or full details of all materials to be used on the exterior of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before their first use on site. The development shall then be undertaken in strict accordance with these details.

**Reason:** To ensure the works harmonise as closely as possible with dwellings in the vicinity and to ensure compliance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

- 4. No development shall take place until full details of hard and soft landscape works, including a phased programme of works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development or in accordance with the programme agreed by the Local Planning Authority. Any trees or other plants which die or are removed within the first five years following the implementation of the landscaping scheme shall be replaced during the next planting season.

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

- 5. Prior to the commencement of development, details of the proposed boundary treatment to be erected along the western and southern site boundaries (with the nature reserve and woodland belt) shall be submitted for approval in writing by the Local Planning Authority. The boundary treatment shall then be erected in strict accordance with these details and retained at all times thereafter.

**Reason:** To ensure satisfactory boundary treatment is erected in accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

6. Prior to the SUDS ponds being brought into use, the applicant shall install a fence/railings around the SUDS ponds, the details of which shall have been agreed beforehand in writing by the Local Planning Authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

7. Foul and surface water shall be drained on separate systems.

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

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

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

None of the dwellings hereby approved shall be occupied until the approved surface water drainage scheme has been completed and made operational.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with Policy CC5 of the Carlisle District Local Plan 2015-2030.

9. Prior to occupation of the development a Sustainable Drainage Management and Maintenance Plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The Sustainable Drainage 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 resident's management company; and
  - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

**Reason:** To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. No development shall commence until a Construction Surface Water Management Plan has been agreed in writing with the Local Planning Authority.

**Reason:** To safeguard against flooding to surrounding sites and to safeguard against pollution of surrounding watercourses and drainage systems.

11. No development shall commence until full details of the wildlife enhancement measures to be undertaken at the site, together with the timing of these works, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in strict accordance with the agreed details.

**Reason:** In order to enhance the habitat for wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

12. Prior to the commencement of development, a method statement for the relocation of the orchids shall be agreed in writing by the LPA. The orchids shall then be relocated to the areas identified on the Landscape Plan (Dwg ref WW/01 Rev A, received 18th September 2020) in strict accordance with the method statement.

**Reason:** In order to retain the orchids on site, in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

13. Prior to the commencement of development, details of any lighting (including location and specification) to be used on site during the construction phase shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

**Reason:** In order to ensure the development does not have an adverse impact on bats and other wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

14. Prior to its installation, details of any lighting (including location and specification) to be installed on the dwellings shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

**Reason:** In order to ensure the development does not have an adverse impact on bats and other wildlife in accordance with Policy GI3 of the Carlisle District Local Plan 2015-2030.

15. Prior to the commencement of development, tree protection fencing shall be installed in accordance with details to be agreed in writing by the Local Planning Authority. The tree protection fencing shall be retained in place at

all times until the construction works have been completed.

**Reason:** To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

16. The development shall be undertaken in strict accordance with the Arboriculture Method Statement (dated 16th September 2020), received on 18th September 2020 and the Paving Details RPA Area Plan (Dwg No D/01), received 18th September 2020.

**Reason:** To ensure that the existing trees are protected, in accordance with Policy GI6 of the Carlisle District Local Plan 2015-2030.

17. Prior to any works being undertaken to the trees located within the Kingmoor Sidings Nature Reserve which overhang the development site, details of the works shall be agreed in writing with the LPA. The development shall then be undertaken in strict accordance with these details.

**Reason:** To protect the existing trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015--2030.

18. Prior to the commencement of development, the applicant shall submit details of the proposed location and height of any soil storage areas. The soil shall then be stored in accordance with these details.

**Reason:** To protect the existing trees, in accordance with Policy GI6 of the Carlisle District Local Plan 2015--2030.

19. Details of the relative heights of the existing and proposed ground levels and the height of the proposed finished floor levels of the dwellings and garages shall be submitted to and approved in writing by the Local Planning Authority before any site works commence.

**Reason:** In order that the approved development does not have an adverse impact on the living conditions of the occupiers of any neighbouring properties in accordance with Policy SP6 of the Carlisle District Local Plan 215-2030.

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

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

21. 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.

22. 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 the premises within the application site and shall be completed prior to the occupation of the dwelling.

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

23. No development other than that required to be carried out as part of an approved scheme of remediation shall be commenced until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been prepared. This is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and 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.

25. 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.

26. Before the occupancy of any residential unit, noise level measurements must be undertaken in at least two residential units in the development to verify that the noise from the railway line does not result in the internal and external noise levels exceeding World Health Organisation guidelines during the daytime and night time; and the measured noise levels reported to and approved in writing by the Local Planning Authority.

The noise levels are to be measured with windows closed and all ventilators open in the room in which the measurements are carried out. Daytime noise levels are to be measured in living rooms and the night time levels to be measured in bedrooms. The rooms chosen must be orientated towards the noise sources i.e. road.

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

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

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

**Reason:** In accordance with Policy SP6 of the Carlisle District Local Plan 2015-2030.

28. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) there shall be no enlargement or external alterations to the dwelling to be erected in accordance with this permission, within the meaning of Schedule 2 Part (1) of these Orders, without the written approval of the Local Planning Authority.

**Reason:** To ensure that the character and attractive appearance of the dwellings is not harmed by inappropriate alterations and/or extensions and that any additions which may subsequently be proposed satisfy the objectives of Policy SP6 of the Carlisle District Local Plan 2015-2030.

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

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

30. Details of proposed crossing of Kingmoor Road shall be submitted to the Local Planning Authority for approval. The development shall not be commenced until the details have been approved and the crossing has been constructed.

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

31. Ramps shall be provided on each side of every junction to enable wheelchairs, pushchairs etc. 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 LD5, LD7 & LD8.

32. The access drives for each property shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the development is brought into use.

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

33. There shall be no vehicular access to or egress from the site other than via

the approved access, unless otherwise agreed by the Local Planning Authority.

**Reason:** To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to support Local Transport Plan Policies LD7 & LD8.

34. Footways shall be provided that link continuously and conveniently to the nearest existing footway. Pedestrian footways within and to and from the site shall be provided that are convenient to use.

Cycleways shall be provided that link continuously and conveniently to the nearest existing cycleways. The layout shall provide for safe and convenient access by cycle.

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

35. 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.

36. Development shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the local planning authority. The CTMP 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 and to support Local Transport Plan Policies WS3 & LD4.

37. The development shall not commence until visibility splays providing clear visibility of 60 metres measured 2.4 metres down the centre of the access road and the nearside channel line of the carriageway edge have been provided at the junction of the access road with the county highway. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

38. No dwelling with direct access onto Kingmoor Road shall be occupied prior to visibility splays providing clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees, bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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

39. The Emergency Vehicle Access shall be provided prior to the construction of the 50<sup>th</sup> dwelling hereby permitted and shall provide for clear visibility of 43 metres measured 2.4 metres down the centre of its the access and the nearside channel line of the carriageway edge have been provided. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) relating to permitted development, no structure, vehicle or object of any kind shall be erected, parked or placed and no trees,

bushes or other plants shall be planted or be permitted to grown within the visibility splay which obstruct the visibility splays. The visibility splays shall be constructed before general development of the site commences so that construction traffic is safeguarded.

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


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REVISION	NO.	DATE	DESCRIPTION
Revision A	CS	04.12.2019	Plan updated to show lines to be retained and proposed for works to be retained
Revision B	CS	14.01.2020	Plan updated to show lines to be retained and proposed for works to be retained
Revision C	CS	29.03.2020	Update to show lines to be retained and proposed for works to be retained
Revision D	CS	01.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision E	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision F	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision G	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision H	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision I	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision J	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision K	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision L	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision M	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision N	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision O	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision P	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision Q	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision R	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision S	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision T	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision U	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision V	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision W	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision X	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision Y	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained
Revision Z	CS	03.06.2020	Update to show lines to be retained and proposed for works to be retained



Mix Target Schedule							
			SQ M	SQ Ft	Units	Total SQ M	Total SQ Ft
201	Semi	2 Bed	60.5	651	12	726	7912
211	Semi	2 Bed	60.5	651	1	61	621
301	Semi	3 Bed	70.6	760	11	776	8455
311	Semi	3 Bed	84.0	904	3	252	2713
312	Semi	3 Bed	70.6	760	4	282	3038
317	Semi	3 Bed	84.0	904	8	672	7217
317	Detached	3 Bed	89.3	964	3	241	2291
318	Detached	3 Bed	84.0	904	1	84	904
340	Detached	3 Bed	78.0	839	4	312	3357
319	Detached	3 Bed	84.0	904	3	252	2714
314	Detached	3 Bed	75.3	811	5	377	4025
315	Detached	3 Bed	75.9	817	5	380	4085
408	Detached	4 Bed	97.4	1046	5	487	5240
408	Detached	4 Bed	97.4	1046	3	292	3144
401	Detached	4 Bed	99.0	1066	1	99	1066
403	Detached	4 Bed	107.4	1156	4	436	4626
406	Detached	4 Bed	108.5	1167	7	739	8171
			Totals		80	6480	69755
2 Bed Semi Total		No	13	%	Sales Area Plots 1 & 2 & 3		
3 Bed Semi Total			18	25.00			
3 Bed Detach Total			21	29.17			
4 Bed Detach Total			20	27.78			
Total			72				

**Endnotes**  
 1. If less than one site, all existing site boundaries will be assessed on site and replaced / retained as necessary.  
 2. All garages are optional, if not constructed with the house a screen fence is to be provided on rear garage wall. 1.1m.  
 3. Front gardens and POS to be 1.1m.  
**Materials**  
 Main Brick: 1. Forterra Abbey Red Multi;  
 Roof: Flat Concrete 1.1m & Dark Grey;  
 Windows & French Doors: White JPKC;  
 Front & Rear Doors: White composite or steel faced Style as shown;  
 Facias & Soffits: White JPKC;  
 Rainwater Goods: Black;  
**Notes**  
 Paving slabs to be 1.1m x 0.6m for parking spaces. Gradients to be as per 1.1m x 0.6m for parking spaces. Paving slabs - Grey, PCC.

**MANNING ELLIOTT PARTNERSHIP**  
 Chartered Architects & Planners  
 Head Office, Suite 1  
 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Project Title: Proposed Residential Development  
 Deer Park  
 Kingmoor, Carlisle.  
 Drawing Title: Site Plan as Proposed  
 Issue Stage: PLANNING ISSUE  
 Date: SEP 19  
 Scale: 1:1000  
 Drawing Number: 1732-PL212  
 Revision: M





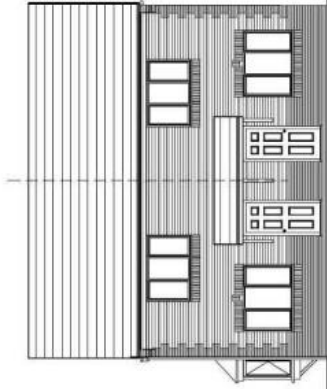




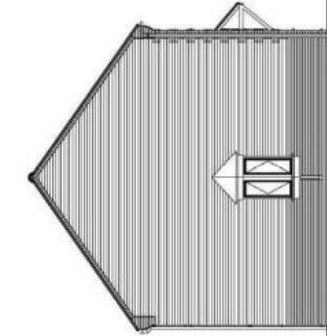
Chartered Architects & Designers  
 10000 House, Suite 1  
 Canyon Blvd, Phoenix  
 Arizona 85016 USA  
 t: 602.998.8222  
 e: [info@maningherd.com](mailto:info@maningherd.com)  
 w: [www.manningherd.com](http://www.manningherd.com)

Issue stage  
PLANNING ISSUE  
date: SEP 19 drawn: scale: 1:1000  
500 / 1000

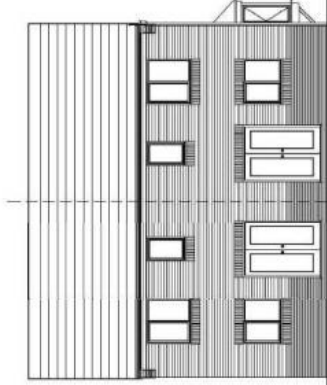
drawing number:	revision:
1732-PL214	G



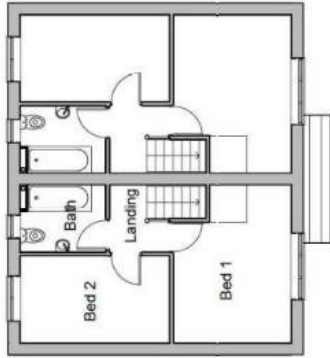
FRONT ELEVATION



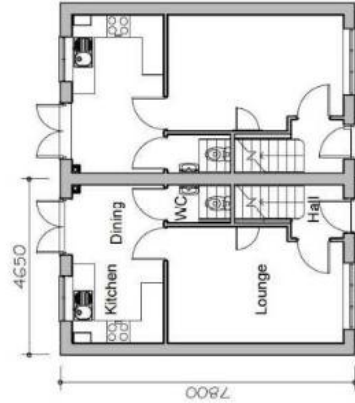
optional bay window  
SIDE ELEVATION



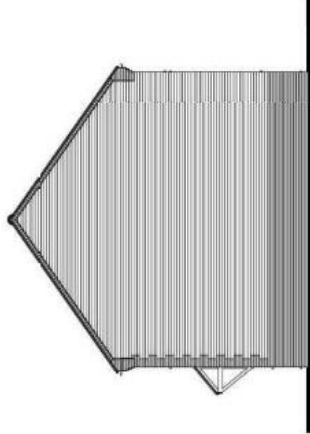
REAR ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN



SIDE ELEVATION

FLOOR AREA  
60.48m<sup>2</sup>, 651ft<sup>2</sup>

PLANNING  
DRAWING

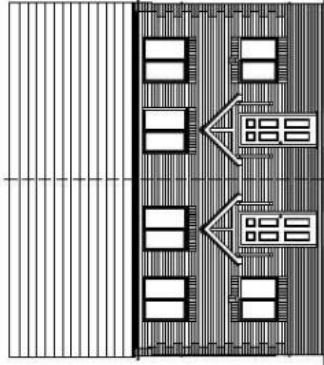
201 dwelling type

GLEESON

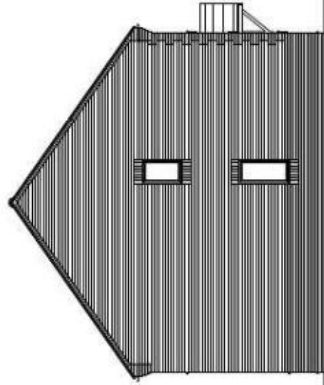
HOMES & REGENERATION

	LOG	Scale
A1 Initial layout issued	15/02/12	1:100
B1 Pre-Planning issued	28/05/12	at A2
C1 Layout Plan W/ issued	27/05/12	
D1 Drawings issued	25/09/12	
E1 Detailed submission	27/09/12	
F1 Final submission	01/10/12	

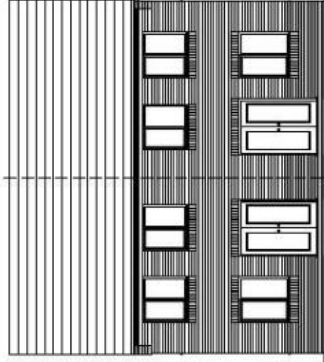




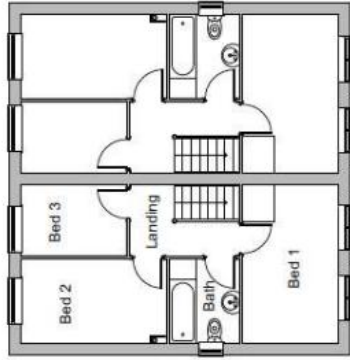
FRONT ELEVATION



SIDE ELEVATION



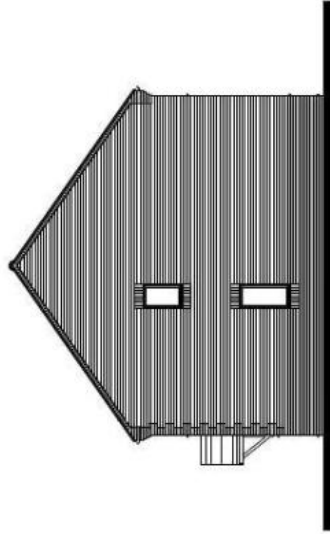
REAR ELEVATION



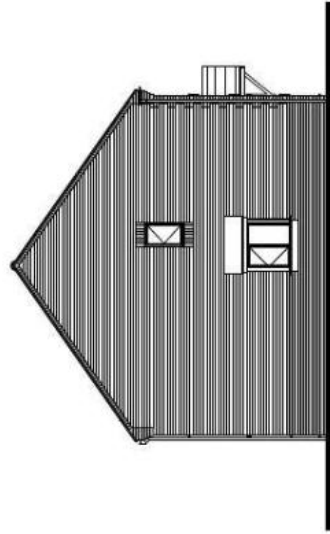
FIRST FLOOR PLAN



GROUND FLOOR PLAN



SIDE ELEVATION



SIDE ELEVATION  
optional bay window



FLOOR AREA  
70.56m<sup>2</sup>, 759ft<sup>2</sup>

## PLANNING DRAWING

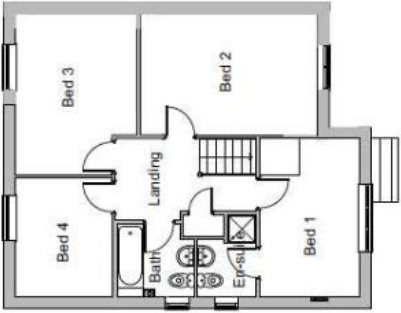
301 dwelling type

GLEESON

HOMES & REGENERATION

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FIRST FLOOR PLAN



GROUND FLOOR PLAN



FLOOR AREA  
108.45m<sup>2</sup>, 1167ft

PLANNING  
DRAWING

436 dwelling type

GLEESON  
HOMES & REGENERATION

Scale	
1:100 at A2	
Date	
Dec 19	
Drawn by	
436/1	

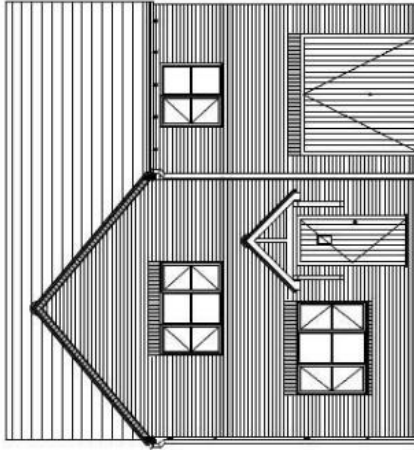
Revisions:

A. Updated to include structural requirements.

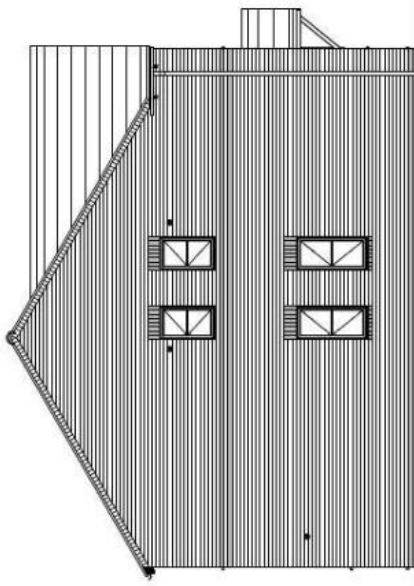
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17.07.20

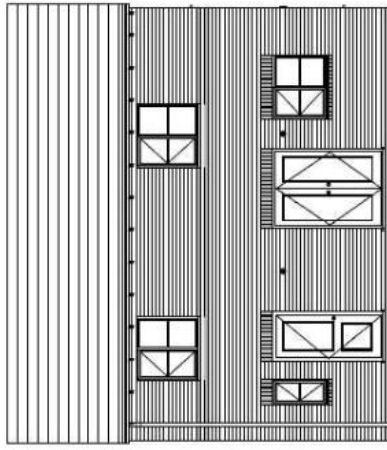
- FEATURES
- Rolled profile roof tiles.
  - Dry verge detail.
  - Exposed rafter feet at eaves.
  - Flat brick soldier arches.
  - Cottage style windows with horizontal glazing bar.
  - Brick cills.
  - Cottage style main entrance door, with dual pitch canopy over on "gallows brackets"
  - Triple band course at FF window cill level, cill omitted
  - Brick quoins to corner and render on selected plots
  - Vertical panel garage door
  - Dark brick below DPC



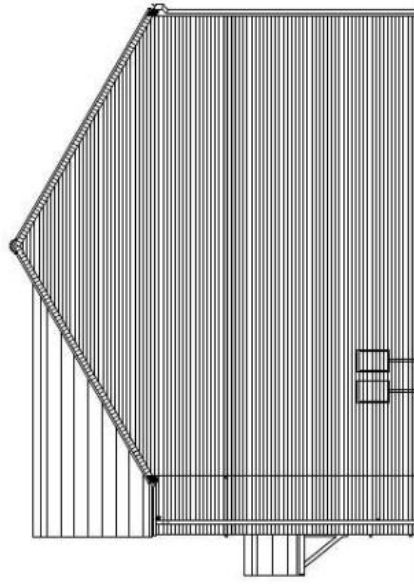
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



Client:

GLEESON HOMES  
& REGENERATION

Project:

HOUSE TYPE  
DRAWING

Title:

TYPE 436  
ELEVATIONS (RURAL 13)

Scales:

1:100 @ A3

Drawn:

Checked:

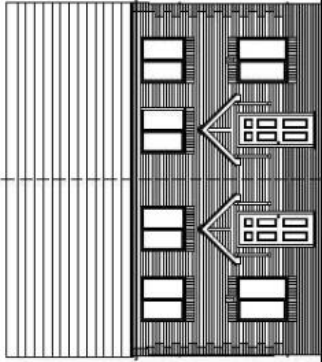
Date:

July 2010

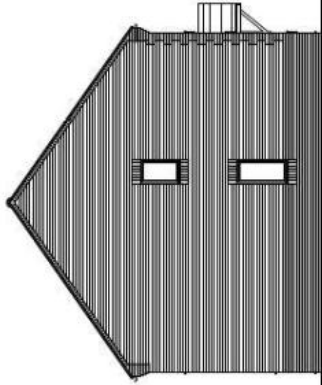
Cad ref:

Drawing no.

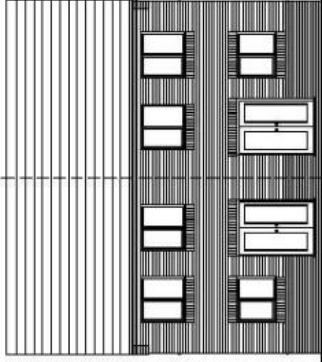
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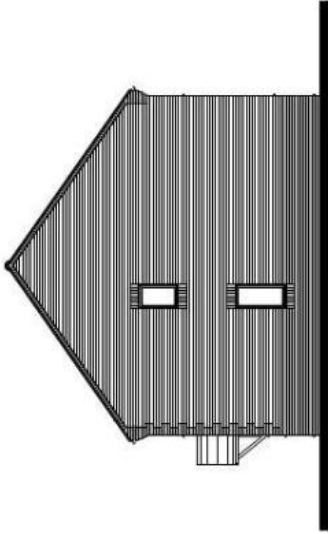
FRONT ELEVATION



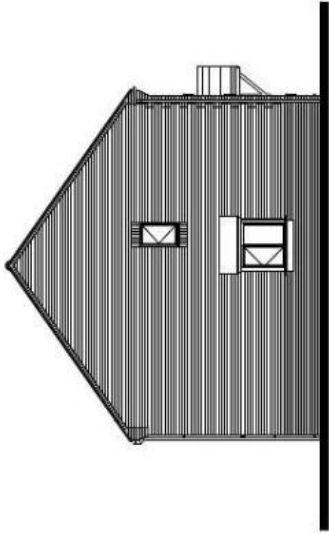
SIDE ELEVATION



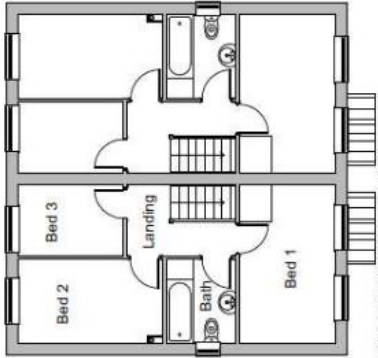
REAR ELEVATION



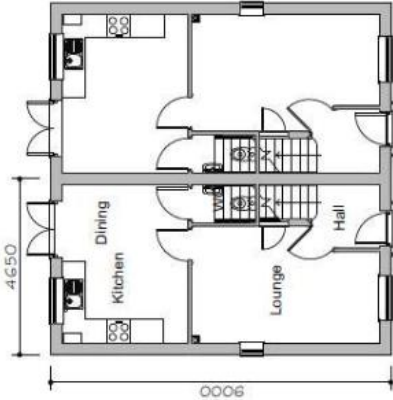
SIDE ELEVATION



optional bay window  
SIDE ELEVATION



FIRST FLOOR PLAN



GROUND FLOOR PLAN

PLANNING  
DRAWING

311 dwelling type

GLEESON

HOMES & REGENERATION

Ref	Revised/Issued For	Drawn/Checked	Scale
1	1:100	at A2	1:100
2			
3			
4			
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100			

FLOOR AREA  
70.56m<sup>2</sup>, 759ft<sup>2</sup>